



Options for strengthening bus passenger representation: Consultation paper

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Part 1 â Introduction and Background

Introduction

Unlike rail passenger transport, there is currently no national statutory representative body for bus passengers. This is partly a consequence of the locally delivered nature of bus services (even where one of the big national companies operates services it is usually by an arms length unit). Unlike rail which is organised nationally, it is local councils who provide much of the bus passenger facilities â for example information systems, bus stations and stops.

Feedback from the consultation on the Governmentâs proposals for the draft Local Transport Bill and reform of the traffic commissioners was that the lack of a publicly recognised national body to represent passengersâ interests and hold the industry to account contributes to a failure to address poor bus services. We have listened to those who argue for this formal representation and believe that the time is

now right to provide a more visible and influential voice for bus passengers. We announced at the time of publication of the Local Transport Bill that we would seek views on exactly how that representation should be delivered.

The Local Transport Bill, currently before Parliament includes provisions which would enable the Secretary of State, in secondary legislation, either to set up a new Public Transport Usersâ Committee (which could either be limited to representing bus and coach passengers, or be multi-modal) or to confer additional functions relating to buses and coaches to the existing Rail Passengers Council (Passenger Focus). There is also the option for an existing body to take on a bus passenger representational role without the need for legislation.

The purpose of this consultation paper is to seek your views on four proposals, as explained below, to strengthen the voice of bus passengers by the introduction of a body to represent their interests at a national level.

Responses to this consultation are requested by 17 March 2008.

Background

The Departmentâs consultation paper â *Strengthening Local Delivery â Modernising the Traffic Commissioner System* which closed on 15 October 2007 sought views on, amongst other things, how bus passenger representation could be improved.

The consultation paper asked for views on whether a new Board of traffic commissioners could provide a more high profile, recognised point to which passengers could address their concerns about punctuality and reliability of their local bus services. Whilst the Board proposal itself is not being taken forward there was a strong consensus from the consultation responses that passenger representation needed to be strengthened. A number of respondents, including the House of Commons Transport Committee and the Campaign for Better Transport suggested that the creation of a statutory body to represent the interests of bus passengers at a national level would be the best approach.

However there was no clear consensus amongst consultees and a range of different views on how we might best deliver this passenger representation. We decided therefore that we should invite further views before taking final decisions.

Existing Bus Passenger Representation

Two thirds of all public transport journeys are made by bus â well over 4 billion journeys every year. At present there is no formal national spokesperson or body for the interests of the bus passengers in England. This contrasts with the situation in the rail sector, where Passenger Focus provides a high-profile influencing role on decision makers regarding rail, a commentary on performance in the industry and handles individual complaints (if in the view of the passenger they have not been adequately dealt with by the Train Operating Company concerned).

There are however a number of non-statutory groups that deal with bus travel. These include:

Bus Users UK is a small independent organisation formed to give passengers a voice. They are partly funded by the industry, and partly through membership subscriptions. Their aims are to strengthen the position of passengers in the discussion of public transport issues, to increase the influence of bus passengers on local and national decisions affecting bus services and to develop good communication between bus companies and their passengers.

The Bus Appeals Body was set up to deal with individual passengers unhappy with the way their complaint had been dealt with by a particular bus company. It was launched jointly by the Confederation of Passenger Transport UK and Bus Users UK. The aim of the body is to improve the relationship between bus and coach operators and their passengers. The body gives a written opinion on whether it considers that the complaint was satisfactorily handled. It will then suggest an appropriate form of redress where necessary. The body has the support of UK bus operators. The Bus Appeals Body does not have any statutory powers, and therefore their decisions are not legally binding on the operator.

There are **TravelWatch** organisations based in various regions of England. These are community interest groups, which exist to promote the interests of users and potential users of public transport in their regions. Their aim is to promote a network that is accessible to everyone, affordable and socially inclusive, available where and when needed and attractive to users.

There are also various other regional and local passenger groups, varying in profile and capacity.

Part 2 â The Proposals

Our aim is to establish a formal bus passenger representative body to:

- champion improvements in bus and scheduled coach service provision founded on robust research and analysis;
- work with passengers, operators, government, local authorities and other key stakeholders to ensure that the passenger's voice is heard when key decisions are being made; and
- make suggestions about the future direction of bus provision.

We suggest that the body should focus and operate primarily at the national rather than a regional or local level. The body will be evidence based and aimed at influencing decision makers. This will allow the body to influence and lobby the large national stakeholders such as Central Government, bus operators and other bodies with a national interest. We recognise the important work that other non-statutory organisations undertake on a local level. We see the body working closely with these non-statutory and regionally based organisations, and complimenting the work they do.

The introduction of the body would not be to the detriment of the work that local authorities carry out. We do propose however that the local authorities consult the body on key decisions that may impact on the bus passenger, for example the introduction of a quality contracts scheme.

It is essential that the remit of the representative body is clear. It needs to avoid duplication of responsibilities, seek co-operation on issues of common interest, provide value for money, avoid unnecessary disruption to existing arrangements and avoid interfering unnecessarily in the relationship between operator and customer.

The remit of a bus passenger representative body could include;

- representing the interests of existing and potential passengers in England (outside Greater London, which has its own well established arrangements) through the use of evidence and influence;
- engaging with and complementing the work of existing representative bodies, as well as with passengers and operators;
- giving advice and making representations to local, regional and central government regarding the bus industry;
- conducting research to understand passenger priority and perception; and
- producing an annual report on the work of the body and an appraisal of the key issues.

We do not propose that the national body should take on a complaints handling role. In a deregulated industry the first port of call for a passenger wishing to make a complaint should be, and will remain the bus operator. There are existing processes and procedures in place that allow the passenger to escalate complaints if necessary. Bus Users UK works closely with the Bus Appeals Body to resolve complaints of an operational nature (for example staff behaviour, reliability or information). The Bus Appeals Body does not cover commercial matters such as fare levels. In situations where Local Authorities tender for services the passenger can complain to the Local Authority as contract manager for the service. Traffic commissioners also handle complaints relating to the services provided by operators. We envisage that these organisations will be key information sources for the new representative body to draw from.

Some stakeholders have called for a statutory complaints body which would cover the existing functions of the Bus Appeals Body would also be able to handle complaints relating to facilities provided by local authorities, such as travel information, bus stops and stations. A national body dealing with local authority delivered facilities may however interfere with local accountability.

We would welcome your thoughts on whether or not we are correct in our initial view that the new body should not take on a complaints handling role.

It is clear that passengers do not always know where to complain to. A possible role for the body would be to raise the profile of the complaints process rather than handle actual complaints and have a sign posting role itself.

Questions on the overall objectives and role of the passenger body

Do you agree with the aim of our proposal as outlined in paragraph 11 above?

Do you feel that the body should cover any items not included in the suggested remit in paragraph 15 above?

Do you think that there are any items covered in paragraph 15 above that *shouldn't* be included?

Options for delivering the objectives

The following section outlines four options for delivering these objectives. In formulating this paper we also considered whether the National Consumer Council (NCC) could carry out a consumer advocacy function for bus passengers. However this has been ruled out primarily because the NCC is currently

going through a period of major reform. It is to be put on a statutory footing under the Consumers, Estate Agents and Redress Act 2007. The existing NCC is merging with Energywatch and Postwatch in order to form a stronger, more coherent consumer advocacy body to represent the interests of customers across all markets. This decision would not preclude the NCC looking at particular bus issues if it wanted, under its wider consumer interest powers.

Option 1 â Working with Existing Bus Passenger Bodies

Option 1 would not require further legislation.

Bus Users UK is a lobby group partially funded by the bus industry. It already provides, to a limited extent, bus passenger representation and takes up complaints on behalf of passengers. However, without any statutory powers their ability to take action is limited and they do not handle complaints on issues such as fares.

Bus Users UK is a well established organisation within the bus industry and is well known to bus operators and passengers alike. It already works to lobby operators, trade organisations, the Government and local authorities to improve the service provided to the customer. Therefore the set up time required would be kept to a minimum. By recognising them as the Government passenger representative body it would have stronger levers through which to influence operators.

It could be seen by some that being a non-statutory body is an advantage to Bus Users UK, in the respect that they can often solve issues in an informal manner, and therefore resolve them more quickly.

The disadvantage of following this option is that Bus Users UK has a primarily regional focus and very much see their future as a regionally facing body. Although undergoing a review of its structure at the moment Bus Users UK are not currently resourced to deliver the outcomes that we have identified in our aims and objectives above.

This option would not lead to the creation of a new statutory board. Bus Users UK has stated that if this is not the Government's preferred option they would nevertheless be happy to work along side the new statutory body, but at a local and regional level.

Key Questions on Option 1

Is this your preferred option and why?

Option 2 â A new standalone Statutory Bus Passenger Champion Body

The Local Transport Bill includes provision to establish, through secondary legislation, a Public Transport Users's Committee (see clause 64). Such a Committee could be multi-modal (see option 3) or its remit could be limited to functions only relating to particular types of public transport services, such as local buses and domestic coach services. The Bill includes the powers for the Secretary of State to set out the status, membership, proceeding and conduct of business in secondary legislation.

The function of the Committee would be to make representations to the Secretary of State and other decision makers about any matter relating to local bus and domestic coach services or facilities outside London but within England. The primary advantage of this option is that for the first time, this would be a

wholly independent, high profile body specifically focussed on lobbying and influencing on bus matters at the highest level.

A disadvantage of this option is that creating a new standalone body to look at the interests of bus and coach passengers creates duplication and wouldn't make the most of synergies with other representative groups, like Passenger Focus. The Government attaches considerable importance to a cross-modal approach to transport, in line with recommendations of the Eddington Transport Study.

Clearly creating strong leadership and membership of the organisation would be a significant factor in the success. One view is that only regular bus users should be members of the committee but this may be too restrictive and exclude candidates who were expert in general consumer issues for instance. Young people and children represent a large proportion of regular passengers and any organisation would need to ensure their views were recognised. We would suggest that representatives of Bus Users UK and the industry should be invited to be members of the body.

Key Questions on Option 2

Is this your preferred option and why?

What do you think should be the key features of the statutory bus passenger champion body?

Option 3 â Multi-modal Public Transport Representation

The Local Transport Bill also includes provisions whereby the Secretary of State, through secondary legislation, could establish a multi-modal Public Transport Usersâ Committee. There are two possible options as to how this might be achieved as follows:

The local Transport Bill includes powers whereby the Secretary of State could confer additional functions on the Rail Passengersâ Council (âRPCâ) (known as Passenger Focus) established under section 19 of the Railways Act 2005.

The Secretary of State could establish a new multi-modal body using the powers as described above.

Option 3A â conferring additional functions on Passenger Focus

The statutory duties of Passenger Focus (PF) (as the operating name of the Rail Passengersâ Council) are to investigate any matter which relates to the provision of railway passenger services or to the provision of station services where the matter is referred to PF by a passenger or the Secretary of State, or is a matter which appears to PF to be one which it ought to investigate. PF is funded by the Department for Transport, although its independence is guaranteed by the Act. The mission of PF is to get the best deal for Britainâs rail passengers and its work has an emphasis on strong evidence-based campaigning and research.

Under this option, the proposal is to confer additional functions on PF relating to local bus services and domestic coach services in England, outside Greater London only.

The Local Transport Bill includes the necessary primary legislation to empower the Secretary of State to confer these additional functions on PF through secondary legislation. The Bill specifically provides that such secondary legislation could not be used to alter the existing functions on Passenger Focus that relate to rail passenger services and rail station services.

The powers in the Local Transport Bill would enable the Secretary of State to alter the number of members that are appointed to PF. This would enable members with particular expertise and experience, either in the bus industry or as passengers, to be appointed over and above the existing rail membership so as to ensure that the committee could effectively represent the interests of bus and domestic coach passengers. We do not propose that PF should assume the complaints handling roles for buses as it does for rail passengers, but it could have a role in ensuring that bus passengers know where they can complain.

There are several advantages to this option. PF is a well established and respected independent public body that has worked successfully to protect the interests of rail passengers. It would provide a strong foundation on which to base a bus user champion and strength in being part of a bigger body in terms of staffing, experience, funding and flexibility. PF has a strong evidence based approach to developing policy proposals and carries out ongoing research such as the National Passenger Survey. By integrating buses into their remit Passenger Focus will be able to take a more integrated view of passenger experience of public transport. The Eddington study highlighted the importance of taking a more cross-modal approach.

There are also potential disadvantages that must be considered. PF's vision is to put rail passengers first. We must consider whether this vision could realistically be amended, or whether successfully integrating the role of representing bus and coach passengers would be too difficult for such an established organisation?

But, by the same token, Government would need to ensure that buses have a big enough role within PF as the demographic of rail and bus passengers is very different, and we must ensure that one group does not dominate the other. Indeed, we must also consider whether adding the bus passenger champion to the remit of PF will have a detrimental effect on the rail passenger.

PF would have different geographical boundaries in respect of rail users where their role extends across Great Britain whereas for buses the remit would only extend to services operating in England (outside Greater London).

By extending the remit of PF and requiring additional staff, and where necessary Board members the running costs of the committee would also be increased. However conferring additional functions on the RPC, rather than establishing a new multi-modal Committee (see option 4B), would be a more economic solution.

Key Questions on Option 3A:

Is this your preferred option and why?

What changes do you think will be needed in order to enable Passenger Focus to take on bus work?

Do you have any further comments on the role that Passenger Focus might take in relation to bus travel?

Option 3B â The creation of a new multi-modal Public Transport Usersâ Committee

As described in option 3 above, the Local Transport Bill includes power for the Secretary of State, in secondary legislation, to establish a new Public Transport Usersâ Committee (PTUC) in England (outside Greater London). This option proposes that we take advantage of the powers in the Bill, and set up a multi-modal PTUC for the rest of England. Similar Committees are already being set up in Wales and Scotland under separate legislation.

A possible working model for this option is London TravelWatch. The role of London Travel Watch is to investigate suggestions and complaints, conduct independent research and produce publications on issues affecting transport users, maintain dialogue with operators and assess the impact and make recommendations on issues that affect passenger transport usersâ in London. Their remit covers all passenger transport in London including for example the Underground, National Rail, the bus network and taxis.

Under this proposal the PTUC could potentially cover all public transport modes. However careful consideration will be needed around its relationship with PF, so the role and work of PF is not compromised â and undoubtedly it could be argued that there would be significant overlap.

The function of the Committee would be to make representations to the Secretary of State and other decision makers about any matter relating to public transport services or facilities outside Greater London but within England.

Key Questions on Option 3B:

Is this your preferred option and why?

How do you think that we can ensure that there is no duplication between this committeeâs interest in rail and that of Passenger Focus?

Next Steps

The consultation is open until 17 March. Details on how to respond can be found on page 14.

The Government will publish a summary of responses in due course after the closing date

Part 3 â A Summary of Consultation Questions

The following summarises the questions asked in the consultation document above:

Q1a Do you agree with the aim of our proposal?

Q1b Do you feel that the body should cover any items not included above?

Q1c Do you think that there are any items covered above that shouldnât be?

Q2a Is option 1 your preferred option and why?

Q2b Do you have any further comments on the role that existing non-statutory bodies may have in representing the interests of bus passengers?

Q3a Is option 2 your preferred option and why?

Q3b What do you think should be the key features of the statutory bus passenger champion body?

Q4a Is option 3A your preferred option and why?

Q4b What changes do you think will be needed in order for Passenger Focus to take on bus work?

Q4c Do you have any further comments on the role that Passenger Focus might take in relation to bus travel?

Q5a Is option 3B your preferred option and why?

Q5b How do you think that we can ensure that there is no duplication between this committeeâs interest in rail and that of Passenger Focus?

Part 4 - How and when to respond

Please send your responses by 17 March 2008 to:

Jonathan Drea
Department for Transport
Buses and Taxis Division
3/11 Great Minster House
76 Marsham Street
London
SW1P 4DR

or by e-mail to buses@dft.gsi.gov.uk

A list of organisations/stakeholders that we have sent this consultation to is included in Annex B. If you have any suggestions of others who may wish to be involved in the consultation process please let us know.

This consultation has been produced in accordance with the principles of the Governmentâs "Code of Practice on Consultation" which are included at Annex A. An Impact Assessment has not been produced as we do not think that there will be any new burdens placed on business or local authorities as a result of this policy. If you think that there will be please let us know what they may be and we will develop an Impact Assessment if required.

A summary of responses to this consultation will be published on our website: www.dft.gov.uk after the consultation period has closed.

Disclosure of responses

According to the requirements of the Freedom of Information Act (2000), all information contained in your response to this consultation may be subject to publication or disclosure. This may include personal information such as your name and address. If you want your response or your name and address to remain confidential, you should explain why confidentiality is necessary. Your request will be granted only if it is consistent with Freedom of Information obligations. An automatic confidentiality disclaimer generated by your e-mail system will not be regarded as binding on the Department

All responses will be included in any summary of results, although individuals will not be identified. Names and addresses may be held in an electronic database of interested parties for the purpose of distributing future documents on similar issues. However, any such details on a database will not be given to a third party.

If you wish to view individual responses after the consultation period has ended, these will be available for public viewing for a period of six months at the DfT Library and Information Centre, Ashdown House, 123 Victoria Street, London SW1E 6DE. The Library is open Monday to Friday during office hours. Anyone wishing to inspect the responses is requested to telephone the Librarian on 020 7944 3039 to make an appointment (without which it will not be possible to gain admittance).

Annex A - Code of Practice on Consultation

The Government has adopted a code of practice on consultations. The code of practice applies to all UK public consultations by government departments and agencies, including consultations on EU directives.

Though the code does not have legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law), it should otherwise generally be regarded as binding unless Ministers conclude that exceptional circumstances require a departure.

The code contains six criteria. They should be reproduced in all consultation documents. There should be an explanation of any departure from the criteria and confirmation that they have otherwise been followed.

Consultation criteria

- Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
- Be clear about what your proposals are, who may be affected, what questions are being asked and the time-scale for responses.
- Ensure that your consultation is clear, concise and widely accessible.
- Give feedback regarding the responses received and how the consultation process influenced the policy.
- Monitor your department's effectiveness at consultation, including through the use of a designated

consultation co-ordinator.

- Ensure your consultation follows better regulation best practice, including carrying out an Impact Assessment if appropriate.

A full version of the code of practice is available on the Cabinet Office website at:

<http://www.cabinet-office.gov.uk/regulation/consultation/code.asp>

If you consider that this consultation does not comply with the criteria or have comments about the **consultation process** please contact:

Andrew D Price
Consultation Co-ordinator
Department for Transport
Zone 4/13 Great Minster House
76 Marsham Street
London, SW1P 4DR

email: consultation@dft.gsi.gov.uk

Annex B - List of stakeholders

The consultation has been sent to a wide range of interested parties, including:

Association of Train Operating Companies (ATOC)

Bodies representing the interests of particular social, ethnic or other groups

Bus Appeals Body

Bus operators in the private and voluntary/community sectors

Bus Users UK

Campaign for Better Transport

Confederation of Passenger Transport (CPT)

Greater London Assembly

Local authorities, Passenger Transport Authorities and Executives

London Travelwatch

National Consumer Council

Network Rail

Office of Rail Regulation (ORR)

Passenger Focus

Public transport user groups

Scottish Executive

Traffic Commissioners

Transport advisory bodies (including CfIT and DPTAC)

Transport Committee

TUC and other Trades Unions

Welsh Assembly