



Unite – the Union Scotland

Regulation of Bus Services Bill: A public consultation document

February 2009

INTRODUCTION

Unite - the Union represents around 200,000 working people and their families throughout Scotland. We are the UK and Ireland's largest trade union with 2 million members in a range of industries including transport, construction, financial services, manufacturing, print and media, the voluntary and non-profit sectors, local government and the NHS.

Unite represents thousands of employees directly employed in the Scottish bus industry from bus drivers, engineers, mechanics and office staff. Therefore, we warmly welcome the launch of this consultation document by Charlie Gordon MSP which seeks to improve the operation of bus services across Scotland and the conditions of those working in the industry.

SUMMARY

Unite is supportive of the following aims outlined within the Bus Regulation (Scotland) Bill:

- the simplification of the procedures whereby transport authorities specify local bus services and standards to help facilitate Quality Partnerships and Quality Contracts;
- addressing the inadequacy and market failure of some bus services across Scotland;
- authorising free bus travel for anyone in receipt of the lower rate of Disability Living Allowance, and their carer or escort;
- extending the current concessionary scheme to include community transport organisations, which operate bus services in predominantly rural areas where there are no commercial services, improving public transport access for older and disabled people and encouraging increased bus travel;
- protecting the employment conditions of bus workers affected by the competitive tendering process through an agreed Protocol to be agreed between the Scottish Government, COSLA and Trade Unions; and
- enhancing the role of local authorities and local community groups in the operation of bus services.

Consequently, we shall restrict our response to the questions in each section to the areas where our members are best placed to contribute to this consultation through their knowledge, experience and understanding of the bus industry.

LEGISLATIVE BACKGROUND SECTION COMMENTS

Unite believes that the Scottish Government and the Parliament should take steps to regulate the bus industry in order to ensure local authority control and to support an increase in bus passengers.

The previous Scottish Executive introduced the Transport (Scotland) Act 2001 which established systems for setting up formal bus Quality Partnerships (QPs hereafter) and bus Quality Contract (QCs hereafter) schemes. However, to date no QPs or QCs have been introduced and only voluntary partnerships exist. We believe that QPs and QCs can provide stability, service quality, cost controls and infrastructure improvement.

As the consultation document stipulates, a QP is an agreement between one or more local authorities, and/or the Strathclyde Passenger Transport Authority (SPTA), and bus companies operating within an area. It can also involve other parties, e.g. large employers, airport operators, and the Scottish Government where the scheme involves services operating on trunk roads. It can also involve financial or other contributions from third parties, such as property developers who are building along a bus corridor or bus stop manufacturers.

A QP requires each party to commit to deliver specific improvements aimed at securing better quality bus services in an area or along a bus corridor. This can involve improved infrastructure (local authority) and better vehicles or service improvements (bus operators). A local authority may only enter into a QP if it is satisfied that the scheme will improve the *quality* of local bus services and/or *reduce congestion* and *pollution*. Prior to implementing a QP a local authority must also hold a public consultation. Following the establishment of a QP the local authority must submit an annual report on its operation to the Scottish Ministers.

Local authorities, as the consultation document stipulates, can enter into voluntary agreements with bus operators, however, Unite agrees with the position of the Scottish Executive in 2002 when it considered that: *“The major benefits of statutory partnerships over voluntary ones are the enforceability of the commitments from the parties and the ability to exclude non-conforming operators from particular facilities.”*

A bus QC scheme on the other hand is a formal arrangement which involves one or more local authorities, and/or the SPTA, specifying:

- the *provision* of local bus services in the area;
- the *standards* to which they should be provided (e.g. frequencies, fares); and
- additional *facilities* or *services* (e.g. bus shelters).

Through the creation of a QC:

- the local authority grant a local bus service operator the exclusive right to operate the services to which the contract relates; and
- the operator undertakes to provide those services as specified in the agreement.

No other local bus services may operate in an area or corridor that is subject to a QC Scheme unless specified. The Act does allow for specified services to operate within the designated area without being party to the Scheme. This may include feeder services or longer distance coach services also registered as local services. However, it is for each local authority to determine within the proposed Scheme what, if any, exclusions should be allowed.

HOUSE OF COMMONS TRANSPORT COMMITTEE REPORT (2006)

It is also important to look at some the important developments in England and Wales as there has been in-depth analysis into the provision of bus services, which we can draw lessons and information from. The House of Commons Transport Committee in a report titled ‘Bus Services across the UK’ (18 October 2006) declared that the current system is *“clearly failing many non-core routes and the communities that depend on them. The current situation cannot go on”*.

A number of key findings were stated by the Committee including the following:

- QCs would provide Passenger Transport Authorities (PTAs) with the “*security and control*” required to implement efficient and desirable bus networks;
- PTAs are “*not confident*” that there will be a reciprocal commitment by operators but a way to ensure this are QCs;
- QCs would enable PTAs to develop an integrated network and the Department of Transport should revise the process with a view to making QCs “*easier to obtain*”;
- the threat of legal action by operators against PTAs who wish to introduce a QCs is “*tantamount to intimidation*”, and, a way should be found to indemnify PTAs;
- operators have a responsibility to provide a safe environment by investing in CCTV or by providing security personnel on particularly difficult routes for example; and
- the Office of Fair Trading view of buses not being in competition with cars “*is wrong*” and it “*must look again at the reality of competition on the road*”. Legislation as a result should be amended if necessary.

LOCAL TRANSPORT BILL 2008 (UK GOVERNMENT)

In response to the Transport Committee Report, the UK Government has since brought forward a Local Transport Bill. Under proposals in the Bill, a QP scheme would be able, for the first time, to specify frequencies, timings and maximum fares as standards of service.

After a partnership scheme has been established by the local transport authority (LTA) any operator providing local services in the relevant area would be free to join providing they give a written undertaking to the traffic commissioner that they will provide services to the standards specified in the scheme including: service timings, frequency and maximum fares and in exchange operators can use the facilities provided by the transport authority.

Further changes made by the Bill would mean that a QP scheme can also impose restrictions on the registration of new services or the withdrawal of existing ones. Where these restrictions are

included, the scheme must also include restriction criteria which the traffic commissioner must decide to accept applications to register new services, or to change existing ones.

The *Local Transport Bill 'Improving local bus services'* Draft Guidance (April 2008) states that there are two important reasons why operators might favour a QP:

- (1) it would ensure, as far as is possible, that effective bus priority and other measures required to enable bus services to be operated reliably are actually delivered, and, that provision, maintenance and enforcement survives any subsequent change in local authority policies; and
- (2) offers a degree of protection for an operator's investment, where guaranteed provision of bus infrastructure by local transport authority is "*matched by a high level of investment in service quality*" (including perhaps introduction of new high-specification vehicles).

The Draft Guidance states that under voluntary agreements an operator may undertake considerable investment in improving the quality of service provision which "*may be put at risk or undermined*" by another operator running low-quality vehicles ahead of the higher-quality vehicles provided as part of the voluntary agreement.

As a result, three key reasons are given why a LTA may prefer a statutory agreement to a voluntary agreement:

- (1) operators using the facilities must abide by the same conditions. In contrast, voluntary agreements may be "*diluted, or fail to deliver, because an existing operator refuses to provide a higher standard of service*";
- (2) under a voluntary agreement there is still "*no power to stop another operator providing lower quality services*". The enforcement powers which come with QPs and the potential to include registration restrictions "*may help prevent such an incursion*"; and
- (3) a LTA may wish to "*lever a higher quality of service*" from operators than it can obtain through a voluntary agreement.

The Draft Guidance also states that a LTA may include in a QP any facilities, either direct or ancillary, which it considers will improve the quality of services, or reduce or limit traffic congestion, noise or air pollution. This may include significant investment to provide a new bus station or an extensive network of bus lanes.

In this context, it is correct to reevaluate the Transport (Scotland) Act 2001 because the existing framework enshrined within the Act for a number of reasons has failed to facilitate either QPs or QCs. Unite believes that this can be partly attributable to many of the concerns highlighted in the aforementioned Draft Guidance such as bus operators having inhibitions about entering into a QP with a local authority as a rival operator may not adhere to the same criteria encapsulated in any agreement.

Unite also agrees with some of the conclusions reached by the 2005 Transport Committee Inquiry as to why there have been no QPs or QCs implemented. It was identified that there was 'little incentive' for councils and bus operators to enter into statutory QPs and that there was a lack of experience and expertise within local government regarding the development of these arrangements.

The process to signing a QC has also been viewed as unnecessarily cumbersome to the extent that local authorities are advised that such an agreement can only be implemented when Scottish Ministers are: *"satisfied that it is in the interests of the public to have a scheme, and in particular where the scheme is necessary to implement the authority's local transport strategy, produced after consultation, and where it will implement that strategy in a way that is economic, efficient and effective."*

The fact that Ministerial approval is required has been viewed as an impediment because a local authority and a bus operator can enter into an agreement in principle but that the relevant Minister may turn it down. Therefore, it could be considered that there are disincentives for local authorities and bus operators to enter into this process as the outcome is not within their hands; Unite believes that the objective and emphasis should be on removing barriers to the creation of QCs and QPs.

Consequently, Unite believes that strong consideration should be given to the aspect of Ministerial approval being removed if it so proves in the consultation responses that this aspect is indeed acting as an impediment to the implementation of statutory agreements. There is also the important aspect of enhancing the power of local authorities so that they are accountable and answerable to the local population for the delivery of bus services, which we believe to be an important tenet of this consultation document.

In the event that it is considered to be more advantageous to remove Ministerial approval for QCs this should not mean the Scottish Parliament has no input or role in bus services. Unite believes that consideration should be given to developing a resource network between local authorities themselves to share expertise and knowledge on the development of QPs and QCs, and, that this liaison should also be directly with the Scottish Government to overcome resource issues to help address the issue of lack of expertise.

While we accept that there will inevitably be up-front financial and resource costs to developing QPs and QCs these should be viewed in a wider context of the substantial economic and environmental benefits that will come with an improved bus transport system. Encouraging a shift from the private car to bus and rail services will play a key role in helping to cut carbon emissions from the transport sector. In 2006, 67% of commuters travelled to work by car or van, 14% walked, 12% used the bus, 3% by train, 2% cycled and 2% used other modes of transport (source: the Scottish Transport Statistics (No. 26 – 2007 edition). It is, therefore, vital that we address the issue of road traffic in Scotland because it is forecasted to grow by between 22% and 34% over the period 2002-2011 and it is also the second fastest growing source of emissions according to the Transport Scotland report titled '*Opportunities for offsetting carbon emissions on the Scottish trunk road network*' (2007).

The Department of Business, Enterprise and Regulatory Reform *Energy Trends Brief* (March 2008) also highlighted that the transport sector accounted for 24% of CO2 emissions in 2007 with 92% of this coming from road transport. Furthermore, while some 482 million passenger journeys were made by bus in 2006/07, which was the highest figure in a decade, the total

number of vehicles licensed in Scotland was almost 2.6 million in 2006, 32% higher than in 1996 according to Scottish Transport Statistics (no.26 -2007 edition).

In relation to the economic benefits which would accrue an uptake in bus usage a SPICE Briefing on 'Productivity' (January 2008) highlighted that improvements to bus infrastructure and less congestion would aid Scotland's efforts to improve our productivity levels. The paper highlights an OECD (2005) which cited "*the UK's clogged transport system as a key factor which has harmed productivity. The OECD report said that Britain has the most congested roads in the European Union adding to business costs, and making it difficult to reap the benefit of "just in time" production methods.*"

BUS OPERATIONS SECTION COMMENTS

According to the SPICE brief on Transport (May 18, 2007), *Moving into the Future: an Action Plan for Buses in Scotland* (December 2006) and the Scottish Transport Statistics (No. 26 – 2007 edition):

- Bus fares increased by 11% above inflation between 1995-96 and 2005-06;
- Local authorities spent £45M on subsidising socially necessary bus services during 2005-06, an increase of £20M from 1995-96, or, a 38% real terms increase at 2005-06 prices;
- Across Scotland the percentage of people using the bus for work is: Edinburgh - 26%; Glasgow and Dundee - 20%; Aberdeen -13%; and Rural Areas - 6%.
- Factors such as rural areas, population trends, levels of car ownership and the location of employment centres affect bus use. Between 1998-99 and 2004-05, regional changes in bus use have included:
 - no change in Tayside
 - an increase of 7% in Strathclyde and Grampian
 - an increase of 18% in Lothian.

With over 280 bus operators in Scotland, 6 of the operators provide 93.7% of the bus market in 2006 (Arriva (3.5%), First Group (39.6%), Lothian Buses (17.8%), Rapsons Coaches (3.3%), Stagecoach (26.2%), Travel Dundee (3.4%) and others (6.2%)).

KEY DEVELOPMENTS (SCOTLAND)

While no QPs and QCs have been put in place in Scotland there are, however, examples of voluntary partnership working between transport authorities and bus operators. *Moving into the Future: an Action Plan for Buses in Scotland* (December 2006) sets out a series of actions to improve bus services.

Key issues identified in the report include:

- personal safety/security concerns, late running, overcrowding and congestion which '*indicate that improvements in compliance and partnership are needed*';
- concerns about the provision in rural areas, the overall quality of bus services in West of Scotland, and, traffic management planning;
- the need to reduce emissions - a key strategic outcome in the National Transport Strategy; and
- the need for partnership working and consideration to implementing statutory quality measures to develop infrastructure and to support viable bus networks.

EAST OF SCOTLAND

In *Aberdeen*, a voluntary QP for Public Transport was signed by Aberdeen City and Aberdeenshire Councils, First Aberdeen and Stagecoach, which was updated in 2005. The agreement includes a Passenger Charter and over 20 standards and targets that cover all aspects of bus travel

In *Dundee*, the Public Transport Partnership Concordat was agreed in May 2004 by Dundee City Council, Tayside Police, Strathtay Scottish (Stagecoach) and Travel Dundee. Under the

Concordat, the Council delivers bus infrastructure and the operators complement this through a range of measures including a network review. In September 2005, the Council and Travel Dundee agreed to formalise arrangements through a Best Value Service Level Agreement, Bus Punctuality Improvement Partnership and a Public Transport Information Strategy.

In *Edinburgh*, bus passenger priority is provided along essential routes into the city on bus lanes called Greenways. A ring of park and ride sites are being developed round the city serviced by frequent bus services. The main bus station in St Andrews Square was refurbished; real time information is being rolled out on bus routes, a dedicated Bus Rapid Transit corridor forms part of a bus route and bus passenger priority is provided to Edinburgh Airport.

WEST OF SCOTLAND

There is considerable evidence of '*poor information*' that makes it difficult for passengers to know when buses actually run and where they go. A *Bus Quality Audit* noted, for example, that in the Airdrie and Coatbridge areas, only First Glasgow tended to post information at bus stops about its services, and Strathclyde Partnership for Transport (SPT) about its supported services.

Bus stances tend not to have bus flags making it '*impossible to know what route numbers are served at the stop*'. In Govan, the Audit found that the big operators provided good quality information but it was '*patchier*' among smaller operators. In Paisley, destination information ranged from good on the vehicles of Arriva and some better smaller operators, to poor and occasionally non-existent on others.

Also, deficiencies in bus infrastructure were found in Paisley due to a number of stops being located at cold and dark spaces, which many passengers were wary about using while in Renfield and Union Streets in Glasgow, narrow pavements and basic bus shelters provide an '*unattractive environment*' for bus passengers.

There were also examples of developing greater bus passenger priority such as *Streamline* in Glasgow, which provides priority lanes on key corridors and priority at traffic lights in partnership

with First Glasgow. However, the Audit found '*little bus passenger priority*' in Airdrie and Coatbridge, and, in Paisley there were few bus passenger priorities beyond the central area. Service provision also varies in many areas. The Audit for example comments that in Govan service levels drop in the evenings and on Sundays, and that in Cumbernauld – and Paisley – smaller operators will only provide a Monday to Saturday daytime service.

In terms of the quality of vehicles, the Audit noted that in Paisley most of the buses operated by the smaller companies were minibuses or midibuses, with some '*quite elderly and apparently in poor condition*'. There was also a mix of buses in Airdrie and Coatbridge – some new or low floor buses but also older vehicles that '*looked or sounded to be in poor condition*'.

RURAL AND SMALL/URBAN SCOTLAND

The Bus Quality Audit noted that for many people living in market towns the private car is an essential part of life and that car drivers preferred to use their cars because there were no time restraints. There was a recurring theme linked to the infrequency of buses.

For rural areas, such as in Angus, the Audit commented that there could be scope to develop something on the *Lincolnshire model*, with minibuses and demand responsive services feeding into the main road services on a regular basis at properly established hubs. In Dumfries and Galloway, the Audit recorded that the relevant Council was committed to public transport and prepared to work in partnership with bus operators and the Scottish Executive to raise service quality. The Council produced seven A5 bus timetable booklets covering its area including rail times (Source: *Moving into the Future: an Action Plan for Buses in Scotland* (Dec 2006)).

KEY DEVELOPMENTS (ENGLAND)

York produced a Bus Strategy with clearly defines aims, objectives, actions and a timescale for working in partnership through the Quality Bus Partnership. A key aim of the partnership is to ensure bus travel is the preferred mode of transport for journeys and that the routes are prioritised in the bus network.

Bus passenger priority measures, car restraint and infrastructure investment on these routes are all features of the strategy. The aspect of social inclusion is promoted through maintaining a wide network where service may be less frequent or provided by Demand Responsive Transport which links the less populated areas to the core routes.

In London, where a regulated system exists there was a 32% increase in bus passenger numbers between 2000-05. This figure accounts for 44% of all bus use in England. Some of the characteristics of the system are as follows:

- a demand management system for road space i.e. a congestion charge of £8 per day;
- effective bus priority measures exist;
- car-parking charges in the central area are perceived as high, making public transport use in the central area a real alternative; and
- Transport for London (TfL) has a strategic role that also covers highways.

In London, the Mayor and TfL have clear responsibilities, and have used their powers and resources to improve bus services and increase bus use. This has been done through, for example, researching and responding to customer preferences, introducing new routes, freezing fares and introducing a smart-card payment system. The Audit Commission Report *Delivery Chain Analysis for Bus Services in England* (Dec 2005) discovered that London had committed 31 pence per passenger journey compared with 11 pence in the metropolitan areas.

TfL also has clear responsibility and the contractual powers necessary to hold operators to account. It has implemented Quality Incentive Contracts, with bonuses and deductions, to provide operators with performance incentives. In contrast, those areas outside London, operators determine routes and fares subject to potential anti-competitive behaviour by the Office of Fair Trading (OFT), and, are accountable only to passengers for local bus services. The Audit Commission also established that while local authorities are accountable for their own local targets those outside London do not have direct influence over 80% of the services provided.

In this Scottish and UK wide context, Unite notes the comments of the Scottish Parliament Transport Committee in 2005 that in many areas *“the de-regulated market has provided benefits in the form of increased frequency of service, reduced fares, better vehicles and improved infrastructure. In these areas, voluntary quality partnerships have provided significant improvements”*. However, we would stress the point the Committee also reached in their conclusion which stated: *“it is clear that there are problems which remain to be solved”*, and, that *“as no partnerships have been developed to date, existing experience and expertise is limited”*.

Some of the aforementioned problems include the withdrawal of marginal services, particularly off-peak services, lack of coordination, an over-provision of services with inefficient competition on key corridors in certain urban areas, and, lack of provision in certain areas particularly rural areas. Unite, therefore, strongly contests that the situation identified in the “Bus policy Overview” of 2006 at best has not changed which means that major issues remain.

Unite’s view is further strengthened by various recent reports into the state of bus services in Scotland. In the Borders, Scottish Borders Council in November 2008 was contemplating reducing bus services by April 2009 reportedly as a result of high fuel costs and also a shortfall in the Council budget¹. There are other reported bus cutbacks to bus services in many areas across Scotland including in Edinburgh² and in Ayrshire³.

In February 2009, we note that there have also been bus services cutbacks in the Stirlingshire area announced by First Group, which local politicians said could have a major impact on social inclusion meaning that communities will now be left with only early morning and early evening services⁴. This specific story highlights the fact that local authorities are relatively powerless because under current rulings, bus operators under the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001, must inform the relevant local authorities of the start of a new bus service 14 days before making its application to the Traffic Commissioner. If a service is cancelled or altered, the operator must give 21 days’ public notice. The Glasgow Evening Times during a series of stories in the paper beginning from the 23 February has

¹ http://news.bbc.co.uk/1/hi/scotland/south_of_scotland/7732972.stm

² <http://news.scotsman.com/edinburghtransportplans/Aitken-tells-of-39anger39-over.4394843.jp>

³ http://icdumfries.icnetwork.co.uk/gallowaynews/news/tm_headline=bus-services-may-come-to-a-halt&method=full&objectid=22297785&siteid=77296-name_page.html

⁴ <http://www.stirlingobserver.co.uk/stirling-news/local-news-stirling/news-stirling/2009/02/06/fury-over-first-bus-cutbacks-51226-22865540/>

highlighted a number of issues pertaining to Glasgow's bus services including congestion and highlighted that around 42 bus companies were operating in the city centre⁵. The paper itself argued that "*re-regulation is a must*"⁶.

The voluntary examples previously referred to also unequivocally demonstrate that there is a need for bus regulation because there are no stipulations and criteria on what should be incorporated as a minimum including the environmental conditions of vehicles. Only QPs and QCs can provide the security required to achieve the improvement in standards and the provision of bus services, and, to provide the assurances bus operators require for the level of investments they will undertake to improve vehicle fleets and infrastructure. Consequently, under such arrangements, Unite believes that the work of the Traffic Commissioner in Scotland would be greatly assisted by the introduction of QPs and QCs because for example the ability to restrict the registration of new services or withdrawing existing ones would be enhanced based on the criteria stipulated within QPs and QCs.

Unite also believes that through local authority input into the organisation of bus services there would be an opportunity to improve the co-ordination of bus services with other modes of transport in particular ferry and rail routes. This would help to ensure that all forms of local transport are working in an integrated manner helping to support connectivity, the quality of local services and in turn an uptake in using various modes of public transport.

Furthermore, we wish to state that we are supportive - in principle - that there is 100% provision of fully accessible buses in Scotland before the 2017 deadline set by the Disability Discrimination Act 2006. We believe that such an aspiration would help promote bus usage and ensure that all bus vehicles are of the most modern standard which would inevitably have positive knock-on effects such as environmental benefits.

Finally, it is important to draw attention to the point made in the consultation document with respect to the issue of driver and passenger safety. Unite has a litany of examples where our

⁵ http://www.eveningtimes.co.uk/search/display.var.2491372.0.were_the_solution_not_the_problem.php

⁶ http://www.eveningtimes.co.uk/opinion/display.var.2491383.0.opinion_buses_are_not_the_answer_to_congestion.php

members, and indeed members of the public, have been subject to physical and verbal abuse. We know that the incidence of such abuse can be higher on certain bus routes in particular, therefore, it is our strongly belief that there is merit in CCTV cameras being used as standard on buses and that this could be stipulated within a statutory QP or QP for the benefit of not only bus industry workers but the public.

PUBLIC FUNDING FOR BUSES SECTION COMMENTS

The consultation document points out that the Scottish Government's funding for the Bus Service Operators Grant (BSOG hereafter) covering financial years 2008/09, 2009/10 and 2010/11 in real terms was £61.2m, £59.6m and £58.0m respectively. Additionally, the Scottish Government's funding to reimburse bus operators for participation in the national free travel scheme, covering financial years 2008/09, 2009/10 and 2010/11, in real terms is £187.5m, £184.4m and £181.5m respectively. In 2006/07 Scotland's Council's also spent £45 million in procuring subsidised services.

Unite believes, in keeping with the efforts to promote local democratic accountability, that there is a case for disaggregating the BSOG to Councils. The consultation document is correct to identify the fact that the Bus Route Development Grant, the Rural Transport Fund and the Demand Responsive Transport Grant have been transferred to Councils. Consequently, we believe that there is merit in the BSOG being disaggregated.

BUS POLICY SECTION COMMENTS

Unite strongly disagrees with the assertion referred to within the consultation which is that *"greater regulation of buses facilitated by the Transport (Scotland) Act 2001 has never been taken up because bus users and local authorities are in the main, satisfied with current bus services and standards."* As the previous sections in this consultation response have highlighted there is an inconsistent approach to bus service provision where voluntary partnerships exist and where they do not.

There are persistent examples of market failure identified in *Moving into the Future: an Action Plan for Buses in Scotland* (December 2006) and a fact acknowledged by the Scottish Parliament Transport Committee when it concluded that “*it is clear that there are problems which remain to be solved.*” These problems are mirrored in England and Wales. Therefore, what is clear is that there are unresolved and outstanding issues in bus service provision which need to be addressed because the expectation that QPs and QCs could have assisted in this process have not materialised, which is why it is important to re-evaluate the position as it stands.

Unite agrees with the objective of the Bus Action Point 9 “*In order to support franchising where there is market failure, review the legislation on QCs to simplify the process to be followed by transport authorities*”. We believe that the process to facilitating QCs should be simplified if it is considered that in doing so would assist the implementation of such agreements. However, we would also wish to articulate that as much emphasis should be placed on facilitating QPs which can perform a valuable role in improving infrastructure, providing improved vehicles, service improvements, and reducing congestion and pollution.

Consequently, we would support the endeavours to review the current legislation as Action Point 10 stipulates, which is also a primary function of this consultation document. As stipulated throughout the consultation response, there remains a great degree of ambiguity, incohesiveness and uncertainty in the bus industry in Scotland despite the introduction of the Transport (Scotland) Act 2001. Unite, therefore, strongly supports the objectives of this public consultation and we believe it is an opportune moment to resolve these outstanding issues.

FREE BUS TRAVEL SECTION COMMENTS

Unite wishes to state that it is supportive of the principle that those in receipt of the lower level of Disability Living Allowance are included in the concessionary travel scheme. Such an extension may also help change behavioral patterns with respect to encouraging an increase in bus usage and assist in the promotion of social inclusion. It is for these reasons, as previously stated, that Unite is supportive of the aspiration that there is 100% provision of fully accessible buses in Scotland before the 2017 deadline set by the Disability Discrimination Act 2006. Additionally,

Unite agrees that extending existing legislation should also be considered to include community transport and demand responsive transport teams in the concessionary travel scheme.

BUS WORKERS SECTION COMMENTS

The consultation document is correct to highlight that competition between commercial bus services can result in redundancies for bus workers employed by operators who lose out to competitors. A major concern for Unite is the issue of 'off the road' competition which arises from competition between different bus operators trying to win a competitive tendering contract. This can result in certain bus operators competing on the lowest-cost basis which has negative side-effects on the quality of vehicles, pay levels of staff, and the terms and conditions of the workforce not to mention the environment potentially. Therefore, Unite would strongly contest on the basis of improving the quality of services that a multitude of factors should be incorporated within QP and QCs including workforce issues such as criteria stipulating that there must be access to a pension scheme for the workers.

As stated in the consultation document, if QPs and QCs as provided under the Transport (Scotland) Act 2001 were to be implemented, there is a potential impact on jobs. In a QP a bus operator who does not sign up to the agreed criteria should be refused registration by the Traffic Commissioner. In essence, bus operators seeking to use enhanced infrastructure without committing to the enhanced service standards of bus operators who have signed up to the QP would be prohibited from assessing such infrastructure and facilities. This obviously has potential implications for staff.

Unite, therefore, welcomes the specific proposal that bus workers who lose out in any competitive tendering process should receive similar protection to those who are employed in the rail industry and that this could be part of an agreed Protocol covering the Employment Rights of Bus Workers between the Scottish Government, Cosla and the STUC. Presently rail services in the UK including Scotland are procured through competitive franchising and the employees of a pre-existing train operator which is unsuccessful in its franchise bid are protected by relevant transfer of undertakings legislation. We believe the same rights should be afforded to bus workers.

CONCLUSION

Unite warmly welcomes the consultation proposals on the operation of bus services and the conditions of those working within the industry. We believe that the consultation could be a springboard for legislation which will provide an enhanced role for local people and local authorities in shaping bus services within their communities.

It is clear that the status-quo is no longer sufficient and we can not leave the provision of bus services exclusively to the private market. We must take action to address persistent examples of market-failure where services are non-existent or scarce after certain times, particularly in our rural communities. Unite believes that the consultation document is designed to ensure that Scotland has the best possible bus service provision and that we can attract and retain people within the industry. There are also many positive implications such as encouraging more people to use buses instead of their cars, helping to alleviate road congestion and lowering carbon emissions which could have huge benefits for the environment, social inclusion and the economy. We would urge all political parties to work constructively together on a matter of national interest.

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