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| Consultation response |
| Third draft of Senior Traffic Commissioner’s Statutory Guidance Document 14 on Local Bus Services |
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| January 2015 |

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# Response

* 1. We welcome the latest version of the guidance in that it is better structured and clearer than the previous drafts. However, as with the previous versions it would have been helpful to respondents to highlight the sections of the guidance that have changed, and to provide some explanation of the reasoning behind the most significant changes. It might also further improve the structure of the guidance if the case law sections were annexed. Finally there is still a tendency towards lack of precision and consistency in the use of terms like ‘local government’, ‘local transport authority’ and ‘local traffic authority’. In the Metropolitan areas the District councils are the highways authorities and the local transport authority (responsible for bus policy) is at the PTE / Combined Authority level. Integrated Transport Authorities no longer exist in most Metropolitan areas.
	2. We welcome the significant strengthening of the section on access to performance data however we believe that the wording could be tightened further (for example in para 126 from 'expected' to share performance data to 'will').
	3. The new section on QPS is welcome however we note the lack of any similar guidance on all other forms of partnership – including VPAs - and the role the Traffic Commissioners might have in the future in wider compliance issues. Without wishing to delay the conclusion of this process any further we note that TAS / Atkins are undertaking a review of the different partnerships being delivered which could inform a future version of this guidance.
	4. On the windows of tolerance there remains a strong case for the guidance to allow for more local flexibility in determining punctuality standards and the arrangements for their enforcement in line with local circumstances and ambitions. For example in busy urban areas it may be appropriate to have different punctuality standards than in rural areas where there is no traffic congestion. Where a local transport authority is in a position to do so, and has the resources, they would be arguably better placed to carry out the monitoring of services than the under-resourced combination of DVSA and the Traffic Commissioners. In particular in relation to where LTAs chose to franchise services under current (or future) legislation where the contractual arrangements may include staged targets for punctuality and reliability which might take into account difficult local operating circumstances and may fall below the ‘one size fits all’ windows of tolerance in the guidance.
	5. We welcome the options set out in para 13 for penalties for poor performance, in particular those that would bring about direct benefits to passengers, however further clarification of what 'facilities' encompasses would be helpful.
	6. In para 38 we note that TCs have no power to compel an LTA to attend a preliminary inquiry so their voluntary cooperation is needed.
	7. In para 50, sentence 5, the word 'early' is missing from the end of the sentence.
	8. In para 60, bullet point 4, we suggest that ‘destination’ is replaced by ‘timing points’.
	9. In para 62 one of our members has suggested electronic registrations should be the default option where available, on the grounds of efficiency (and in line with Governments Digital by Default strategy).
	10. Para 83 refers to operators retaining daily logs for twelve months. We suggest that this is too shorter a timespan given that a longer timeframe may be needed to assess performance patterns and to take into account the time it can take to investigate, assess and take action on performance by DVSA / TCs. It is also difficult to see how retaining logs for longer imposes any particular costs or administrative burden on operators.
	11. In para 86 there is a full stop in the wrong place.
	12. In para 100, bullet point one, the word ‘safe’ could be added alongside reliable and punctual.
	13. In para 101 we suggest that “unless an operator chooses not to participate in a partnership.” is added at the end of the first sentence.
	14. In the section on performance data it could be useful to also stress the importance of operators using AVL/RTI in a dynamic and real-time way, especially where this links to customer communications (direct and via open-data).