

QUESTIONS FROM MEMBERS OF THE COUNCIL
Wednesday, 8 November 2017

1. QUESTION FROM COUNCILLOR HANNAFORD
Re: Transport Commissioner

What is the role of the Transport Commissioner in relation to Devon County Council?

What relevant current data does DCC hold on these matters?

REPLY BY COUNCILLOR CROAD

The Traffic Commissioner's office is part of the Department for Transport. With regard to local bus service operators, the Commissioner administers the system of Public Service Vehicle Operator licensing. Operating licences are not linked to specific bus routes.

All local bus services must be registered with the Traffic Commissioner. Any bus company with an operating license may register services and must give the Commissioner fifty-six days' notice of any intention to start, alter or withdraw a service. A copy of the registration must also be sent to the relevant County Council.

Provided a duly licensed bus operator gives the required service details - basically the route and timetable - and the service is eligible to be registered, the Commissioner has no power to refuse or delay a registration. He has no role whatsoever in allocating or approving routes or timetables.

By means of published Notices and Proceedings, the Commissioner indicates all those registrations which have been accepted. This Council monitors Notices and Proceedings so as to ensure that all copy registrations have been correctly received. (Bus company compliance in Devon is currently 100% - infringements are extremely rare.)

The Council has no right to object to any registration on grounds of not agreeing with, for example, a service change or withdrawal. The sole grounds for complaint relate to traffic hazards, in which cases the Traffic Commissioner may impose a Traffic Regulation Order (These are unusual – it is understood there have been two Orders since 1986).

2. QUESTION FROM COUNCILLOR HANNAFORD
Re: Bus Reliability

How does Devon County Council monitor bus reliability with the providers?

What relevant current data does DCC hold on these matters?

REPLY BY COUNCILLOR CROAD

Under the basic legislative framework, the County Council is not the statutory authority with regard to local bus service operations and has no powers of enforcement.

This Council, however, does monitor some bus services in two contexts:

1. In the case of subsidised services, to ensure contract compliance. Monitoring is mostly in response to specific customer complaints but also consists of both planned and random on-road observations.

2. An annual bus punctuality survey as required by the Department for Transport. This takes the form of a sample period monitoring of services in three urban areas - Exeter, Barnstaple and Newton Abbot - using data from real time systems and on-street observations. The results are reported to DfT.

“Reliability” in this context is purely an operational term and is not concerned with the extent of the network, scheduled service frequencies, route coverage or timetables.

3. QUESTION FROM COUNCILLOR HANNAFORD
Re: Fines and Sanctions for Poor Reliability of Bus Services

What fines and sanction are available for poor reliability of bus service?

What relevant current data does DCC hold on these matters?

REPLY BY COUNCILLOR CROAD

The Council has no powers to fine or otherwise sanction bus companies in the event of poor reliability - apart from in the case of subsidised services, where, in cases of non-compliance with contract specifications, contracts allow for formal warnings where appropriate or ultimately termination of contracts.

The most recent contract termination for non-compliance was in February 2016.

On 126 current local bus service contracts there are 4 formal warnings in place.

The Traffic Commissioner has powers to fine or, ultimately, remove the operating licence from any bus company seriously and persistently failing to operate services as registered. Through the Driver and Vehicle Licensing Authority, a Bus Compliance Officer leads a team of on-road inspectors which may respond to issues referred by local authorities or the public. However, this resource appears to be rather limited, inspections are not common and actions for unreliability are rare. The Council does not keep records of Traffic Commissioner actions, but they are published in Notices and Proceedings.