



# Passenger Focus response to the Department for Transport consultation on Improving Bus Passenger Services through the Regulatory Framework

June 2010

## Response to Department for Transport consultation document on Improving Bus Passenger Services through the Regulatory Framework

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### Introduction

Passenger Focus welcomes this consultation, which addresses a wide range of issues which affect passengers, including notification of changes to bus services, concessionary travel and the behaviour of other passengers.

Passenger Focus is an independent consumer organisation, and our response reflects our commitment to represent the interests of passengers and potential passengers.

We are also an evidence-based organisation. Our response draws on passenger research, such as our recent report on *Bus passenger priorities for improvement* (March 2010). In addition, we have commissioned quantitative opinion research to help inform our response. Ipsos MORI questioned 518 bus passengers on our behalf in May 2010, 359 who use buses in England (outside London) once a week or more, and a further 159 who use them at least once a month. A fuller report on our research on passengers' information requirements and opinions about passenger behaviour will be published separately.

### Summary

Passenger Focus supports the proposal to require an operator to inform the relevant authority or authorities 14 days before making an application to the traffic commissioner to start a bus service, or vary or cancel an existing service. Local authorities need longer than the current 56 days' notice in order to replace services which are being withdrawn.

We support the proposal to introduce a 'no variation or cancellation of a registered service for 90 days' provision. A majority of bus passengers favour a stable network and do not accept frequent changes to bus services.

Notice of any proposed variation or cancellation should be placed on vehicles for a minimum period of 28 days, in accordance with the views of the majority of passengers, a week longer than that proposed. It should be complemented by notices at bus stops and other forms of communication; passengers use a variety of communication channels in practice, and no single method will be wholly effective.

It might help passengers if timetables were to state the period for which they were valid (as happens with rail timetables) and for all bus stops to carry a phone number for route and timetable enquiries. At least this way, passengers would know if they could trust the timetable.

Service changes in bank holiday weeks should not generally be exempt from the notice requirements. There is no point in running a service if passengers are not told about it; a failure to notify passengers of reduced services would leave them waiting at the stop unaware that the bus has been withdrawn.

We can see no advantage to passengers in rail replacement bus services procured by train operating companies having to be registered with the traffic commissioners.

We support the proposal to change the provisions in domestic legislation which set the financial ceiling below which authorities may procure services without undertaking a competitive tendering procedure in favour of European Union levels (option B).

We support the proposal to enable local authorities to set maximum fares, provided that operators are fully compensated. While there may not be a rush to use the power in the short term, the current tough financial climate is unlikely to last forever.

We are doubtful whether financial sanctions represent the best way of improving standards of driving and driver behaviour. Drivers should receive appropriate training, and passengers should be encouraged to make complaints where they are not happy with the performance or behaviour of the driver. We believe that passenger research has a contribution to make.

We support the proposal to introduce a ban on drinking alcohol on the bus. Passengers overwhelmingly support a ban. We recognise that it would be hard to enforce, which may render its benefits to be more presentational and symbolic, than effective at changing behaviour, but it sends an important message and may help to counter the perceptions of some passengers. And a simple ban would be easy to communicate: "no smoking or drinking of alcohol on this bus". A similar ban in London has met with a high level of compliance.

## **Registration of local bus services: improving the provision of reliable and up-to-date information**

***1. Do you agree with the proposal for amending The Public Services Vehicles (Registration of Local Services) Regulations 1986 (SI 1986/1671) with an additional provision requiring an operator to inform the relevant authority or authorities 14 days before making an application to the Traffic Commissioner to start a bus service, or vary or cancel an existing service?***

Currently operators are required to register details of local bus services with the traffic commissioner at least 56 days in advance. In Scotland, operators are required to give the local authority an additional 14 days' notice. Passenger Focus supports the proposal to bring requirements for operators in England into line with those in Scotland.

Bus passengers need information about routes and timetables. We do not have specific evidence of how well operators and authorities are performing in updating timetables to reflect new bus services, changes to existing services or withdrawals. However, we do know that there is scope for improving route and timetable information. In our recent report on *Bus passenger priorities for improvement*, passengers were asked whether a number of bus stop attributes met their reasonable expectations: printed timetable and route information met passengers' expectations less well than other attributes such as closeness/convenience of the stop, the range of destinations offered, personal safety and cleanliness. Passengers ranked the statement 'accurate timetable and route information is available at all bus stops' eighth out of a list of 30 potential improvements to bus services.

The case for requiring an additional 14 days is particularly strong where significant changes are made to services, requiring the local authority to embark on a time-consuming full

tendering process. This current constrained timescale can result in loss of continuity of service, where services are withdrawn, and delays in notifying passengers of any changes. We understand that the publicity, tendering and analysis processes can take up to six weeks; that local authorities may be given short notice by operators; and that authorities should not act before the change is notified in *Notices and Proceedings*, the official registry of the traffic commissioner, which can take up to three weeks. In such circumstances, the eight weeks provided for in the current legislation is clearly insufficient.

**2. Do you agree with the proposal to introduce a ‘No variation or cancellation of a registered service for 90 days’ provision, and for notice of any proposed variation or cancellation to be placed on vehicles for a minimum period of 21 days?**

We support the ‘no variation or cancellation for 90 days’ proposal.

One of the advantages bus services enjoy when compared with rail services is their relative flexibility and, as a matter of principle, we welcome the provision of any incentives to operators to try out any genuinely innovative and experimental services.

However, the advantages deriving from that flexibility need to be weighed against passengers’ preferences for a stable network. A majority of bus passengers do not accept frequent changes to bus timetables: our research suggests that 30% of passengers support a maximum of one change a year and 36% accept a maximum of twice a year, while only one quarter (26%) find it acceptable for routes or timetables to be changed more than twice a year.

In practice, operators already have to give 56 days’ notice, so there may be relatively few circumstances (perhaps in respect of seasonal services) in which they would be likely to seek to vary or cancel a registration within a month or so of introducing a new or changed service. There is a provision under the Scottish system for the rule to be relaxed in genuinely exceptional or unforeseen circumstances, with the traffic commissioner exercising discretion as to whether to relax the requirement in individual cases. This should provide the necessary safeguards.

We would prefer a requirement to provide passengers with at least 28 days’ notice of a proposed variation or cancellation, rather than the 21 days proposed. Our research indicates that a majority of passengers (55%) think that operators should provide four weeks (37%) or more (18%) notice of minor changes (e.g. a slightly different route or timetable), a figure (55%) which rises to 62% when asked about major changes (e.g. key stops on the route/the end destination changed, a significant decrease in frequency or a service cancelled altogether).

**3. Do you agree that the proposed requirement for operators to place notice of any proposed variation or cancellation on vehicles would ensure that the travelling public are well informed about changes which affect their journeys?**

We accept that there is merit in the proposed requirement for on-bus notices of any proposed variation or cancellation, but would like to see this extended to require communication by other means, particularly through a notice at bus stops: our research indicates that passengers look for information about service changes in a variety of places.

Our research indicates that a notice at the bus stop would be even more effective than an on-bus notice. Three quarters of passengers (76%) want operators to put a notice on bus

stops advising them of major changes; 61% want a notice inside the bus; 46% an article in the local paper; and 25% a notice on the operator's website. When asked what method of communication they prefer, a small majority (51%) opt for bus stops, 20% for on-bus notices and 14% for local papers. Passengers have almost identical preferences with regard to communicating minor changes.

Our research concentrated on regular bus users, and is likely to overstate the effectiveness of on-bus notices were infrequent users' needs to be taken into account, since one would expect them to favour off-bus methods of communication.

**4. Are there factors to consider with regard to compliance with, and enforcement of this proposed requirement?**

An accurate and up-to-date timetable at the bus stop is the starting point for an effective bus service. Stops without timetables, or with out-of-date ones, misrepresent the service on offer and cause inconvenience to passengers; they are a poor advertisement for operators wishing to attract more users.

We accept that it may not be possible to foresee cancellations resulting from an operator suddenly going out of business.

We also accept that there may be some logistical issues in updating timetables at bus stops at short notice. Passengers have made clear their preference for limiting the number of timetable changes and for having changes communicated on bus stops; we would welcome any initiative from the industry to this effect, such as the Bus Partnership Forum's *Code of Conduct on Service Stability* (although it is not clear how widely the Code is being followed in practice).

It might help passengers if timetables were to state the period for which they were valid (as happens with rail timetables) and for all bus stops to carry a phone number for route and timetable enquiries: this would provide a back-up for passengers where an out-of-date timetable had not been replaced. In some parts of the country, bus stops already routinely carry the Transport Direct phone number.

**5. Do you agree with suggested changes to Regulation 9(2) of The Public Services Vehicles (Registration of Local Services) Regulations 1986 (SI 1986/1671) to redefine the journeys for which a service may be varied; to substitute 56 days for 21 days as required period of notice, and 28 days for 21 days for community bus services?**

Currently, bus operators only need to give 21 days' notice to the local authority and the traffic commissioner of a change to a service if it falls within a week which includes a bank holiday, rather than the 56 day requirement which applies at other times. We would support the Department's proposal to remove this exclusion, subject to specific and limited exceptions as outlined below.

The passenger interest in accurate timetables at bus stops applies equally to bank holiday weeks as it does to ordinary working weeks. We recognise that there may be circumstances in which, at the moment, major stores make late decisions on whether to open or close on particular days. However, the benefit to bus operators in running additional services which they are unable to advertise in good time is surely limited, even if passengers who turn up at the stop expecting the 'old' timetable do not complain if their bus arrives sooner than they were expecting. And the detriment to a passenger may be considerable if they turn up at the

stop in good faith expecting a Saturday service, only to find that their bus does not arrive because the operator has substituted a Sunday service, but not publicised the fact.

We agree with the sentiment in the consultation document that operators and retailers need to work more closely together. If they cannot, and there has to be an exclusion for bank holiday weeks, we would only accept one which exempted additional services – a failure to notify passengers of reduced services would not be acceptable.

The same principles should apply to users of community bus services.

**6. Do you agree that the Public Service Vehicles (Registration of Local Services) Regulations 1986 should be amended so that no notice period would be required for registration of temporary rail replacement bus services?**

We can see no advantage to passengers in rail replacement bus services procured by train operating companies having to be registered with the traffic commissioners, an existing legal requirement which is neither complied with, nor enforced. We support the Department's intention to tidy up this anomaly.

**7. In the long term, do you agree that exempting rail temporary replacement bus services from requirement to register will facilitate greater effectiveness of the service?**

Rail passengers' interests are best served by clear information about the intention to suspend rail services and replace them with buses, so long as these are accessible, in good repair and safely driven.

**8. Will the proposed changes to the publication regulations remove ambiguity and provide needed clarity with regard to these regulations?**

Current regulations require traffic commissioners to publish the type of vehicle for every service they register. However, this is not happening in practice, and the Department proposes to remove the requirement. This appears to be a minor issue about which we do not have a strong view.

**Bus contracts 'De minimis' provisions: reducing administrative costs for local authorities and bidders for service contracts**

**9. What are your views regarding the proposal to change the de minimis level provisions in domestic legislation in favour of EU levels?**

The *de minimis* limits set a financial ceiling below which authorities may procure services without undertaking a competitive tendering procedure. The Department is consulting on a number of options to give local authorities more flexibility.

The passenger interest lies in ensuring that local authorities are in a position to commission a new service in time to provide continuity where a service is withdrawn by an operator. The tendering process can add several weeks to the procurement process, potentially hindering local authorities' efforts to provide passengers with adequate notification of changes. We do not have any evidence about how competitive such contracts are in practice (although the OFT's recent study of the bus market indicated a wide variation in the number of responses to tender requests across the PTE areas and local authorities), nor do we have information

about the effect of tendering on the quality of service. However, the principle of proportionality suggests increasing flexibility. On balance, we would support the proposal.

**10. Which of the three options on the de minimis level provisions are you in favour of, and why?**

Passenger Focus supports Option B, which would bring this country into line with EU legislation, and make contracts easier and cheaper to let.

**'General rules' under EC Regulations (EC) No 1370/2007: increasing the scope for securing a better deal on fares for passengers**

**11. Do you have any views on the proposal to make secondary legislation (under Section 91(1) of the Transport Act 1985) enabling local authorities to make "general rules" to impose maximum fares on bus operators and compensate them, without going through competitive tendering?**

The proposed rules would enable local authorities to offer reduced fares to all passengers or to particular groups of passengers, such as children or students. We would support the proposal to enable local authorities to set maximum fares, provided that operators are fully compensated - if they were not, there would be a risk that they would cut services, which would not be in the passenger interest. While there may not be a rush to use the power in the short term, the current tough financial climate is unlikely to last forever.

Our report *Bus passenger priorities for improvement* indicates that passengers' reasonable expectations concerning the value for money of their journey are not being met, this attribute scoring 16<sup>th</sup> out of 17 bus journey attributes they were asked to rate (only punctuality received a worse score). (We recognise that value for money should not be confused with cheapness). Fare paying passengers rated as their second highest priority for improvement "bus fares, tickets and passes offer better value for money". Passengers as a whole also highlighted multi-operator fares, tickets and passes as their fourth highest priority for improvement, and multi-modal tickets ninth. The introduction of the proposed general rules could provide local authorities with an opportunity to simplify fare structures, making them easier to understand and more attractive to use.

**Driver and passenger conduct: improving bus journey experience for everyone**

**12. Do you agree with the proposal to impose less than criminal sanctions (such as penalty fines) against operators who repeatedly violate the Conduct Regulations?**

The Conduct Regulations cover driving safely, smoking, the conduct of passengers, disabled access, the validity of tickets, and route number and destination displays.

The Department asks for evidence of the scale of the following problems:

- drivers accelerating quickly away from bus stops, without giving passengers time to sit down;
- the wheelchair space being occupied by prams or pushchairs;
- smoking and drinking on the bus.

In June 2009, Help the Aged and Age Concern promoted a National Falls Awareness campaign. Research released on National Falls Awareness Day revealed that many older people fall over on buses: they claimed that over 800 older people per day fall on a bus and nearly two million are concerned about falling. One in five of older people who fall have to seek medical attention. Loss of balance was cited as the main reason why older people are falling on buses, as well as the bus stopping suddenly; not having enough time to sit down before the bus started moving or tripping over items in the aisle. Some also felt that the driver was going too fast.

The DfT's 2008/09 Bus Passenger Satisfaction Survey indicated that 80% of passengers were satisfied with the smoothness of the ride and freedom from jolting.

Turning to the issue of the wheelchair space, according to our research only 8% of passengers have ever witnessed a disagreement between a pushchair/buggy user and a wheelchair user over the use of the allocated space on board a bus; 89% have not. There is some indication that those travelling with young children had witnessed more disagreements, but the small numbers of such parents involved in the survey (16% of the sample) do not provide conclusive evidence.

Most passengers (79%) had seen notices on the bus; 18% had not. All passengers were asked what a pushchair/buggy user is meant to do if a wheelchair user boards the bus. Over half (57%) correctly said the pushchair/buggy should be folded so the wheelchair user can occupy the space; a fifth (20%) thought the pushchair/buggy should be moved into the aisle so the wheelchair user can occupy the space, while 5% thought the pushchair/buggy user had to get off the bus so the wheelchair user could occupy the space. One in six (17%) said they did not know what should be done in this situation.

Research cited in the DfT's 2008 report on *Assessment of Accessibility Standards for Disabled People in Land Based Public Transport Vehicles* revealed a mixed response to how easy/difficult the respondents found it to get a seat or a wheelchair space on the bus. The respondents who were wheelchair users did not find it as difficult as those with other mobility impairments. The two most common reasons for finding it difficult to get to a seat or wheelchair space were that the bus was too crowded and that the driver would pull away before the respondent could be seated. Luggage and prams in areas designated as wheelchair spaces or priority seating were also mentioned as a problem.

The Trailblazers' Transport Report *End of the Line*, published in May 2009 also notes that pram users filling accessible spaces on buses was a common concern.

This raises the issue of the design of the bus interior. We recognise that manufacturers have limited scope for manoeuvre, given the wide range of features that have to be accommodated and the inevitable trade-offs that have to be made. However, we would urge them, and the operators whom they supply, to consult with passengers and to review their designs according to the way in which passengers actually move around the bus, particularly on crowded buses where passengers are standing on the lower deck.

It also brings up issues about driver training. Operators should advise drivers to make sure that passengers are given a reasonable amount of time to fold their buggy before setting off from the stop.

The research we commissioned to inform our response to this consultation found that the most commonly witnessed examples of anti-social behaviour in the last 12 months were:

- feet on seats (40%)
- music being played loudly (36%)
- people who appear to be under the influence of alcohol or drinking alcohol (34%)
- rowdy behaviour (33%)
- abusive or threatening behaviour (17%)
- smoking (17%)
- graffiti or vandalism (14%)
- people who appear to be under the influence of drugs or taking drugs (12%)
- fare evasion (9%),
- theft of belongings (3%).

Two thirds had witnessed at least one of these examples.

In the DfT's 2008/09 Mystery Traveller Survey Passenger Focus asked if drivers were observed eating, smoking or talking on their mobiles while driving the bus: less than 1% were, with 9 cases (out of 1200) of the driver chatting to a friend, 5 eating and 4 using an iPod.

The Department's consultation suggests that with the exception of fares, contraventions of the Conditions of Carriage are very rarely enforced, and asks how enforcement can be improved. In particular, it asks whether operators should be made more accountable for the actions of their drivers, for example by making them subject to financial sanctions.

We are doubtful whether financial sanctions represent the best way of improving standards in this instance. We believe that passenger research has a contribution to make.

Encouraging smoother and more careful driving through the Department-funded *Safe and Fuel Efficient Driving (SAFED)* initiative and First's *Drive Green* initiative may be a more effective way of raising driving standards and minimising falls. Where passengers are injured, we support the proposed provisions contained within the draft EC Regulation on bus & coach passenger rights. Operators could use notices on buses to seek feedback on particular drivers and on the standard of driving on a particular bus, perhaps linked to the new requirement to display on-bus notices to inform passengers how to complain.

Arguably the best way to encourage passengers to comply with their obligations is to ensure that a clear sign is prominently displayed inside the bus asking passengers to fold their buggies should a wheelchair user, or another buggy user, need to use the space. This would enable passengers to point to the sign should they need to, making the policy unequivocal and self-enforcing, and helping to head-off potential disputes and complaints, such as the one reported on 14 May in the *Surrey Advertiser* of a woman who was refused entry to a bus because there were already two buggies on the bus, even though she offered to fold hers. As already noted, involving wheelchair users in bus design could also bring benefits.

This case raises the infrequent but highly disturbing incidences of rude behaviour towards bus passengers. Objective research confirms that these events occur. In our *Bus Mystery Traveller Survey 2009/10*, helpfulness of driver and consideration for passengers received the lowest rating at 66 points out of 100. We are aware that the more progressive bus operating companies are training drivers in people skills and are encouraging customer awareness among their staff, but there still persists a steady flow of complaints about rude and uncaring drivers. The actions of a few unfortunately reflect badly upon the great majority and can embarrass and distress passengers.

**13. Are there any considerations that should be taken into account in determining appropriate and effective sanctions against repeated breach of Conduct Regulations?**

Proportionality is an important principle here: the impact of any sanctions for operators should not be felt by passengers.

Any sanctions should seek to tackle the root cause of the relevant problem, not simply address the symptom.

**14. Do you have any general views on the consumption of alcohol on buses?**

The research we commissioned to inform our response to this consultation found that the most commonly witnessed examples of anti-social behaviour in the last 12 months included:

- people who appear to be under the influence of alcohol or drinking alcohol (34%)
- rowdy behaviour (33%)
- abusive or threatening behaviour (17%)
- people who appear to be under the influence of drugs or taking drugs (12%).

We asked passengers to think about the last time they witnessed a person under the influence of alcohol on a bus:

- 37% said that the person was actually consuming alcohol on the bus, 60% that they were not, i.e. that they were already drunk when they boarded the bus and had stopped drinking by then;
- almost two thirds felt that the person had been acting rowdily (64%);
- about a quarter said that the person was acting in an abusive or threatening manner (26%), they had feared for their personal safety (24%) or they wanted to get off the bus (23%);
- an equal number were bothered/not bothered by the person (41%);
- a slightly larger number thought the person was not interfering with or disrupting other passengers' journeys (46%) than thought they were interfering with them (35%);
- female passengers tended to have more concerns about their personal safety when on the bus with a person under the influence of alcohol than male passengers.

**15. Do you agree with the proposal to amend The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990; to introduce a ban on the consumption of alcohol and carriage of open container of alcohol on buses, in England and Wales?**

We agree with the proposal. Passengers overwhelmingly support a ban. As many of them recognise, this would be hard to enforce, which may render its benefits to be more presentational and symbolic, than effective at changing behaviour, but it sends an important message and may help to counter the perceptions of some passengers. And a simple ban would be easy to communicate: "no smoking or drinking of alcohol on this bus".

Five out of six passengers (85%) in England (outside London) support a ban on consuming alcohol on buses, 6% oppose the idea and 8% don't mind either way. Banning the drinking of alcohol may improve the image of bus travel in some people's eyes, and make others feel safer.

While we support a ban, we would not wish to overstate its likely effects. The contribution of the ban to preserving public order may be limited: many of the passengers who may be

drunk are likely to have done their drinking before they boarded the bus; gangs of youths can intimidate other passengers anyway, whether or not they are drinking.

It would be unfortunate indeed if the consequence of such a ban were to drive people off buses and behind a wheel themselves. However, in practice this is less likely to happen if the ban relates only to people who continue to drink during their journey.

And it may be difficult to enforce (see below for more details).

In any case, we note that operators already have powers to remove drunken and disorderly passengers from the bus.

However, on balance we support a ban.

**16. Are there any considerations that should be taken into account in introducing such a ban?**

Passengers are divided on the enforceability of such a ban. Four in ten (39%) think it would be easy to enforce, while a slightly larger number (44%) think it would be difficult to enforce. The reasons given were that:

- the driver is alone;
- there is too much for the driver to do/he or she should concentrate on driving;
- hard to enforce/difficult to do;
- would need a conductor/more staff/backup;
- people would not take any notice/listen;
- the driver would be putting themself at risk;
- bad behaviour/attitude of youths;
- easy to conceal alcohol;
- abusive/argumentative people;
- more police would be needed;
- bus drivers do not have authority to search/stop people;
- safety issues;
- drink culture/youngsters drinking;
- extra expense;
- lack of respect.

In London, a ban on drinking alcohol on public transport was introduced in 2008: we understand from Transport for London that the power has rarely been invoked in practice, but there has been a high level of compliance by passengers.

In research published recently by the Scottish Government into the views and experiences of those using buses once a month or less “participants expressed a desire to avoid waiting at stops in areas where people might be drunk, as they would not feel safe” (*Understanding Why Some People Do Not Use Buses*, Scottish Government Social Research 2010).

**17. Do you agree that proposed changes to the definition of ‘regulated public service vehicle’ in the Conduct Regulations, to include other European approved vehicles are a step in the right direction? If not, please state why and provide all the necessary supporting evidence.**

The Department is proposing to amend the definition of 'regulated public service vehicle' in the Conduct Regulations, to include other European approved vehicles. The Conduct Regulations impose specific duties on drivers, conductors and inspectors, with respect to disabled people rather than the general duties imposed by Part 3 of the DDA.

We support the proposal, which is designed to correct an oversight in the application of the regulations to remove anomalies in respect of the conduct of drivers and passengers.

***18. Do you have any comments regarding updating the Conduct Regulations in line with the smoking ban in Part 1 of the Health Act 2006?***

Smoking is already banned on buses. The Department proposes to amend the Conduct Regulations to bring them into line with this legislation.

The research we commissioned to inform our response to this consultation found that the 17% of passengers had witnessed examples of smoking on the bus in the last 12 months. Notwithstanding any difficulties in practice with enforcing the ban, the amendment appears to be procedural and uncontroversial, and we would support it.

***19. What other amendments to secondary legislation do you think might facilitate improvements to bus services?***

We have no further comments at this time.

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