

OPERATIONAL SERVICES
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**TORFAEN
COUNTY
BOROUGH**



**BWRDEISTREF
SIROL
TORFAEN**

Your ref/Eich cyf:
Our ref/Ein cyf: BJC/CJ/P180
Date/Dyddiad: 26 September 2008

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Dear Sir

**CONSULTATION
PROPOSED PROVISION OF BUS & COACH SERVICES LEGISLATIVE
COMPETENCE ORDER**

Further to your consultation request on the Legislative Competence Order relating to the provision of bus and coach services in Wales as proposed by Huw Lewis AM, the matter has been considered and a response on the questions posed is enclosed for your consideration.

Yours faithfully

**Councillor B John Cunningham MBE KSG
EXECUTIVE MEMBER
OPERATIONAL SERVICES**

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Consultation – Proposed provision of Bus and Coach Services Legislative Competence Order

1. Do you agree with the principle that legislative competence for “the provision of bus and coach services” in Wales should be conferred on the National Assembly for Wales?

The Principle should be cautiously adopted

Please give the reasons for your answer.

Torfaen would agree that affordable, high quality and a comprehensive network of local bus and coach services is vital to the social, economic and environmental well-being of the communities across Wales. It welcomes the opportunity to discuss and consider the potential benefits that could well be delivered, and indeed supports with its fellow Authorities within the Sewta regional transport consortia the aim of the National Assembly for Wales to create a fully integrated public transport system (Wales Transport Strategy). The principle itself should therefore be supported at this stage.

In considering the legislative competence one must be mindful of the provisions contained within the Local Transport Bill which do confer the ability to introduce the changes needed to establish an improved provision for the arena of local bus and coach services.

Indeed the Regional Transport Plan that is under development by the Sewta Consortium under provision of the Transport (Wales) Act, aims to encourage modal shift along the regions strategic corridors into the major settlements of the Wales Spatial Plan, as well as working with groups such as community transport to manage social exclusion experienced by any Local authority residents.

The LCO aim of providing additional powers if required to engage in a process of quality contracts is welcomed and it is envisaged will benefit the travelling public.

2. If you agree with the principle, do you think that the wording of the proposed legislative competence order is correct, or do you think it is too broad or too narrow?

Currently somewhat broad, and it mirrors some capabilities available under existing powers.

Please give the reasons for your answer.

The wording of the LCO is very broad at this embryonic stage and will require attention to the detail as how the order can be practicably implemented in conjunction with the bus operating companies, and other local authority partners of cross boundary routes.

3. Do you think that the National Assembly for Wales should be given competence over some or all of the exceptions listed above in relation to the provision of bus and coach services in Wales?

As in (1), but also in detail as follows

Please give the reasons for your answer.

The 'exceptions were listed as follows

- Regulation of the use of motor vehicles and trailers on roads, their construction and equipment and conditions under which they may be so used, apart from regulation use of vehicles carrying animals for purpose of protecting human, animal or plant health, animal welfare or the environment.
- Driver licensing
- Drivers Hours
- Public Service vehicle operator licensing

The above exceptions have potentially national significance and as such require a consistent approach across the UK. The reasoning being that if a vehicle entering Wales and being compliant with regulations in England be exempt from any 'Measures' as passed in Wales. If this is the case such cross border trade will mean that any 'Measures' would prove difficult to both enforce and monitor.

4. What are your views on the main objective of the proposed LCO which is to introduce a bus franchising system in Wales?

The LCO is indicated to be along the lines of a franchising system as implemented by transport of London TfL I am not sure that direct comparisons may be possible between the two systems and indeed I am not certain of how the income from the underground contributes to offsetting costs or otherwise on the road network and bus transport system.

There is also the Legislative question as to how the All-Wales Concessionary bus pass would be integrated operationally and financially into any such cross-border travel arrangements, and how the "value" in monetary or other terms of any such journeys for the Over 60's, people with Disabilities and their carers, and any other social / age groups which may benefit in the future, would be equitably divided according to journey length, and between different Public Transport operators and service providers such as those with Social Services, Health Service or Ambulance responsibilities. Guidance as to whether this should be tackled at this stage, or form the basis of separate, but allied Legislation would be useful.

Consistent application across Regional Transport consortia areas in Wales will be crucial for obvious reasons.

It is my understanding that London benefits from stronger and more specific traffic regulation control and delivery arrangements, such a no parking on footways (outside of London this is not an offence) Red Routes, Congestion Charging. All of which free the network of unnecessary obstruction and facilitates Public Transport as a real alternative to the private car.

In taking on a franchising option what commitments must the local authorities make in preventing obstructions to these franchised networks over and above the Traffic management act for ensuring that all modes do not face unwarranted obstruction and how will any such improvements will be funded, both for Local Authorities facing the physical cost and time constraints arising from engineering works and legislative Traffic Regulation Order and LTSG Bus Subsidy Contract changes, and those costs / timescales faced by operators when both LA's and Operators enter into any associated Bus Quality Partnerships, or indeed Contracts. The provision of quality partnerships/Contracts is already available under current legislative powers but, in the main, the lack of sufficient funding to develop them has been an issue. This cost commitment must be addressed by the National Assembly for Wales whether the LCO is successful or not.

It is however noted that there maybe parts of Wales that do not benefit from good service provision as received by some Authorities in the form of new vehicles, good passenger information and indeed a frequent service. As such there may be the need to secure resources and powers to influence changes that may be necessary, as in the absence of such the overall effect maybe limited.

In short, the principle of partial or complete re-regulation of bus public transport highlights clear theoretical benefits which Torfaen would welcome: however, it is likely that finalised arrangements in Wales will differ to those in London due to differing geography and topography, and differing social travelling patterns.

5. What are your views on the use of the proposed LCO to provide the Assembly with the necessary powers to improve school transport safety?

Torfaen welcomes and supports all opportunities for any improvement in road user safety to be delivered.

There is a wide range of school transport provided to pupils from taxis to school buses in the form of public service vehicles and contract coaches and minibuses.

It is therefore important to identify if all pupils and to what age are to be accommodated, otherwise the proposed LCO will have gaps in its provision and hence producing a rule for one and not the other. (or "inconsistencies across geographical, service regulation, finance and Auditing / enforcement / or Performance Indicator reporting and comparison areas will arise"). There may be resource implications to ensure consistency of quality in service delivery over a range of vehicle fleets: this point should not be overlooked.

To conclude, it will be crucial that any new powers and responsibilities must be adequately resourced, in order that expectations raised by the Order can be meaningfully delivered.