

Information

for County Councillors

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From:	John Perrett, Service Manager – Transporting Somerset
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Relevant SLT Director and sign-off date:	Paula Hewitt, Deputy Chief Executive Lead Director for ECI & Director of Commissioning 16.08.2022
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Date:	16.08.2022
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To:	All County Councillors
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Local Bus Service Registration Process

The 1985 Transport Act replaced the nationalised bus network across the country allowing privately owned bus companies to run profitable services and giving Local Authorities the duty to subsidise non-profitable services in their areas.

The Act allows commercial bus operators to determine the route, times, and fares of the services they believe are viable and it is then the responsibility of Local Authorities to provide funding to enable provision of bus services where they deem these to be socially necessary.

Subsidised bus services are provided in two ways. Firstly, through an open tender process where the operator who provides the best overall bid wins a contract to operate a service for a fixed period, or secondly through de minimis contracts, which allow the Local Authority to use up to 25% of its overall bus service support budget to enhance an existing commercial bus service to provide more journeys or extensions to the commercial route into areas the operator does not deem to be viable.

Bus operators also receive payments from the English National Concessionary Travel Scheme (ENCTS) which is administered by Local Authorities in line with Central Government guidance on payment in lieu of revenue forgone by passengers using their free bus passes.

The operation of local bus services is regulated by the Traffic Commissioner (TC) appointed by The Department for Transport (DfT). The TC oversees the safe and effective operation of bus services, granting licences to bus operators (Operator

Licences) and the registration of Local Bus Services. Somerset is overseen by The Traffic Commissioner for the Western Traffic Area.

The Traffic Commissioner has significant powers to both grant and revoke Operator's Licences, to bring operators to account for poor maintenance or unreliable services and to remove the reputations of a qualified transport manager, a requirement in order to gain and hold an operator's licence. The TC also oversees the registration process for Local Bus Services.

Operators need to give notice of any changes to their network of bus services including adding new or amending/withdrawing existing services. These changes are notified through the registration process. In addition they must provide information such as their Operator's Licence number, head office address and contact details, the route the service is going to take down to street level, the start and finish point of the route, whether the route will serve all bus stops or only certain stops, that have to then be listed, the route number and when the new service or revised timetable is due to commence. A map of the route also needs to be provided and the operator must confirm which Local Authorities it has consulted with and whether any Local Authority is providing a subsidy for the service.

The bus service registration process takes 70 days and falls into two parts:

1. A 28-day period for consultation with the Local Authority. This allows the Local Authority time to consider the implications of the new/revised/withdrawn timetable, suggest changes or negotiate possible intervention such as de minimis funding to put back or enhance any changes.
2. A 42-day period to allow the Traffic Commissioner to accept the registration, record the details and grant the registration to the operator.

The registration also needs a proforma signed by the Local Authority to confirm that the Local Authority has received the registration and any comments it wishes to add, such as concerns about the proposed route from a safety perspective or whether the service could affect other services already being provided in certain circumstances.

The proforma also allows the Local Authority to support a short notice application which in some cases can be shortened to a matter of days in certain circumstances (i.e when a short notice change is in the public interest).

There is no specific duty on the operator of a commercial bus service to consult directly with passengers, however the 42-day registration period is intended to be used by operators to publicise their new or revised timetables in advance.

Local Authorities cannot object or prevent changes to Commercial Bus Services (unless on the grounds of safety i.e unsuitability of roads to be used etc), but the 28-

day period does allow time for negotiation and intervention by offering to provide subsidies or to look at replacement where a service is being totally withdrawn.

Bus Service Improvement Plan (BSIP) – Enhanced Partnership

The recent introduction of Somerset’s Enhanced Partnership Plan and Scheme which all operators have now signed up to, introduces a further requirement that when making changes to bus services included within the Enhanced Partnership Scheme, bus operators will consult with the Bus Advisory Board and take into account any comments made by the Board.

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