

Consultation response form – EU Regulation on Passenger Rights

Part 1 - Information about you

Name	Jonathan Bray
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Company Name or Organisation (if applicable)	pteg (Passenger Transport Executive Group)
Please tick one box from the list below that best describes you /your company or organisation.	
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
X <input checked="" type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):
<p>If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:</p> <p>pteg represents the six publicly accountable Passenger Transport Executives that between them serve eleven million people interested largest conurbations outside London. Half of all bus journeys outside London are made in PTE areas. We are also the lead body in our areas for bus stops and bus stations.</p>	
<p>If you would like your response or personal details to be treated confidentially please explain why:</p>	

PART 2 - Your comments

1. Are you aware of any alternative sources of information on the number of disabled passengers and persons with reduced mobility that travel on regular services 250km (155 miles) or longer?	Yes <input type="checkbox"/>	No X
<p>Please explain your reasons and add any additional topics on which you would wish to see further guidance :</p> <p><i>pteg would expect CPT to be the most likely source of further information on numbers of disabled/mobility impaired passengers travelling on regular coach services</i></p>		

2. Do you (as a carrier) currently operate regular bus/coach services of 250km (155 miles) or longer or (as a passenger) are you aware of carriers in Great Britain that run such services?	YES X <input type="checkbox"/>	NO <input type="checkbox"/>
<p>Please explain your reasons and add any additional comments you wish to make:</p> <p><i>We do not provide such services but pteg is aware of many such services, operating both within the UK and to/from the rest of Europe.</i></p>		
<p></p>		

3. Do you agree with the proposed approach to apply this exemption in full for 4 years? If not, please state your specific objection(s). Should only some of the Articles be excluded from the exemption? If so which ones and why?	YES	NO <input type="checkbox"/> X
<p>Please explain your reasons and add any additional comments you wish to make:</p> <p><i>pteg sees no reason to exclude any articles from the exemption. However, whilst we agree that most of the existing UK legislation and standards set</i></p>		

by the main coach operators provide a good quality of service comparable to the EU proposals, we do have concerns about being seen to justify applying the exemption solely on the grounds of monetised benefits to operators and terminal managing bodies.

4. Are you aware of any GB bus/coach services over 250km (155 miles) in length that include at least one scheduled stop outside the EU?

YES

NO

Please explain your reasons and add any additional comments you wish to make:

***pteg** is aware of regular coach services over 250km in length that operate between the UK and non-EU states, including for example those operated by Eurolines to Switzerland and Croatia.*

5. Do you agree with the proposed approach to apply this exemption in full for 4 years? If not, what specific objection(s) do you have to the application of this exemption?

YES

NO

Please explain your reasons and add any additional comments you wish to make:

No response

6. Do you agree with DfT's proposed approach to apply this exemption for 5 years, with a review after the first year? If not, what specific objection(s) do you have to the application of this exemption?

YES

NO

Please explain your reasons and add any additional comments you wish to make:

***pteg** has concerns that operators would only be 'encouraged' by the DfT to ensure their drivers undertake disability awareness training and feel that the exemption should only apply for one year in order to ensure that all drivers have this training by March 2014. Whilst the effect on small businesses of applying the requirement earlier is appreciated, it is felt that*

the benefits to the disabled should take priority.

7. Do you agree with the Government's view that we are unable to make use of this exemption? If not, how do you think its use could be justified?

YES

NO

Please explain your reasons and add any additional comments you wish to make:

No response

8. Is there any further evidence or information (particularly in terms of monetised costs/benefits) that you think should be taken into account when drafting the Department's final Impact Assessment?

YES

NO

Please explain your reasons and add any additional comments you wish to make:

No response

9. Do you agree with the Government's proposed approach to make Traffic Commissioners the designated enforcement body for the EU Regulation in respect of bus/coach operators? If not, what specific objection(s) do you have and who do you think should have this role?

YES X

NO

Please explain your reasons and add any additional comments you wish to make:

10. The Government is not proposing to make

YES X

NO

any breaches of the EU Regulation a criminal offence, as we do not believe it would be proportionate. Do you agree? If not, please outline your reasons?		
Please explain your reasons and add any additional comments you wish to make:		

11. The Government proposes giving Traffic Commissioners powers to issue improvement notices requiring operators to put in place procedures to comply with the EU Regulation and the ability to impose financial penalties and/or attach licence conditions if deemed appropriate. Do you agree with this approach? If not, please state whether there are any options you deem more suitable?	YES X <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Please explain your reasons and add any additional comments you wish to make:		

12. With regards to the penalties that could be imposed the Government proposes that these should reflect the existing system set out in section 155 of the Transport Act 2000 where the Traffic Commissioner has discretion but the penalty must not exceed £550 multiplied by the total number of vehicles the operator is licensed to use. Do you agree with this approach? If not, do you prefer the option of having specific penalty levels for breaches of the various articles or another approach?	YES X <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Please explain your reasons and add any additional comments you wish to make:		

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13. If you agree that the Traffic Commissioners should have discretion, do you think that £550 multiplied by the total number of vehicles which the operator is licensed to use under all the PSV operator's licences held by him is appropriate? If not, what level would you propose, please outline your reasons why?	YES X <input type="checkbox"/>	NO <input type="checkbox"/>
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Please explain your reasons and add any additional comments you wish to make: <i>pteg believes that the Traffic Commissioner should have discretion and set the penalty levels in accordance with the seriousness of the breach and the circumstances of the operator. The limit of £550 multiplied by the number of vehicles authorised seems appropriate.</i>
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14. If you prefer specific penalty levels being set for breaches of the various articles, do you think a standard level of penalty per article should be set or that the penalty level should reflect the seriousness of the article breached? Q14a. If you think a standard penalty level should be set per article do you agree that £1,000 is appropriate? If not, what level should be set, please give your reasons for this? Q14b. If you think the penalty level should be determined by the seriousness of the article breached, what do you think the respective levels should be and the reasons for these?	YES NOT APPLICABLE <input type="checkbox"/>	NO <input type="checkbox"/>
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Please explain your reasons and add any additional comments you wish to make: No response
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<p>15. If you prefer specific penalty levels being set for breaches of the various articles (rather than the Traffic Commissioner having discretion), do you agree with our proposal for the maximum penalty level to be £5,000 (similar to that for criminal fines)? If not, what level should it be, please explain your reasons for this?</p>	<p>YES</p> <p>NOT APPLICABLE <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
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Please explain your reasons and add any additional comments you wish to make:

No response

<p>16. In relation to tour operators and travel agents, do you agree that local weights and measures authorities in GB should enforce this regulation against both tour operators and travel agents, ultimately by means of a civil penalty? If not, who do you think should take enforcement action in relation to the limited provisions that apply to tour operators and travel agents, and how should they do that?</p>	<p>YES X <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
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Please explain your reasons and add any additional comments you wish to make:

<p>17. Do you agree with the Government's proposed approach to make the Bus Appeals Body, London Travelwatch and the Bus Passengers' Platform the designated complaints bodies for the EU Regulation? If not, what specific objection(s) do you have to the designations?</p>	<p>YES X <input type="checkbox"/></p>	<p>NO <input type="checkbox"/></p>
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Please explain your reasons and add any additional comments you wish to make:

***pteg** believes there is a strong case for PTEs to be the primary complaints body with passenger focus acting as the secondary body for any appeals.*

*This would mirror the system in london. However if this is not going to be the case then **pteg** believes that operators and terminal managing bodies should be held responsible for advising customers of the procedures regarding complaints, and make them aware of the role of the Bus Appeals Body.*

18. Do you agree with the Government's proposed criteria for assigning designated terminals? If not, what alternative approach would you suggest?

YES x

NO

Please explain your reasons and add any additional comments you wish to make:

***pteg** supports the approach, although the suggestion that designated terminals should only be those served by at least 50,000 long distance (i.e. over 250km) services each year is too large a threshold excluding some important terminals.*

If the distance threshold were reduced, however, the outcome would be distorted due to the effects of geography, eg. where terminals are more than 250km from major destinations such as London or the south east airports, they would be more likely to fall within the criteria. Clearly, on this issue it is the 250km cut off point, determined by the EU, which causes the distortion, however, this cannot now be changed.