

Bus service reviews: consulting on changes to local services

Progress report

February 2017

Introduction

In October 2012 Transport Focus published *Bus service reviews: consulting on changes to local services, a best practice toolkit*¹.

This followed a recommendation from the House of Commons Transport Committee which, in its report, *Bus services after the Spending Review*², asked us to develop a consultation toolkit for local authorities. The aim was to “provide best practice guidance on how local authorities can hold meaningful consultation processes with local communities about bus service proposals”.

Our report looked at how local authorities formulated proposals, how they consulted and how they considered and then communicated the results of the exercise. Throughout we include examples of best practice that we had identified from our discussions with local authorities.

With public money in ever-shorter supply, the cuts agenda continues unabated among local authorities and the need for bus users and others to have a say on how money is spent remains at least as important as it was five years ago. Indeed, given that the Bus Services Bill envisages public consultation on partnership agreements and franchising, it is clear that the requirement to consult is not going to go away. So local authorities need to get better at it.

So, four years on from our original report, we thought it timely to take a fresh look at how local authorities consult passengers and the wider community.

The importance of consultation

We have reviewed consultations carried out by over 30 local authorities across the country over the last four years. This report discusses some of the typical limitations of such exercises and highlights some of the most encouraging examples of best practice.

As before, we acknowledge the extremely difficult situation in which local authorities find themselves. They have faced a significant reduction in income and have had to find savings from somewhere – bus services being but one of many competing public services. This update is an attempt to help authorities with this challenging task.

¹*Bus service reviews: consulting on changes to local services – a best practice toolkit*, October 2012
<http://www.transportfocus.org.uk/research-publications/publications/bus-service-reviews-consulting-on-changes-to-local-services-a-best-practice-toolkit/>

²<http://www.parliament.uk/business/committees/committees-a-z/commons-select/transport-committee/inquiries/bus-services/>

The public expects consultations to offer choices and for their responses to those choices to be respected. A rejection of a proposal by respondents should result at the very least in changes to that proposal, if not its withdrawal.

Key elements of an effective consultation are likely to include:

- consulting at an early stage in the process
- clearly worded questions offering alternative approaches
- robust and detailed information to assist respondents in answering the questions
- extensive publicity and accessible materials targeted at those affected
- sufficient time for individuals and stakeholders to respond
- comprehensive analysis of comments
- proper consideration of responses
- modification of proposals to reflect respondents' views
- explanation of next steps and timing
- early and targeted notification of changes.

The courts also have certain expectations. According to The Consultation Institute, there has been a sharp increase in legal challenges to consultations over the last couple of years. The four Gunning Principles are increasingly acknowledged as the minimum required to keep the right side of the law:

- consult when policies are at a formative stage
- give sufficient reasons to allow intelligent consideration
- allow adequate time to consider and respond
- responses must be conscientiously taken into account.

So consultation is not just a nice-to-have option, nor can it just be a tick-box exercise. For example, a threatened legal challenge in Cambridgeshire in 2011 indicated the importance of authorities being able to demonstrate their compliance with relevant legislation, such as the Transport Act 1985 and the Equality Act 2010. More recently a court case, *Moseley versus London Borough of Haringey 2014*, called into question the legality of single issue consultations: at the very least, it is necessary to demonstrate that other options have been considered prior to the consultation, with adequate input from stakeholders.

Typical limitations

It can be hard to reconcile the needs of passengers and local authorities during a consultation exercise. What many bus users want is to stop the cuts and preserve their bus services as they are. However, this is not usually an option for local authorities faced with reduced funding, unless they can be persuaded to cut other

non-statutory services. Bridging this gap is one of the common challenges faced during consultation.

One of the suggestions has been to look at alternative forms of transport, such as community transport. To get a better understanding of this we carried out our own research in 2016³. Our report, *Demand responsive transport: users' views of pre-booked community buses and shared taxis*, looked at three different schemes across England and asked users and non-users for their views. It found that while demand responsive transport (DRT) can provide an attractive service for some, especially for older and disabled people, it did not offer a good alternative to conventional bus services for other transport users, especially younger people. We found that savings had generally only been achieved at the cost of reducing the number of passenger journeys. In short, it could only make a limited contribution.

Many of the other alternatives are of limited practicality. For example:

- using smaller vehicles is rarely a viable option and in any case does not reduce the more substantial cost of drivers
- cutting out the cost of the driver is rarely possible since there is a limited pool of volunteer drivers available in the right place at the right time
- there is a legal prohibition on charging concessionary passengers for their journeys
- fare increases risk reducing patronage and thus overall revenue.

So, while DRT is something that should be considered, care must be taken not to present it as some form of solution for all the difficulties faced by local authorities.

Asking the right questions

Another of the issues we have identified is the importance of designing the consultation exercise and being clear on the questions. For example, when identifying consultation questions, local authorities need to think about how they will act on the results. If they ask for views about cutting the least used services, such as evening, Sunday and more remote rural services, they can expect fewer people to protest than if they ask about daytime services to less isolated destinations. But will that tell you anything you do not already know? and does a crude statistical preference for cutting less used services provide them with a justification for doing so? What could a user of a less-well-patronised service say that could prevent this? Have the questions provided them with an opportunity to make the case for retention? Questions about the purpose of their journeys, about the impact of

³*Demand responsive transport: users' views of pre-booked community buses and shared taxis*, June 2016 <http://www.transportfocus.org.uk/research-publications/publications/demand-responsive-transport-users-views-pre-booked-community-buses-shared-taxis/>

withdrawing a service or reducing its frequency, and about the alternatives available to them could help to provide this opportunity.

It may also be helpful to understand who is expressing particular views: for example is support for an increase in council tax to help preserve bus services consistent among non-users and users? Questions need to be included in the consultation questionnaire to enable authorities to gather this kind of information about respondents, and data needs to be analysed to draw out these key insights and placed before decision makers.

Best practice case studies

In this section, we highlight the best examples of local authority consultations we have come across. We have not been able to review all of the consultations on cuts to bus services which have taken place in the last four years. Also, no one exercise is likely to satisfy all of our best practice criteria. Nevertheless, we have picked out two consultations in particular – in Wiltshire and East Riding – which exemplify an approach which we would like to encourage. These are described in some detail below. We then refer to elements of best practice that we have identified in consultations carried out in other parts of the country.

Wiltshire Council

Wiltshire Council has adopted a methodical and phased approach to consultation, with an authority-wide survey of residents, a pre-consultation exercise and a formal consultation. Such inclusive, multi-stage exercises allow a wide range of ideas to be properly considered before focusing on specific options.

In addition to engaging with stakeholders at an early stage in the process, we particularly liked:

- the thoughtful consultation document, providing full background to the issues and referring to independent sources of information
- the wide range of options included on the consultation questionnaire
- the impressive response to the consultation
- the full reporting of views
- the obvious impact of those views on the decision made.

In 2013, the Council carried out a 'What matters to you' survey among 6165 local residents. The results placed public transport high on the list of matters which make somewhere a good place to live (24.2 per cent) with 28.6 per cent saying that it needs to be improved, and 29.9 per cent believing that more needs to be spent on

public transport (62.3 per cent wanted to spend the same amount and only 7.8 per cent wanted to spend less).

The overall annual transport budget is around £25 million, much of which goes on statutory commitments such as school transport. £5.1 million a year is spent on supporting passenger transport (largely buses). The Council did not set a specific figure for savings required from the public transport budget, although its medium-term financial strategy envisages a further annual reduction of £2.5 million in spending on passenger transport.

A pre-consultation scoping paper provided participants with an opportunity to shape the scope of the review. Pre-consultation took place from 8 July to 31 August 2015. One question asked about different categories of service, and another sought reactions to provocative suggestions, such as increasing bus fares or maintaining service frequencies on certain routes but only running buses on those routes three days a week.

Five workshops were held and there were discussions with several bus operators to discuss their priorities, ideas and concerns.

In total, 160 questionnaires and other responses were received, including a survey carried out by one of their parish councils. The views expressed were summarised in a separate report on pre-consultation responses, published in October 2015. The key points which came out of the pre-consultation exercise were:

- the importance of bus services to users, communities and public sector service providers
- community transport's inability to provide transport alternatives on any significant scale
- little scope to make subsidised bus services commercial
- no new 'big ideas' suggested that would make significant financial savings within the necessary timeframe
- limited potential for further savings in other areas of the council's public transport budgets.

The report listed all of the suggestions from stakeholders about how to make better use of the available funding and services that must be protected at all costs, and provided detailed responses from the Council. Unfortunately, most of these responses were explanations of why suggestions are considered to be impractical, but at least this demonstrates genuine engagement.

There was an extensive section on community transport including the importance of funding it, opportunities to expand it, and barriers to doing so. There is also a section on reducing the need to travel.

The review of the public transport strategy is part of a wider review of all areas of passenger transport (excluding rail and taxis) including home to school and college transport, special educational needs transport, social care client transport and concessionary fares. This should allow for the emergence of more creative solutions rather than a simple binary choice between unattractive options.

This pre-consultation exercise fed into a full public consultation from 22 January to 4 April 2016. A wide-ranging consultation document provided a broad policy context for assessing the options, citing the conclusions of a number of independent reports and including interesting comparisons with how similar issues had been dealt with by other authorities. The document contained full financial and patronage figures by category of service and individual route, supported by clear maps. It also included an intelligent discussion about options for making services cheaper to operate and scope for fare increases.

Many consultations present specific proposals for the withdrawal of services on particular route on particular days and at specific times. However, Wiltshire Council's consultation was notable for avoiding this approach. Instead, a question asked about levels of support for different categories of bus services: strategic routes between main towns, services running within towns, evening and Sunday services, and rural services. Six options were put forward, which emerged following the pre-consultation exercise with stakeholders and partners, ranging from withdrawing all evening services, all Sunday services or all subsidised services to reducing frequencies on various services. Further questions asked about people's experience of using community transport and their views on seeking external partners to run services.

The Council issued a number of press releases throughout the consultation period and there was significant media coverage. Bus Users UK held a number of 'Your Bus Matters' events in prominent locations across the county, staffed by operators and local authority representatives.

In total there were 11,093 responses to the consultation, which is the second largest response to any Wiltshire Council consultation. Interestingly, around 3000 of these were questionnaires handed out on the bus. This is particularly impressive when you consider that bus passengers are often characterised as more difficult to engage than some other sections of the community.

In addition, the Salisbury Journal launched a campaign opposing all of the cuts to bus services: 6000 people signed a petition, and this was discussed by the Council in May 2016.

An initial report on the headline consultation findings was considered by the Cabinet on 14 June 2016.

A full report (over 500 pages of analysis) was considered by the Cabinet on 11 October 2016. They decided to review all high-subsidy services (over £3.50 per journey) and other measures set out in the report with a view to saving £500,000 a year from the passenger transport budget, and also to work with health authority to seek savings through the integration of patient, special educational needs and social care transport. The final decision has been delegated to the Cabinet Member for Highways and Transport. It is vital that consultation continues through to decisions on specific services and users of those services are notified in good time of the changes to maintain the goodwill that appears to have been generated.

One local councillor was quoted by the Salisbury Journal as criticising the 'intolerable' consultation, claiming notices had not been put on buses which are partially subsidised, forcing him to place posters on stops himself. However, local bus campaigners were quoted in the local media as being happy with the consultation and the decision, which in itself may be regarded as somewhat unusual.

East Riding of Yorkshire Council

East Riding of Yorkshire Council has also carried out a two stage consultation process. In addition to this early engagement we particularly liked:

- the energetic and imaginative involvement of parish councils in the process
- the extensive publicity given to the consultation
- the scoring matrix
- the large number of drop-in sessions
- the full reporting of results
- the thoughtful consideration of responses leading to changes to the proposal.

Many of East Riding's bus services had existed for a long period of time. The Council was keen to understand whether they still met the needs of the community. Recognising that awareness of bus services in the community can be low, and valuing the links parish councils had to their whole community, they sought to build a relationship with them, to enable them to reach out to non-users as well as users.

Following three or four chase-up letters they managed to get 42 per cent of all parish councils in East Riding to participate in a Transport Needs Assessment. This is no small achievement. Six meetings were held, attracting 98 delegates and securing the nomination of the 72 Parish Transport Champions. These champions carried out transport needs surveys in their local communities from September 2015 to March 2016. The Council sent them a template survey, which they were invited to modify,

sign off and send out within their community for return to the Council. The Council provided them with training and technical support.

A total of 3398 responses were received and these were used to inform the proposal for the future of supported bus services on which they consulted at the next stage. A detailed analysis was carried out of 1042 unmet transport needs expressed, including 597 points raised by ten or more residents.

A detailed scoring matrix was included as part of the consultation document. This included passenger numbers, subsidy per trip, social need, proximity of alternative services and emissions. They had detailed discussions with parish councils about the matrix.

Following a financial settlement from the Government in December 2015, the Council drew up a proposal to save £600,000 a year from the bus subsidy budget by withdrawing funding for 59 supported services (18 of them completely, the remainder curtailed). A demand responsive transport solution was proposed in some areas.

A two-month public consultation was then held from 28 June to 28 August 2016. The public were provided with opportunities to respond online, by hard copy or by email.

The consultation questionnaire included three options:

- option one – withdraw all supported bus services. Saves £1.3 million per year
- option two – withdraw low priority supported bus services. Saves £0.6 million per year – Council proposal
- option three – other saving (please specify).

It went on to ask how the respondent would be affected by the cuts envisaged in the Council's proposal: whether they would travel at a different time or on a different day; whether they would stop using any public transport; or use a different means of transport.

The Council had 2000 posters printed: 1000 were put up on bus shelters, another 1000 were put up on the buses themselves. Press releases were issued on four occasions during the consultation.

They held 34 drop-in sessions – 325 people visited. In addition to the 11 at fixed venues, they worked with a local community organisation to take a bus around 23 additional sites, spending a couple of hours at each, publicised by flyers distributed by parish councils.

A professional market research agency was also engaged to carry out a telephone survey of a representative sample of East Riding's residents.

Respondents were asked to formalise their responses on questionnaires rather than relying on staff to make a note of their comments at the drop-ins. A telephone helpline was available where operators would note down the caller's views, demonstrating an impressively inclusive approach – some people are put off responding if they have to write down their views.

They received 1128 responses to the consultation. In addition, 1067 residents were surveyed in the telephone survey. Inevitably the opinion research sample included more of a balance between bus users and non-users than was the case in the consultation responses. Three petitions were also received, relating to particular areas and services.

The Council did not view the consultation as a tick box exercise and insisted on comments being analysed on a route-by-route basis, rather than settling for a high level report citing meaningless overall percentages. A set of graphs was produced for each of the 54 contracts from the proposal for which there had been a response in the consultation.

The report went to the Cabinet in mid-December 2016 for decision. In total 19 changes were made to the original proposal as a result of the consultation responses: eight contracts are being retained because significant impacts have been identified; four more are being retained but amended; and a further seven are being withdrawn but demand responsive options will be pursued. Interestingly, the council responded positively to each of the petitions and on other services where ward councillors made representations. It is estimated that the revised proposal will result in about 96 per cent of all bus services in East Riding being retained.

To assist in adapting to the changes, the council has provided a long lead-in time, with the first changes being made in April 2017, and with further changes in April 2018. East Yorkshire Motor Services has acknowledged that this approach does allow more time to explore ways to mitigate the effects of the changes. The new network should achieve savings of £565,000 in the cost of supported bus services between 2017/18 and 2018/19.

Other best practice examples

In addition to the consultations in Wiltshire and East Riding of Yorkshire described above, we have also looked at consultations carried out in a number of authorities, in particular Derbyshire, East Sussex, Hertfordshire, Surrey and Worcestershire, all of which contained elements of best practice.

Consulting at an early stage in the process

East Sussex started with a rolling 18 month long period of on-bus surveys, followed by a consultation in the second half of 2014.

Surrey have been carrying a rolling review of their bus services over a number of years. We commented favourably about their approach in our original toolkit.

Clear objectives and considered questions

East Sussex Council's consultation report listed their consultation objectives. The questionnaire canvassed views on increasing fares on the remaining supported services.

Worcestershire's consultation from November 2013 to January 2014 contained a questionnaire with a wide range of questions about impacts, alternatives, fare increases and priority journey categories.

Hertfordshire's second consultation, in 2015, asked respondents what services they used, what they would do if their service were withdrawn, views on the criteria for decisions and on funding alternatives. A good amount of space was provided for respondents to explain the reasons for their answers.

Surrey asked questions about the impact of service withdrawals and travel alternatives in its 2016 consultation.

Robust and detailed information to assist respondents

East Sussex included detailed background information on funding and a helpful review of income generating options, covering discretionary spending by district, borough, town and parish councils; use of parking charge surpluses; raising home to school fares; contributions from, schools and colleges; development contributions and support from the health sector.

Worcestershire's consultation included comprehensive figures for threatened bus services including the total number of passengers and subsidy per passenger journey on each service.

Extensive publicity and accessible materials targeted at those affected

East Sussex consulted people with learning difficulties with an 'Easy Read' version of the consultation documents; comments could be made by phone. They analysed the effectiveness of their publicity for the consultation, which included posters and adverts – the largest number of respondents had found out about the consultation on the bus or from another person.

Hertfordshire used radio adverts and posters to promote their 2014 consultation. Like East Sussex they produced an 'Easy Read' version of their questionnaire.

Surrey used a roving bus to help them reach the areas affected by their proposals, with four staffed events.

Worcestershire's consultation took advantage of an existing programme of corporate roadshows to provide opportunities to discuss the proposed bus cuts face-to-face. Consultation materials were handed out on under-threat buses.

Sufficient time for individuals and stakeholders to respond

East Sussex and Hertfordshire both allowed 12 weeks for responses to their 2014 consultations.

Large consultation response

Worcestershire's 2013-14 consultation received 8500 responses.

Hertfordshire got 4548 responses to its 2014 consultation, plus 55 letters and emails from individuals and 41 stakeholder replies; they also received seven petitions which attracted a total of 6658 signatures. An even larger number of petitions were received when it carried out a second consultation in 2015.

East Sussex received 2,900 responses to its 2014 consultation, plus 13 petitions. 6815 people signed one petition about services in Hastings and Rother, with a further 2150 signing the remaining petitions. 137 stakeholders participated.

Surrey's 2016 consultation elicited 2677 responses and four petitions about specific services, signed by a further 1246 people.

Derbyshire received 4204 completed response forms for its 2016 consultation, plus a further 200 letters, emails and phone calls.

Comprehensive analysis of comments

East Sussex published particularly thorough documentation on comments received from respondents.

Hertfordshire produced a good report on their 2014 consultation, included a summary of stakeholder responses.

Surrey's report on its 2016 consultation fully documented the consultation process and its findings.

Proper consideration of responses and modification of proposals to reflect respondents' views

In December 2014, following the consultation, East Sussex decided on a revised proposal which reduced the impact on some service users by the successful commercialisation of 23 services and the proposed award of a number of alternative tender submissions. Although funding was still withdrawn from a number of the higher subsidised routes, and evening and weekend services.

Hertfordshire's original proposal was to withdraw all supported services after 6.30pm and all supported Sunday services. Following a massive rejection of the original proposals, the Council listened to the feedback, redrew the proposals and consulted again, using a later 7.30pm cut-off. Amendments to its bus strategy and also to its value for money criteria were also included in their second consultation in 2015.

In March and April 2016 Derbyshire consulted on a proposal to withdraw funding for all subsidised local bus services and community transport dial-a-bus services, to introduce DRT to help mitigate the loss of these services and to introduce a new door-to-door plus service for people unable to use the proposed DRT services. At its November 2016 meeting, Derbyshire's Cabinet voted not to proceed with these proposals, with the exception of proposed cuts to community transport dial-a-bus services. They cited the overwhelming rejection of its proposals from the 4200 people who completed response forms and over 200 others who sent in emails and letters or phoned in.

Overview

Our overall impression is that local authorities are consulting better now than they were four years ago when we published our toolkit. Background information tends to be more thorough; questionnaires often provide more opportunities for respondents to explain the impact on them of proposed cuts; more people are participating in the consultations, the increasing number of petitions is a clear development, while modifications to proposals suggest that at least some attempt is being made to take into account the views expressed.

Having said that, it is not all good news. We have seen consultations conducted over a period as short as four weeks and attracting only a few hundred responses. Local campaigners have highlighted poorly promoted consultations taking place predominantly online with inadequate publicity at stops and on buses.

It is not unusual for local authorities to be criticised by politicians, campaigners or the local media for the consultations they have run. Typically it may be claimed that few people knew that the consultation was taking place or that the decision was a 'done

deal'. For example Lancashire's recent consultation process was criticised by opposition politicians and pressure groups, although interestingly it did result in a significantly amended proposal. Whether or not the complaints are entirely justified, such criticism can impact on the reputation of authorities.

Even where consultation has been effective, it can be let down by inadequate notification of changes. Our 2010 report *Bus service changes*⁴ revealed that passengers expect to get at least four weeks' notice of changes and prefer to be informed at the bus stop or inside the bus. Yet we have heard a number of complaints from passengers who have been unaware of the changes until they turned up at the stop and the bus they were expecting to take failed to turn up.

Bus operators, while not subject to the same accountability requirements as local authorities, are not immune to criticism where they are perceived to have failed to consult or notify people adequately about changes to their bus services. For example, criticism of First Worcester's recent cuts was recently reported in local newspapers.

Conclusions and recommendations

Service cuts are not going away. Neither is the demand for effective public consultation.

Protest appears to be on the increase: more and more of the consultations we looked at included petitions. This may reflect a lack of public confidence that 'filling out a form' is going to make a difference.

There is a limit to what consultation can achieve. Good consultation may not make unpalatable proposals and unenviable choices acceptable, but poor consultation and inadequate notification of changes can certainly make things worse. At best, consultation can lead to more accountable and better-informed decisions, and a more understanding public.

We are pleased to note some improvement in the way in which local authorities have been consulting since we sent out *Bus service reviews: consulting on changes to local services, a best practice toolkit* four years ago. An increasing number of authorities are asking a broader range of questions and eliciting a larger number of responses. A wider range of options are now being considered including savings from pooling resources with other agencies and departments and increases in council tax or fares.

⁴*Bus service changes*, October 2010 <https://www.transportfocus.org.uk/research-publications/publications/bus-service-changes/>

Some local authorities are still not consulting very well. However, those highlighted in this report appear to be making the best of a difficult situation. Although there are some important differences, what the best authorities learn from consulting on service reductions should stand them in good stead if they need to consult on partnership agreements and franchising proposals.

© 2017 Transport Focus



Transport Focus
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

0300 123 2350
www.transportfocus.org.uk
info@transportfocus.org.uk

Transport Focus is the operating name of the Passengers' Council