

ENVIRONMENT AND COMMUNITY SAFETY OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 47

Brighton & Hove City Council

Subject: Local Transport Plan Progress Report 2008

Date of Meeting: 26 January 2009

Report of: Director, Environment

Contact Officer: Name: **Andrew Renaut /** Tel: **29-2474**
Paul Crowther **29-2479**

E-mail: andrew.renaut@brighton-hove.gov.uk
paul.crowther@brighton-hove.gov.uk

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 At its meeting on 10 November 2008, Members of the Committee asked for further information in respect of local public transport services, the role of the Traffic Commissioner, and an update on the Local Transport Act 2008.
- 1.2 The attached report seeks to answer those questions, and provide an update.

2. RECOMMENDATIONS:

- 2.1 (1) That Members note the report and its content.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

Current national policy framework

- 3.1 Members of the ECSOSC received additional information about the 1985 Transport Act and the role of the Traffic Commissioner following issues that were raised at the November 2008 meeting with respect to the operation of bus services in Brighton & Hove. These are attached for reference in Appendices A and B. Additional and new information is outlined below.

Future national policy framework – 2008 Local Transport Bill

- 3.2 The 2008 Local Transport Bill received Royal Assent on 26 November 2008, and has now been published as the Local Transport Act 2008.
- 3.3 The main aim of the 2008 Act is to encourage and facilitate improvements in bus services through varying levels of “partnership” between bus

operators and local authorities. The first level is described as a “Voluntary Partnership Agreement (VPA)”, which is, in effect, similar to the voluntary Quality Bus Partnership which exists in Brighton & Hove. The second level is called a “Quality Partnership Scheme (QPS)”, whereby the local authority introduces bus priority measures, but only allows bus operators who meet certain quality standards to use those measures. The final level, known as a “Quality Contracts Scheme (QCS)” is, in effect, the franchise model currently in use in London, whereby some or all of the existing commercial network is run under a contract to the local authority.

3.4 The Local Transport Act 2008 will give additional powers to the Traffic Commissioners. For example, if in future an operator is called to a Public Inquiry on the grounds of bus service unreliability, and that operator cites traffic conditions as the reason for unreliability, the Traffic Commissioner will have the power to call the Highway Authority to give evidence at the Inquiry. He may require the Highway Authority to state what actions they are proposing to remove bottlenecks, introduce bus priority measures, or any other actions to assist the bus operator in running a reliable service. Unfortunately there is no indication that the Traffic Commissioners will be given any increase in their current (considered to be inadequate) resources to carry out their functions.

3.5 The Local Transport Act 2008 no longer statutorily requires local authorities to produce a Bus Strategy. The Act also sets up a new representative body for bus passengers, and this role will be taken on by Passenger Focus, which already performs a similar function for rail passengers.

3.6 **Local issues**

A number of specific issues have been raised by Members of the ECSOSC. These are summarised below together with explanations.

3.7 **Responses to Specific Questions**

a) Getting best value from routes financially supported by the council

The council tenders every four years for its supported route network, following consultation. The Tenders are advertised in a local newspaper, in a national trade journal, and through the Official Journal of the European Union. Council officers monitor the financial performance of these routes.

b) Dealing with requests for bus companies to change to routes

Council officers work closely with bus operators in cases where requests have been made for route changes. In some cases these requests have been accommodated commercially; in other cases the city council has entered into “de minimis” financial arrangements with operators; in other cases there are operational or commercial reasons why the request cannot be accommodated.

c) Opportunities to reduce the numbers of buses in the city centre

There are two major constraints which shape the city's bus network : the London to Brighton railway line, which significantly restricts the number of suitable east-west roads crossing the railway, and the fact that there is no bus station in the city centre, nor any suitable network of roads within the central area that allow buses to turn round. Hence a very large number of bus routes are run as "cross city" routes, through lack of any choice, but this feature does provides passengers with the option to undertake convenient cross-city journeys, without the need to change buses.

The city council's Legibility Strategy, also referred to as the 'Public Space Public Life' Study', does identify the impact of the significant number of buses that use city centre corridors such as North Street to deliver passengers to key central destinations such as Churchill Square, and beyond.

d) Bus routeing

This is purely a commercial decision for bus operators. The role of the local authority is to review the commercial network, identify missing links which are socially necessary but not commercially viable, and, subject to budget availability, to seek tenders to operate these routes.

e) Lack of bus services along the length of the seafront.

This reflects the fact that operators currently consider that this route could not be run commercially given the other alternative east-west routes (Church Road/Western Road). The proposals for the future Rapid Transport System, linked to development opportunities, will address these issues.

f) Current bus service provision and patronage.

The current level of bus patronage within the city (39.4 million passenger journeys in 2007/8) gives us the second highest *per capita* usage in the country. In terms of the two statutory satisfaction indices (bus services and bus service information) the city's scores are the highest in the country. Car ownership in Brighton & Hove is the lowest in the south east (2001 Census data), and in many cases this is a deliberate choice, reflecting the comprehensive nature of bus services. Over 95% of the population live within 400 yards of a bus stop. With a service frequency of every 20 minutes or better, it is important that bus services continue to give passengers what they want, in order not to undermine these statistics.

4. CONSULTATION

4.1 There has been no consultation in connection with this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are no financial implications associated with this report.

Legal Implications:

5.2 There are no legal implications associated with this report.

Equalities Implications:

5.3 There are no equalities implications associated with this report.

Sustainability Implications:

5.4 There are no sustainability implications associated with this report.

Crime & Disorder Implications:

5.5 There are no crime and disorder implications associated with this report.

Risk and Opportunity Management Implications:

5.6 There are no risk and opportunity management implications associated with this report.

Corporate / Citywide Implications:

5.7 There are no corporate / citywide implications associated with this report.

SUPPORTING DOCUMENTATION

Appendices:

- A. Local Transport Bill, summary
- B. Deregulation and Traffic Commissioner

Documents In Members' Rooms

- 1. None.

Background Documents

- 1. Local Transport Act 2008, available on Office of Public Sector Information website (www.opsi.gov.uk/legislation).

ADDITIONAL INFORMATION - ECSOSC 10/11/08

Local Transport Bill – Summary

The Government is committed to ensuring that it is well equipped to meet not only today's transport challenges, but also those of ten or twenty years' time. The Local Transport Bill [LTB] is a key part of the Government's strategy to meet this commitment, empowering local authorities to take appropriate steps to meet local transport needs in the light of local circumstances.

If approved by Parliament, the LTB would:

- Give local authorities the right mix of powers to improve the quality of local bus services, as proposed in *Putting Passengers First* last December following an extensive bus policy review;
- Allow for the creation of an influential new bus passenger champion to represent the interests of bus passengers;
- Give local authorities the power to review and propose their own arrangements for local transport governance to support more coherent planning and delivery of local transport;
- Update existing legal powers so that, where local areas wish to develop proposals for local road pricing schemes, they have the freedom and flexibility to do so in a way that best meets local needs - whilst ensuring schemes are consistent and interoperable.

Consultation on bus partnership guidance and regulations

The LTB includes measures to promote more effective partnership working between local authorities and bus operators, including through voluntary partnership agreements and quality partnership schemes. The DfT has published a consultation on draft Guidance which it is proposing to issue, and drafts of Regulations which it is proposing to make, assuming the Bill receives Royal Assent.

Quality partnership schemes - draft regulations and guidance

The Quality Partnership Scheme model was introduced by the Transport Act 2000 as a means by which a local authority agreed to invest in improved facilities at specific locations along bus routes (eg, bus stops or bus lanes) and operators who wish to use those facilities agree to provide services of a particular standard (eg, new buses, or driver training standards). Under proposals in the Bill, quality partnership schemes would be able, for the first time, to specify frequencies, timings and maximum fares as standards of service. This could only be done where there were no "admissible objections" from "relevant operators". The Bill includes a power for the Secretary of State (and the Welsh Ministers) to make regulations defining the terms "admissible objections" and "relevant operators".

Further detailed information can be found on the DfT's website at :-

<http://www.dft.gov.uk/pgr/regional/localtransportbill/>

AJR 17 November 2008

ADDITIONAL INFORMATION - ECSOSC 10/11/08

Public Transport – Deregulation and the Traffic Commissioner

Background

The 1985 Transport Act privatised and de-regulated the bus industry, with effect from October 1986. Prior to this date all buses were operated by the public sector : through the National Bus Company (state owned), through Passenger Transport Executives (run by Metropolitan authorities), or through local authorities (such as Brighton, Eastbourne, Portsmouth, Southampton, each of whom had their own bus undertakings). From October 1986 these undertakings were either directly privatised (most being sold through management buyouts) or were set up as “arms length” companies, and subsequently sold.

Prior to the 1985 Transport Act a bus operator had to apply, to the Traffic Commissioner, for a Road Service Licence [RSL] to run a bus service. Once granted this, in effect, gave the operator a monopoly. Powers of objection were granted to existing bus operators, and to local authorities, and this was how some degree of control over routes was exercised by local authorities. The 1985 Transport Act abolished RSLs, and replaced them with a requirement to “register” local bus services. This was intended to introduce competition into the bus industry, by abolishing the monopoly inherent in the RSL process. There are no powers of objection to bus service registration, other than on the grounds of the intending operator “not being a fit and proper person”. Local authorities can no longer object on grounds of routes, stopping places, type of vehicle, or frequency.

Apart from privatisation and de-regulation, the 1985 Transport Act also put the bus industry under the control of the Office of Fair Trading [OFT]. The OFT has ruled that bus operators cannot run loss-making services and cross-subsidise them from profitable routes. It is for this reason that local authorities were set up as “tendering authorities”, to contract for the operation of socially necessary but unprofitable bus routes. The OFT has also ruled that local authorities must not act in an “anti-competitive” manner, which is why city council supported bus services have to charge commercial fares, to avoid “abstraction” of revenue from commercial operators.

Traffic Commissioners

The country is divided into eight “Traffic Areas”. Each traffic area has a Traffic Commissioner, who is appointed by the Secretary of State for Transport. The Traffic Commissioners are independent “quasi judicial” officials, most of whom

have legal qualifications. Their role is to receive and determine applications for Operator Licences, to ensure that registered bus services operate reliably and punctually, to ensure that vehicle maintenance standards are appropriate, and to ensure that Operator Licence holders continue to be “of good repute”, and have adequate financial resources. The Traffic Commissioner can call an operator to a Public Inquiry if the required standards are not met, and has a range of remedies available to him : from a public warning through to revoking the Operator Licence, and putting the operator out of business. Details of the Traffic Commissioners work is published through a fortnightly publication “Notices & Proceedings”.

Brighton & Hove comes under the South Eastern & Metropolitan Traffic Area, whose office is in Eastbourne. Until three years ago each Traffic Area was self-contained and autonomous, and dealt with all aspects of the licensing regime. However, the Department for Transport decided, in the interests of efficiency, to centralise all Operator Licensing and bus service registration activities to their office in Leeds.

This means that the “local” office now only deals with enforcement issues, and has a reduced level of staff. Additionally, the staff at the Leeds office are not organised on a “regional” basis, which means that there is not an obvious contact with whom officers can discuss local issues, either formally or informally. Officers do not consider that this overall arrangement is very satisfactory.

The Future

The 2008 Transport Bill is currently going through the Parliamentary process. If enacted in its current form it will, amongst other things, give the Traffic Commissioners greater powers. For example, if in future an operator is called to a Public Inquiry on the grounds of bus service unreliability, and that operator cites traffic conditions as the reason for unreliability, the Traffic Commissioner will have the power to call the Highway Authority to give evidence at the Inquiry. He may require the Highway Authority to state what actions they are proposing to remove bottlenecks, introduce bus priority measures, or any other actions to assist the bus operator in running a reliable service.

PJC/AJR

17 November 2008

