

## **BSWB 12 - Evidence from: Bus Users UK**

Senedd Cymru | Welsh Parliament

**Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee**

**Bil Gwasanaethau Bysiau (Cymru) | Bus Services (Wales) Bill**

### **1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?**

Bus Users UK is cautiously optimistic about the future of bus services in Wales. The general principles of this Bill are potentially good news for bus passengers and we welcome the desire to improve services and put the interests of passengers at the heart of the political debate. We also welcome the commitment to secure bus services that will be accessible, available and affordable to more members of society, and we recognise the description of the Bill by Cabinet Secretary Ken Skates MS as “one of the most important pieces of legislation that we have taken through - to give better options for the whole of our country”.

While there is much talk in the Bill about designing services to benefit the passenger, there is unfortunately little mention of consultation with passengers to provide services that meet their needs.

Statutory partnerships could deliver most of the aims of the Bill and would give operators a stake in improving services over and above any contractual obligations that would follow under a franchising arrangement.

### **2. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

- Part 1 - Key concepts and general objectives (sections 1 to 4)**

Section 4 sets out the objectives and while we welcome these, there is nothing specific around consulting with passengers to determine what they want and need from a bus network in order to travel sustainably. We also note the objective to improve the reliability of bus services. Numerous studies and reports have

recognised that congestion is a major challenge to reliability. The Senedd Economy Infrastructure and Skills Committee report published in 2017 - Taming the Traffic: The Impact of Congestion on Bus Services - made one single recommendation that "As a matter of urgency, Welsh Government should develop and publish an action plan to set out how it will tackle the impacts of congestion on the bus industry in Wales". However, there are no plans within this Bill to tackle congestion nor to introduce bus priority measures to improve service reliability. We would call for an additional objective to tackle the impacts of congestion on bus services in order to provide reliable, predictable journeys for passengers.

To reduce greenhouse gas emissions caused by public transport, there will need to be significant investment in upgrading bus fleets to more sustainable forms of energy along with the infrastructure needed to achieve this.

Our main concern is the availability of funding to achieve these objectives.

### **3. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

- Part 2 - Functions of the Welsh Ministers relating to local bus services (sections 5 to 20)**

We welcome the requirement of a 'Welsh Bus Network Plan' setting out the local bus services that are required for the purpose of securing a safe, integrated, sustainable, efficient and economic bus network in Wales (Section 5). We also welcome the duties to consult with a wide range of stakeholders (Section 6) as well as all those representing the interests of bus users. This is crucial in order to avoid any unintended consequences of changes to services, for example timetable changes that leave hospital staff unable to get to work in time for the start of their shift. Welsh ministers will be reliant on support to develop the bus network plan from TfW and local authorities. Meaningful engagement with communities to shape the development of the Bus Network Plan is essential to avoid this becoming a tick box exercise.

Sections 7 & 8 refer to review and revision of the Welsh Bus Network Plan and section 20 refers to reporting periods. While we welcome consultation on any changes, the timescales quoted for review (2 years for the first report and 4 years for any subsequent reports) are too long. Initially, reviews should take place

annually and then bi-annually to ensure networks are fit for purpose and meeting the needs of passengers.

Sections 9-10 cover Local Bus Service Contracts but there is no mention of the requirement for an operator to have a complaints policy. We would recommend the inclusion of this together with a requirement for operators to nominate an appropriate Alternative Dispute Resolution (ADR) body to which passengers can escalate a complaint in the event of a deadlock with the operator. If it is intended that complaints are to be handled by TfW, then the appointment of an ADR body will be vital to ensure appeal complaints are dealt with independently.

Sections 11-16 refer to local bus service permits and while no timeframe is quoted, section 12 indicates that the permits have to have a valid from date and an expiry period shown on the permit. The remaining sections cover the processes for application, revocation and grounds for appeal.

Section 17 suggests Welsh Ministers could provide a local bus service if they are satisfied it would be a more effective way of fulfilling that duty than entering into a local bus service contract. It is unclear under what circumstances such an award would be made.

#### **4. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

- Part 3 - Restriction on providing local bus services (sections 21 to 24)**

We welcome the fact that the Bill recognises the important role played by community transport services. The exemption for these services will enable demand responsive transport to continue alongside, but not as part of, a franchised network in a zone. This is crucial to ensure that passengers who are unable to access the main bus service corridors, are not excluded from using public transport.

We are funded by Welsh Government to provide one full-time and two part-time Bus Compliance Officers across Wales. While their primary role is to monitor the punctuality of bus services, they are well-placed to identify any local bus service in contravention of section 21 and report it to the Traffic Commissioner for Wales to consider whether regulatory action is appropriate.

## **5. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

- Part 4 - Information and data (sections 25 to 31)**

Section 27 refers to a duty to secure information that is available to the public.

Accessibility of information is vitally important. Not everyone has access to technology, or lives or travels in an area with strong WiFi coverage. Some passengers will find it difficult to access up-to-date information on timetables, services, disruptions and alternative services. It is essential that information is available through multiple channels including by phone and in print, to ensure no one is excluded.

Bus Users UK in Wales employs one full-time Bus Compliance Officer (BCO) covering South East Wales and two part-time BCO's covering West Wales and North Wales who conduct on board and roadside punctuality monitoring. They provide reports for the Traffic Commissioner to consider whether further action is necessary, and to various TrawsCymu delivery group meetings. The document does not mention bus punctuality compliance monitoring which is an important function in helping to improve punctuality across Wales.

## **6. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

- Part 5 - Local authority powers and duties (sections 32 to 34)**

This section covers local authority powers and duties and refers to technical amendments to the 1985 Act. We welcome the fact that local authorities can continue to provide funding for community transport. These services perform a vital role by ensuring that anyone unable to use mainstream services can still access public transport.

## **7. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?**

- Part 6 – Miscellaneous and general (sections 35 to 44)**

These sections cover TUPE arrangements for staff and other miscellaneous matters. We welcome the legal protection of workers' rights and have no other comment on these sections.

## **8. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?**

One of the barriers to accessing public transport is the streetscape, examples of which are highlighted in the Coventry University for National Centre for Accessible Transport report. This has particular relevance when considering changes to bus networks as the distance to stops and the availability of crossings for example, can make it difficult, if not impossible for some people to access services.

<https://www.ncat.uk/wp-content/uploads/2024/12/ncat-The-barriers-to-streetscape-access-Highlights-Report-Accessible-PDF.pdf>

SMEs and community transport operators deliver many excellent services for passengers across Wales but may not have the central office functions necessary to bid for contracts. Initial support through the bidding process may be needed until they develop the expertise required.

## **9. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)**

The powers in the Bill for Welsh Ministers to make subordinate legislation appear to be appropriate.

## **10. Are any unintended consequences likely to arise from the Bill?**

We know through the experience of rail franchising that passengers often expect to see immediate change when, in reality, it can take several years to deliver noticeable improvements. A fully franchised network in Wales is not expected until 2030 and there is no indication of what funding will be available to provide

services during this time. It will be vital, therefore, to manage passenger expectations and communicate clearly throughout the process in order to retain the trust and support of the public.

There is no mention in the Bill of The Rights of Passengers in Bus and Coach Transport (Amendment etc.) (EU Exit) Regulations 2019 (formerly the European Bus and Coach Passenger Rights Regulations). These provide additional rights to passengers in certain circumstances

<https://www.legislation.gov.uk/ukssi/2019/141/made>

Franchising can provide great services for bus passengers but it comes at a significant cost. TfL's accounts for 2023/24 show the total cost for buses, streets and other operations was £3.643m while income from fares etc was £2.705m. The difference was made up from grant revenue

<https://tfl.gov.uk/corporate/publications-and-reports/annual-report>

According to Scottish bus operator McGills, the cost of providing bus services in Greater Manchester would be £226m per year with the costs for Strathclyde

£400m per year <https://cbwmagazine.com/manchester-experience-should-be-a-warning-says-mcgills/>

The funding model for bus services in Wales requires an overhaul. The costs of operating services increase year on year due to wages, fuel, vehicle upgrades etc. There is no evidence to suggest that franchising will reduce these costs. If passenger numbers are to increase by any significant margin, bus services must be quicker, more reliable and more accessible and this can only happen by introducing bus priority measures and reducing congestion.

There is nothing in the Bill specifically about asking communities what services they need which will be critical to ensure services will be used and to mitigate against unintended consequences from planned changes.

Passenger involvement in the design and testing of services, particularly by those most vulnerable to social isolation, is a necessity to ensure the network is fit-for-purpose and that journeys will entail minimal changes/connections.

The available budget is not clear. There is no mention of measures and targets for services required in order to determine required budget, nor any value-for-money indicators.

There is no mention of how the proposals are intended to tackle congestion or air quality issues.

There is no information regarding a passenger charter or any terms of conditions of travel. This needs to be published before the start of operation of services.

There is no mention of the potential of a franchising scheme to fail and what the process would be in that eventuality. This could lead to passenger fears that any franchised scheme that is poorly run would result in diminishing standards, frequency levels and services.

There is no information about how the new provision would be intended to appeal to occasional travellers or part-time workers.

## **11. What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?**

Table 8.8 on page 92 outlines that transition costs for years 1-5 total £217m. Of this £178.3m relates to depot acquisition, £13.8m in staffing costs and £25m in IT systems and other costs. However, there is no mention of where this funding is coming from, nor any value-for-money criteria applied to these purchases.

It is not clear what would happen, for example, to an operator running services across the border in England, or one with a large private hire/Coach contract to provide long distance coach services, or in the event of an alternative purchase proposal from a retailer who might require the sites for a new store.

We are concerned that the risk factors identified on pages 94 to 98 are quite alarming in particular the financial risks around revenue volatility and operating costs being higher than anticipated due to higher inflation in key cost categories such as energy, fuel and staffing.

This could lead to difficult decisions having to be taken around reducing or even cancelling services to balance the books. It would be a disaster if the result of franchising was a contraction rather than an expansion in services

## **12. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?**

Complaint handling and ADR: A clear, detailed complaint handling procedure is required. This will enable passengers to understand who they can address their

concerns to, the timescales involved and, in the event of deadlock, details of an independent panel which can adjudicate on the matter as an alternative to legal action.

**Role of BCOs:** Bus Compliance Officers conduct roadside and on-bus monitoring of the punctuality of bus services across Wales. More clarity is required around this function and how it fits into the proposed franchised scheme.

**Passenger Standards Agency:** At present in Wales, complaints about bus services are dealt with initially by the bus operator. In the event that a complaint reaches deadlock, it is referred to Bus Users UK which is the only ADR body certified by the Trading Standards Institute for complaints about bus and coach. Where it is not possible to resolve a complaint, the matter is heard by the appeal panel which issues a decision based on the available information. The Bill provides an opportunity to establish a 'Multi Modal Passenger Standards Agency' for Wales - a one-stop shop for passengers across transport modes.

**England Bus Bill:** One of the features of the England Bus Bill is the mandatory training of bus drivers around disability awareness and assistance. We know through our research and work with disabled people that awareness and assistance when travelling is nowhere near what is needed or expected. A similar clause to that of the England Bus Bill would improve transport accessibility and services across Wales.