



Improving Public Transport White Paper

WG36240

Newport Transport
Response March 2019

Newport Transport

Newport Transport is a private limited company trading as Newport Transport Ltd with the bus network branded under Newport Bus. The company's registered office is 160 Corporation Road, Newport, South Wales, NP19 0WF.

Newport Transport was founded in 1986 following the 1985 Transport Act and 1986 Regulations.

Previously the Borough of Newport Transport department which was under the direct control of the Local Authority Newport City Council operating in the road passenger transport market providing bus services and related functions in the Newport specific area. The 1985 Transport Act established Newport Transport Limited as an "arm's length" company with the Local Authority as the sole shareholder. The Company has achieved a stable market position in the confines of the Newport City area and extended regionally into Cardiff, Monmouthshire and Torfean to establish a comprehensive bus network for its customers.

Before this the company operated electric trams and before that operated horse drawn trams. So has a very long and established presence in Newport as the preferred choice for public transport.

The company currently operates 101 buses, 4 coaches, 3 DRT low floor Minibuses and 16 minibuses.

Operating 48 routes regionally the company provides a network of services based on a "customer first" ethos.

Sustainability is always key to the company with a clear vision on the environmental impact of the business we operate 214 solar panels along with numerous recycling initiatives. The company is looking into with the help of a successful DFT ULEV bid for 10 electric buses to operate within the network.

The company believes the way to halt the decline in bus patronage and therefore encourage modal shift is to work in partnership with all local and national stakeholders to deliver a sustainable and viable public transport option to using the car. This will aid the reduction in increasing congestion levels, optimize public transport viability, lower operating costs and provide a sustainable and environmentally optimal solution to keep people moving around Wales efficiently and reliably for work, leisure and shopping.

Specific Responses

Joint Transport Authorities

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services? Yes/No? Please explain your answer.

It is essential that all local authorities be actively part of the evolution of public transport in Wales, as they hold the key to improved infrastructure.

Bus corridors do not stop at council boundaries and many bus operators deliver services that cross over these boundaries resulting in a very complicated and challenging environment to potentially deal differently with each of the 22 local authorities in Wales.

Collaboration and joint working can only benefit the delivery of a sustainable and effective bus infrastructure allowing operators to provide an efficient and reliable network of services to its customers.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

Option two we believe is far more deliverable due to the differing needs of the urban and rural environments in Wales which demand different regionally based solutions.

The structure whether 3 or 4 JTA's controlled or guided by a national JTA, ensuring the ability to have joined up programmed sustainability between regional JTA's, to ensure the national objectives are being established and achieved, is key and a definite improvement on the cumbersome 22 local authority provisions we currently endure.

Q3. Is there another organisational structure for JTAs that we should consider? Please describe.

The suggested JTA proposal appears to be the best way forward and we are not aware of any better option currently in practice.

The JTA in order to work effectively must have sufficient funding, resources and authority to deliver the key improvements at a regional level, with key performance indicators being agreed and presented to the national JTA to provide assurance and good governance.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

We do not believe that Welsh Ministers would be best placed on the JTA boards as they should ultimately provide an oversight and a high level of strategy to the national JTA board.

The makeup of the JTA boards should come from the collective stakeholders that form an interest into achieving excellence in public transport and not local councilors that may or may not simply move for changes that satisfy political needs.

The representation on the JTA boards is essential for individual and combined success both regionally and nationally and needs to be very carefully considered.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

The Minister should be fully involved in setting the policy and objectives of the JTA, but should inevitably sit outside the JTA bodies. The Minister needs to be the arbiter.

If this is not achieved, then a completely separate appeals procedure would need to be set up.

Q6. Is the proposed division of national and regional functions appropriate?

Policy should be set and controlled nationally via common beneficial themes such as air quality or congestion reducing measures as obvious examples.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

All aspects of providing a sustainable public transport system should potentially be considered for delivery under the jurisdiction of the JTA from land planning to road infrastructure. Each JTA should initially set up a scoping exercise to identify exactly what benefits they need to see in their specific area given the differing nature of rural and urban environments.

Enhanced Quality Partnerships

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working? Yes/No? Please explain your answer to this question.

Partnership working is the optimum way to best deliver improved bus services via a genuine partnership with responsibilities placed on all parties to deliver on their individual commitments and has been demonstrated to provide best results. That said the current legislation places too much emphasis on the bus operator and not an equally defined expectation on the local authority. While the bus operator delivers new improved fleet and higher frequency of services and nothing else is being achieved by other parties then the whole EQP collapses to the detriment of the travelling public.

For example, if the delivery expectation is to improve punctuality of a service and the bus operator completes their investment but nothing is done to recognise or alleviate congestion or improve infrastructure on the route then the bus operator is left with potential financial penalties while the local authority has no such penalty, this is simply unbalanced and not sustainable.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs? Yes/No? Please explain your answer to this question.

Yes, agree with the concept and process for creating EQP's should involve all interested parties including the local bus operator to identify key objectives of the EQP and the resulting KPI's.

However, it is vitally important that SME's are fully involved in and can influence the local EQP development and outcomes.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services? Yes/No? Please explain your answer?

No, franchising would not deliver an improved bus network for passengers. 90% of bus users in Wales found their bus services to be satisfactory or very satisfactory, this indicates that there is not a lot wrong with the commercial regime currently being provided.

Franchising should be an absolute last resort when all other options are fully and properly exhausted.

While we understand fully why it is required to be in the options for Welsh Government, we cannot see any use of this option that would deliver any better than a proper thought through working partnerships between all relevant stakeholders.

This nuclear option raises the risk of SME bus operators to have wholesale demolition of their companies without thought or compensation and for what benefit. There are plenty of good examples of partnership working around the UK that clearly demonstrates the need to exhaust all other avenues of working before taking the Welsh bus industry down this road and significant unnecessary cost to the tax payers.

Examples of franchising in the bus market in the UK show us very clearly the cost of operation and the losses being incurred.

So much more could be achieved if congestion for example was dealt with properly thus creating a comprehensive and sustainable bus network for the future within a partnership approach.

Q11. Do you think there should be a requirement for the assessment to be subject to an independent audit? Yes/No? Please explain your answer.

Yes. This is very important, given that AMs have already spoken in favour of "reregulation" without seeing any evidence of its appropriateness in a Welsh context. There are examples in the UK where this option has been significantly explored and dismissed.

Any movement towards franchising should be open to an independent external audit, measuring whether the franchise is achievable, affordable and sustainable.

To ensure total transparency of the motivations for better bus services is the overarching desire and not just control for control sake.

Q12. Do you have any other comments on the proposed process for franchising?

Processes designed to ensure fairness on such a sensitive topic are unlikely to be speedy or cheap. The Nexus proposal failed because it was shown to be fundamentally flawed. It is perverse, in our view, to change a system because of its painstaking nature.

The threat of franchising hanging over a local bus business will have significant effect on the investment plans and service improvements. Why should any bus operator invest if they have the potential for their business to be taken away from them in a franchise environment.

The consequence of going down the franchising route might potentially see bus operators deregistering services at 56 days' notice thus causing more problems for Welsh Government than it considers the benefits may be.

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

We would not wish to see a franchise market in the first place as it would not deliver on the needs of the travelling public and add significant cost to the currently over stretched financial budgets.

If a franchise arrangement is in place after a full and proper audit of the process, then we believe that a local authority should not restrict the issue of permits as in many cases these may be operators looking to improve existing bus services. Franchising should not dampen the wish to improvise and experiment in new services.

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process? Yes/No? Please explain your answer.

Yes.

The SME operators in Wales form a very important part of a larger jigsaw of bus services especially in rural Wales, therefore their involvement is critical.

Over the years, the London system has become very unattractive to SMEs because of the highly complex nature of the contracts. Any authority planning a franchising system will need to analyse the potential market when defining a policy on SME participation.

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

This is a very challenging question and demonstrates well the potential problems moving down this path without fully exploring and trying other options such as EQP's.

How will a local authority stop operators simply walking away from their services giving the required 56 days' notice to deregister their business if they see no future within a franchised system? There may be significant local costs in replacing the services prior to a franchise being introduced. This risk is increased in the rural arena where SME's are heavily relied upon.

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)? In what circumstances do you think this would be appropriate?

What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no local authority has an unfair advantage in a deregulated market, and why?

This is a difficult question to answer as this company is wholly owned by the local authority.

Local authority owned bus companies under the 1985 Transport Act must operate at arm's length from their owning authority. While this concept may mean different things at different levels it is essential that the companies are operated free of local political control and ideologies with a clear independent board with proper governance to achieve a transparent commercially operating business.

Where the local market has failed to satisfy the local needs then the authority should be allowed to examine the possibility of running bus services, but we believe that this should also be subject to a local external audit to ensure best use of public funds.

Q17. Do you think that local authorities should be able to set up arm's length companies to operate local bus services? In what circumstances do you think this would be appropriate? What, if any, safeguards to you think should be put in place with arm's length bus companies to ensure that no local authority has an unfair advantage in a deregulated market, and why?

The same answer applies as given at question 16.

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fare pass with a woman's pensionable age? Please give reasons for your answer.

Providing there is no change for existing concessionary pass holders this proposal should be achievable as we recognise the significant investment made under this scheme.

Q19. Do you agree that an incremental change is the most appropriate method?

Yes.

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets? Yes/No? Please explain your answer.

Yes.

We have no problem in principle. Please minimise duplication of effort, and the costs of developing more than one system to do the same thing. Any cost of producing this data differently to that which the operator produces currently should not be borne by the operator.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process? Yes/No? Please explain your answer.

Yes, providing this data is used to benefit of the bus user's needs. We can see no reason for withholding this information if it is used for the specific purpose for which it is provided.

Taxis and Private Hire Vehicles (PHV's)

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales? Yes/No? Please explain your answer.

Yes. Taxis and private hire vehicles can play an important role in the local public transport offering. It is not unreasonable to expect such vehicles to adhere to a national set of standards including accessibility and air quality.

Q23. Are there any matters which you would like to see contained in any national standards?

As part of the public transport offering in an area, we would like to see any standards applied to buses such as air quality, accessibility, driver standards I.e. DBS checking also applied to taxis and private hire vehicles. By applying national standards, we should see an overall improvement in the public transport system in Wales which forms the basis for this consultation thus giving the travelling public a consistent travel experience from every type of operator.

Q24. Are there any matters which you think should be excluded from any national standards?

Nothing comes to mind; however early consultation of any proposed changes would be welcome.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

As stated in the response to question 23 above there needs to be a reasonable transition period.

Q26. What would be the best approach for determining the content of national standards?

With any change the best way to proceed is to involve all interested parties in open discussion covering all objectives and aspirations of the change to ensure a reasoned evidence-based outcome for the benefit of customers.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

No further comments at this point.

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer.

See response to question 29 below.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer.

In both question 28 and this question we believe it will be a function of the JTA to set the regulations within which the local authorities are able to suspend or revoke a licence.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions

Whatever enforcement regime is adopted it must ensure that there is a level playing field for all providers of local public transport services including bus, rail, taxi and private hire, together with a transparent appeals procedure from the start.

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared? Yes/No? Please explain your answer.

Yes, we believe that a pan Wales system is essential for allowing a full exchange of data between relevant parties. Safeguarding certificates held by an individual must be transferable between any business that person works for. There should be no need to issue new and separate certificates each time an individual change employer. This coupled with the increased administration burden placed on operators as working with numerous local authorities for DBS checks makes this a difficult and time-consuming task.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

See question 31 above.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)? Yes/No? Please explain your answer.

Yes, we believe that this should become a function of the new JTA structure perhaps devolved to regional delivery boards.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)? Yes/No? Please explain your answer.

No this should become a JTA function delegated to its local boards.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

Nothing further to add.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

See response to question 37 below.

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

We wonder why question 36 and 37 are present as we believe these issues are covered by the Welsh language legislation currently in place.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them: Please enter here:

We outline below several areas where we believe it would be better to direct resources to solve current issues providing many of the improvements to local bus services aimed at in this Improving Public Transport white paper.

Congestion

This problem which is increasing costs to the bus industry simply to maintain reliability is one area if addressed could result in so many benefits for the local urban areas, including environmental benefits in the reduction of cars in city centres reducing the risk of an increase in harmful emissions. The misconception that it is the bus causing most of the harmful gases is simply inaccurate as demonstrated by the study completed by LOWCVP that shows car as being the major polluter.

The reduction of journey time required on a route means less vehicles therefore less costs, more reliable services, more passengers, less cars and so on.

The bus provides a viable and sustainable option to the car and could be the answer to so many problems associated with congested city centres.

Funding

Funding currently in Wales is provided to the industry on a year to year basis with no defined ability to financially plan our business effectively with clear vision.

If funding was to be provided on a 3/5/7-year basis bus operators could financially plan so much more resiliently, and investment opportunities would be better justified and delivered.

Integration with land use planning and parking enforcement

There needs to be a better more efficient land use planning process where public transport providers are involved in planning decisions to ensure that all future developments are public transport friendly.

Residential developments should be built to accommodate buses with spine roads developed to a standard to allow bus operation. Developers should be made to pump prime local bus services as a first stage in the development in order to influence future travel patterns.

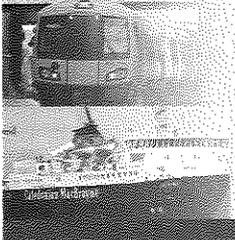
Enforcement of parking restrictions and bus priority schemes should be part of a wider aim to promote the benefits of better public transport. A policy to adopt to reduce car-based travel and promote bus-based travel to town centres would give so much benefit and sustainability.

Customers

Where is the customers point of view in this consultation, it talks about process and structure but what appears to be lacking is a clearly defined need for a bus users charter to seek the views of not only bus users but those that need to be tempted out of their cars and what that would look like.

The future of public transport to sit as part of the overall solution to the future transportation needs of Wales is essential as all we are seeing is increased congestion, less investment, leading to inevitable passenger decline.

The ability to achieve something radical for Wales delivering sustainable public transport solutions around the conurbations is a one-off chance to do something right, lets do this together with all stakeholders for the benefit of Wales.



National Union of Rail Maritime and Transport Workers



Ken Skates AM
Minister for Economy & Transport
Welsh Government
5th Floor, Tŷ Hywel
Cardiff Bay
CF99 1NA

Our ref: R11/9/19

26th March

Dear Ken

Taxi and private hire vehicle (PHV) policy

I am writing to you on the above aspect of your ministerial responsibilities to request that the RMT is included in all consultation and stakeholder work relating to your administration's reform to taxi licensing legislation and future reform of any other law governing taxis and PHVs operating in Wales.

RMT organise a significant number of members working as Hackney Cab drivers, predominantly in Swansea and Neath. It is essential that their voice is heard so that the Welsh Government's taxis and PHV policies develop in a sustainable and balanced manner.

We note with interest the proposals for national standards governing the licensing of taxis and PHVs operating in Wales and **this letter is the RMT's official submission to the *Improving Public Transport White Paper* published in December.**

Firstly, we are concerned that any proposals for harmonisation of regulatory standards for taxis and PHVs risk negative consequences for taxi drivers and the taxi trade. The questions posed in the White Paper regarding the introduction of national standards are extremely broad. The union and its members are reluctant to support a 'one size fits all' approach to regulating taxis and PHVs in Wales.

Conversely, the livelihoods of Hackney Cab drivers can suffer disproportionate impact, compared with that of PHV drivers, from the increasing regulation of vehicle emissions. There may be some benefit to national standards that recognise the additional cost and regulatory burden currently placed on Hackney Cab drivers as the Welsh economy moves to low-carbon fuels and vehicles. Our



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members in the Hackney cab and taxis trade must not be the victims of the need to reduce greenhouse gas emissions from public transport vehicles in Wales.

The direction of thinking demonstrated in the White Paper's questions around licensing and enforcement are of concern. We accept that the damaging effects on the Hackney cab trade from the Coalition Government's *Deregulation Act 2015* are what motivates the Welsh Government's actions in this area, and we are keen to continue working with your administration to ensure that any new legislation has the support of our members.

It is a worry, however, to see licensing and enforcement proposals which do not discriminate between Hackney Cab and mini-cab drivers, when the two services and skills sets are markedly different. For oversight and operation of that reformed regulatory framework to be transferred to the hands of a new Joint Transport Authority, as proposed in the White Paper, runs further risk of detriment to our members' interests and livelihoods.

Subject to strict adherence to General Data Protection Regulations, we look forward to the proposals resulting from the White Paper consultation on information sharing between local authorities in Wales, particularly around safeguarding.

As you will be aware, the Westminster Government has begun a series of consultations around taxi and PHV policy, based on the recommendations of the 'Task and Finish Group' Chaired by Professor Mohammed Abdul-Haq. RMT members across England will also be affected by these reforms. As such, our members and their union are in a good position to analyse the evolution of taxi policies in Wales and England, to the benefit of taxi drivers and the traveling public in both countries.

Working with RMT taxi members, RMT Group AMs in the Wales Assembly and the Government of Wales, I am confident that we can develop a mutually beneficial working relationship on taxi policy which results in the proportionate and effective regulation of the taxi trade which we all seek.

I look forward to your reply.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mick Cash', with a stylized, cursive flourish at the end.

Mick Cash
General Secretary



Response to the Welsh Government's consultation White Paper on Improving Public Transport

Q1) Do you agree that it is important for local authorities to work together with regard to local bus services? Yes/No? Please explain your answer to this question.

Yes.

Passenger journeys are not confined to within local authority boundaries. It is therefore essential that local authorities work together to ensure a seamless service for communities, rather than adopt a silo approach to bus services.

Q2) Please provide comments on the proposed organisational structures. Which is your preferred option and why?

Bus Users UK would support Regional Joint Transport Authorities (JTAs) for which there is a strong case, provided that an adequate and sustainable source of long-term funding is made available to ensure that the JTAs are effective. We would suggest a minimum 5-year funding package is agreed. Making regional working a statutory requirement as part of JTA arrangements would give regional JTAs the security to act in the interests of passengers.

Roles and responsibilities need to be clearly defined to ensure that the governance and accountability is clear, that there is no duplication and, above all, that the interests of the individuals and communities served by ensuring their required daily journeys are provided is paramount.

A national JTA would appear to duplicate existing roles within Welsh Government and serve no practical purpose.

Bus Users UK is happy to work with Welsh Government and other partners in developing the White Paper and Guidance to set out future JTA arrangements and to ensure that due weight is given to passenger representation in such a structure.

Q3) Is there another organisational structure for Joint Transport Authorities that we should consider? Please describe.

Bus Users UK supports the Regional JTA approach with strong links to the various City/Region deals that exist across Wales to deliver the Wales Transport Strategy for the benefit of individual passengers and communities.

Q4) Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

If the overarching requirements of the JTA structure is that it is an arm's length body, then Welsh Ministers should not be involved in the committee structures. Instead, a reporting and feedback mechanism needs to be agreed. The clear missing component here is passenger representation, which could be fulfilled by the chairing of the overarching body by Wales' passenger champion, Bus Users UK, with the secretariat role revolving between JTA's, to ensure independence.

Further clarification needs to be provided regarding the process for action by ministers, as s/he also has powers to step in where it is perceived that a JTA is not functioning as it should. There needs to be measurable and specific guidelines which should be used to determine when a JTA is failing and an open and transparent process for next steps which may be taken.

Q5) Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

Guidance should be taken into account but bus services are a local issue and the detail must be determined locally to avoid a one-size-fits-all approach.

Wales is a diverse Country with city, urban and rural areas. It is very important that recognition is given to the fact that what is appropriate for a city may not be appropriate for a rural area. When decisions are made regarding the granting of powers and issuing guidance and instructions, these will need to reflect the diversity and rurality of each area and avoid a single model being forced on all.

If Welsh Ministers are to have powers to be able to intervene in the event of a JTA failing to exercise its functions, the proposed legislation will need to set out the exact circumstances under which this intervention will take place and its terms and conditions. It will be necessary to lay out clear guidelines on who, at what stage and how will it be determined that a JTA is failing to exercise its functions effectively. What format will the intervention take? How long will the intervention be applied for? What length of time will the intervention last? What are the circumstances under which the intervention can be removed? What would the appeal process be?

Bus Users UK would be happy to be involved in discussions around developing these guidelines.

Q6) Is the proposed division of national and regional functions appropriate?

No, not in its current form. Please see responses to questions 1-5 which set out the thoughts of Bus Users UK.

Q7) Should any other transport functions be transferred to a JTA? Please describe.

Yes, the consultation is aimed at Improving Public Transport. It is therefore appropriate to assume all public transport functions and resources would be pooled under a JTA.

Q8) Do you think that legislation is required to secure the benefits of enhanced partnership working? Yes / No? Please explain your answer to this question.

No. Passengers do not really think about what mechanisms are in place, they simply want their bus services to be affordable, accessible, reliable and run to time.

The Transport Act 2000 laid down the original legislation for a local authority to establish a Partnership Scheme, supplemented by the Local Transport Act 2008.

Bus Users UK supports enhanced partnership working to deliver a sustainable bus network that meets the needs and aspirations of passengers. We consider the best way to achieve this is through co-operation between bus operators, Councils and passengers to work together to deliver a transport/bus network that works for all parties and connects people and communities with the places they need to access.

Q9) Do you agree with our proposals for Enhanced Quality Partnerships, in particular the proposed process for developing and making EQPs? Yes/No? Please explain your answer to this question.

Bus Users UK is concerned that whilst Enhanced Quality Partnerships can work well on strong commercially viable networks, we have reservations about how EQPs could work well for more rural, marginal services which are predominantly operated by smaller operators in Wales.

We have seen elsewhere in the UK, in particular in Liverpool and the West Midlands, that the Bus Alliance model / Quality Partnership Agreement between an operator, local authority, passengers and other stakeholders is seen as the most practical way in which the necessary improvements in local bus service provision, sought by passengers and potential passengers, can be achieved.

For any scheme to succeed there needs to be political buy-in to provide necessary measures to tackle congestion with appropriate bus priority measures, enforcement of illegal parking at bus stops and along bus lanes, and coordination of utility works to reduce disruption to passengers to a minimum. This will include strong measures designed to reduce private car use.

Welsh Government may wish to give consideration to introducing a Workplace Parking Levy, a charge on employers who provide workplace parking. Nottingham City Council successfully introduced such a scheme to tackle congestion and provide funding for improvements to public transport.

Passengers want an easy-to-understand network with a simplified fares and ticketing structure; better service frequencies during the daytime with services operating 7 days a week from early morning to late evening to accommodate our changing work and lifestyle patterns; bus stops and shelters with clear information; and raised kerbs to facilitate access to buses.

Q10) Do you think that the proposed scheme provides a more workable option for the franchising of local bus services? Yes / No? Please explain your answer.

No. Bus Users UK is concerned about the funding requirement that a franchising network will require and whether this will be available or indeed sustainable. We live in a climate in which we are continually encouraged to do more with less. As the settlements from Westminster to Welsh Government have become tighter, so the pot of funding available to Local Authorities has reduced, requiring cuts to the services they provide being made in order that they can maintain their statutory services provision. Since 2012, a number of local authorities have cut their revenue support for bus services and in some cases have removed their support completely. The impact on individuals and communities has been devastating and an increase in social isolation with the attendant costs is inevitable.

Financial settlements in future years are predicted to be challenging with further pressures on budgets, and our concern is that franchising would be unsustainable as the model requires intensive ongoing capital and revenue investment in order to be an improvement on the current mixed funding regime.

Decisions would need to be taken on where resources are targeted. With limited or no additional funding, frequencies would need to be reduced to release resources to improve service levels to other parts of the network. This could lead to a reduction in the amount of income generated, as the previously strongest revenue-earning services with reduced frequencies will be less attractive. This could lead to a decline in usage and revenue which will not be offset by the revenue from the newer services that have been set up. Similarly, if frequencies on the core network are maintained, additional funding would be required to meet the establishment of other services. Minimum service provision standards and ring-fenced funding would be essential as exit from a franchising scheme is near-impossible.

The London model of franchising is often used as an exemplar of bus services provision, but there are significant differences to bus services in Wales. Buses are far more efficient serving areas of high population density and there is a greater density of population in London than Wales. Population density according to the 2011 Census in Greater London is 5,227 per km, in Wales, the average is 148 per km. The proportion of households without a car in London 41%; in south east Wales it is 24.7%. Public funding per head of population in London (excluding concessionary fare reimbursement) at over £71 per capita is around 7.5 times higher than in Wales. It should also be noted that ridership in London has fallen steadily since 2014 so this model is no panacea.

In common with any industry that loses its business as a result of government policy, it should also be taken into consideration that the bus industry in Wales may seek compensation as a result of the creation of a franchising scheme.

Bus Users UK is also concerned that one of the main issues for passengers and, indeed, bus operators and others is congestion. Franchising will not address this without a host of other measures being brought into play.

Q11) Do you think there should be a requirement for the assessment to be subject to an independent audit? Yes / No? Please explain your answer.

Yes. Good governance would dictate that an independent audit of the rules and procedures carried out by the respective local authority are undertaken. This would ensure that local authorities are complying with the relevant legislation, and also resolve any disputes that might arise between the relevant parties. Of particular interest to Bus Users UK would be the protection of passengers' rights and requirements.

The proposal by Nexus in 2015 for a Quality Contract Scheme in Tyne and Wear was reviewed by the Traffic Commissioner for North East England before being submitted to the independent quality contracts board. It would be prudent for The Traffic Commissioner for Wales to perform a similar role in determining the merits of any franchising proposals being prepared by an authority in Wales.

Q12) Do you have any other comments on the proposed process for franchising?

There currently seem to be no benefits proposed and no consultation involved so no comment is possible.

The Bus Services Act 2017 introduced new powers for mayoral combined Authorities in England to create a franchise system for their local bus networks. Transport for Greater Manchester is currently undertaking a feasibility study to explore franchising. This has taken a great deal of time and budget and thus far no public consultation has been involved so it does not inspire confidence.

Q13) Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

Bus Users UK is concerned that the Consultation is silent on the terms and conditions and length of duration of the permit. There is the potential that different franchising authorities could implement different interpretations resulting in inconsistencies arising between neighbouring franchising authorities. The impact of this could lead to fragmented services. If franchising in any form is to be considered, there needs to be a common set of standards, requirements, terms and conditions in place to ensure fairness and consistency. Interconnections and multi-modal ticketing will need to form part of these requirements

Q14) Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process? Yes/No? Please explain your answer.

Yes. The franchising model for London ensures that operators, regardless of size, are not disadvantaged in the process being able to bid for single services as well as a whole network. Wales has a variety of operators reflecting the diversity of requirements ranging from one-bus operators and small, family-owned independents, to publicly-owned and municipal operators. Franchise contracts need to reflect this diversity in recognising the differences between operating bus services in rural, semi-rural, suburban, urban and city areas, in order to ensure a seamless travel option for all residents in Wales.

Q15) What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

The concern for Bus Users UK would be if an existing operator of commercial services who was unsuccessful in becoming the operator of the replacement franchised bus service, then decided to cease operating the service.

Administrative procedures and bridge funding would be required to operate interim services of at least similar quality and frequency.

Q16) Do you think that local authorities should be able to run bus services directly i.e. in-house services? In what circumstances do you think this would be appropriate? What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no local authority has an unfair advantage in a deregulated market, and why?

Yes. Bus Users UK believes it would be in the interests of communities if Welsh Ministers made special provision for local authorities to take temporary control of service provision in an area where there is wholesale withdrawal by commercial operators. Regulatory authorities would need to be tasked with ensuring that sufficient discs are available in a timely manner to plan and deliver replacement services. This would serve to reassure communities whose residents fear the complete loss of transport options when a main operator announces a large withdrawal of service.

Municipal bus operations have had a record of excellent service and financial success in many towns across the UK. This model requires oversight by the local authority and a level of financial openness to ensure that their services break-even, and that any surplus is reinvested into better services or necessary development. The systems used are easily accessed and no reinvention would be needed to set up a robust system.

It may also be that local needs can be met by flexible and innovative community-based services, combined with home to school and/or adult care needs on a more cost-effective basis than the private sector.

Q17) Do you think that local authorities should be able to set up arms length bus companies to operate local bus services? In what circumstances do you think this would be appropriate? What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no local authority has an unfair advantage in a deregulated market, and why?

Yes. However, a local authority should be able to demonstrate how it has considered alternative provision; what their proposals will be to achieve better value-for-money for the public benefit; and/or what their solution would be for improving local bus service provision where commercial operators have failed to meet the needs of communities.

Q18) Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age? Please give reasons for your answer.

Consistently at our Your Bus Matters events, passengers tell us that they hugely value the concessionary pass scheme and that entitlement should be universal. The age at which entitlement is determined should be the same for both sexes, but this is a political decision and the entitlement age should be decided by national governments.

Q19) Do you agree that an incremental change is the most appropriate method?

If a change in entitlement is to be made, then yes. This will protect existing entitlements and allow a gradual transition.

Q20) Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets? Yes/No? Please explain your answer to this question.

Bus Users UK supports the underlying concept in principle, although we do have some concerns about the lack of funding available to meet the requirements and the potential impact on already marginal services. The push towards solely digital provision of information also presents access barriers for people on low incomes and those in deeply rural areas.

The mechanics of how the data is loaded is not really of concern to passengers. Of greater concern is the final product and its presentation which should aim to make moving from one area to another, or from one operators' services to another, as seamless as possible. Consistent presentation of information would be helpful in printed or digital format and both are still needed and will be for some years to come. The difficulties for smaller operators are clear but it would make more sense to set a longer timeframe for compliance with these requirements, offering financial support for upgrading or retrofitting wherever needed to comply with a national standard, than to allow different and uncoordinated approaches to be developed. While the complexity of the underlying functions may need to vary, the end product should look the same to passengers everywhere, even if some of the detail is absent in places. This is especially critical for people living close to the

boundaries of local authorities whose regular journeys take them across those boundaries. While app developers may wish to offer a variety of interfaces, it should be noted that dealing with very different presentations of information would reduce usage and confidence.

Data on timekeeping and reliability would assist the regional transport/local authorities in carrying out their strategic role, overseeing the highway infrastructure.

This should be a collaborative approach – for example data covering traffic delays, journey times and parking availability supplied through a local authority's traffic control system.

Q21) Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are cancelled or varied, and where appropriate, disclose this information as part of the tendering process? Yes/No? Please explain your answer to this question.

Yes. Local Authorities have a requirement to develop and maintain a comprehensive local bus network to meet the requirements of providing socially necessary transport to connect people and communities. If an operator withdraws from a service, the local authority will need information on levels of passenger use to inform a tender process to achieve the most cost-effective solution.

Other information

Please note that there are broader issues which are not addressed in the White Paper, but which are key elements to finding a successful way forward.

- The White Paper contains no evidence of proposals to ask communities what services they need, which is critical.
- Passenger involvement in the design and testing of services, particularly by the most vulnerable to social isolation, is a necessity to ensure the network is fit-for-purpose and that journeys will entail minimal changes/connections.
- No strategies are outlined in the White Paper. A National Bus Strategy is needed, but we appreciate that TfW has a work stream looking at this.
- Inter-availability of ticketing is not detailed, but we appreciate that TfW has a work stream looking at this.
- 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 seems to be no mention of the potential of a franchising scheme to fail and what the process would be in that eventuality. This would 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.
- There is a missed opportunity for a links with education and employment via mixed-skill apprenticeship schemes. These would encourage a diverse mix of young people to see the bus industry as a viable career option, with clear progression from shop floor to senior management/Board.

About Bus Users UK

Bus Users UK is an approved Alternative Dispute Resolution (ADR) Body for bus and coach passengers, and the body dealing with complaints under the European Passenger Rights Regulation (Outside London). These rights will continue beyond Brexit.

We have worked closely with the Department for Transport to advise on passenger rights, the passenger involvement aspects of the Bus Services Act 2017, the detail of the proposed Accessible Information Regulation and all other matters where input on behalf of passengers is needed.

We have worked closely with Welsh Government for many years to advise on transport policy, current practice and new ideas. We also deal with Welsh bus passengers' complaints which come either directly from the passenger or via their Assembly Members, and we work alongside communities to try to make the case for continuing service provision and subsidy. We also hold regular events in rural and urban settings throughout Wales to enable residents to make local transport providers and policymakers understand their needs and the impact of poor transport on people at risk of social exclusion.

We employ 3 bus compliance officers who conduct roadside monitoring, often as a result of complaints received. They also supply evidence when the results of the monitoring result in a Public Inquiry led by the Traffic Commissioner.

Bus Users UK Charitable Trust is a Registered Charity numbers 1178677 and SC049144, and a Company Limited by Guarantee Registration Number: 04635458

We would be happy to assist with any follow-up questions or further information. Please contact us on 0300 111 0001 email wales@bususers.org

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Response from Blaenau Gwent County Borough Council on Improving Public Transport Consultation

Your name: A Council Response

Organisation (if applicable): Blaenau Gwent County Borough Council

Email / telephone number: 01495 355530

Your address: richard.crook@blaenau-gwent.gov.uk

Blaenau Gwent County Borough Council welcomes the opportunity to provide as a response on this important national consultation. The Council is broadly supportive of the need for improving public transport in Wales and recognises the opportunity for considering how the overall system for public transport can be improved across Wales.

Public Transport plays a vital role for our people and communities of Blaenau Gwent to be social and economically active, ensuring that our area, which lies on the periphery of the Cardiff Capital region, is appropriately connected to the region and beyond.

Our recent engagement activity in Blaenau Gwent to develop our well-being plan, the 'Blaenau Gwent We Want' engagement programme, showed that our local people frequently identify public transport as being one of the key barriers to help improve our area and region. Furthermore, it is regularly picked up as a specific issue by our representative forums for Older People and People with Disabilities.

Our town centres also rely on local bus services and taxi provision for transporting people to and from our towns. Without these the footfall in our town centres continues to fall exacerbating the problems in our towns.

Improvements in the public transport system also need to consider how people get to places across the region deemed as 'trip attractors'. Specific relevant examples from recent engagement exercises being facilities such as regional hospitals and places to access job opportunities (e.g. job centre). More consideration of fundamental changes of regional and national structural systems in such areas need to ensure that access is firmly at the

centre of planning, and public transport needs to be actively responsive to such changes to prevent groups of vulnerable people within our communities from being further isolated from key services and facilities.

We are generally supportive of the approach for improvement and some of the associated options outlined within this consultation. However, what must be ensured in any movement to a more consistent and national approach to public transport, that all areas of Wales are considered fairly, recognising that on occasions certain areas may require additional support, due to specific local authority area issues.

This is the overall response from the Council, and will be supported by a separate response from the Council's General Licensing Committee which specifically focus on the taxi and private vehicle hire element of the proposals identified within the consultation.

Finally, due to the importance of this consultation for our area, as a Council we have actively encouraged participation via our established engagement and partnership channels. This has included raising awareness of the consultation with all our elected members, Public Services Board and Well-being partners, local Town and Community Councils, and interested local people that are part of our key engagement groups (Citizen's Panel, 50+ Forum, Access for All covering Equalities and our Youth Forum).

The provision of 'Community and Youth' and 'Easy Read' versions of the consultation documents we envisage will aid these groups to participate in their important conversation.

We will note however that what the title of the consultation promises – *Improving Public Transport* – is perhaps not directly matched with the types of topics and questions being asked within the document. The topic and question structure is more focused on particular areas of specialism and we believe it would be fairly difficult for people without a comprehensive understanding of issues such as 'Enhanced Quality Partnerships' or 'franchising bus services' to be able to provide a balanced view on what improvements are needed. As a consequence of this, the Council will note it broad support for certain proposals to the response provided by the Cardiff Capital Region Transport Authority (CCRTA) for specific issues within part one of the consultation relating to bus services.

Part 1 – Bus services

Joint Transport Authorities (JTAs)

The Council does agree that working with other local authorities is important for delivering local bus services.

The Council supports the development of a Regional Joint Transport Authority (JTA) on a statutory footing under the regional footprint mirrored for the Cardiff Capital Region City Deal and the supporting Cardiff Capital Region Transport Authority (CCRTA). This covers ten local authority areas in South East Wales, serving over 1.5 million people, and is supported by each Local Authority within the area.

It is envisaged that this regional approach, should it receive the appropriate financial support, will lead to an improvement in strategic and financial planning, and subsequently improved service provision of public transport which can be applied consistently across the region. It will also embrace the Well-being of Future Generations (Wales) Act 2015 ways of working to integrate our provision through more effective collaboration.

Furthermore, a regional approach should be looking to identify a number of measures collectively to tackle the declining passenger number currently being experienced across Wales (which is noted in the White Paper) and work collectively to identify and implement innovative and responsive provision which is focused towards the current and also the future needs.

As a local authority, we would refer to the proposals contained and presented by the response from the CCRTA, which provides a detailed response on how an effective regional JTA could be implemented and would work effectively with Welsh Government and Transport for Wales to deliver transport aspirations for the region.

It is recognised that Welsh Government as the National Government for Wales commits a significant part of our nation's funding allocation to supporting public transport. However, it should be noted that this is not exclusive to Wales, and should not be seen as one of the fundamental reasons why Welsh Government should be represented on any formed JTAs or committees.

Consideration needs to be given to ensure that any system that is set up should fully include accountability frameworks for the delivery of improving public transport within the region (democratically and financially) which met the requirement of Welsh Government, without the potential consequence of creating systems with conflicts of interest.

The Council has no specific comments relating to the proposals Welsh Ministers having powers to issue guidance and direction to failing JTA, other than that if they are represented on a JTA they may be issuing guidance and direction to themselves.

Proposed JTA Functions in relation to buses

Yes, the Council is broadly supportive of proposed division of national and regional functions outlined within the consultation.

Enhanced Quality Partnerships (EQP)

The Council has no specific comments on topic of EQP, but broadly supports the detailed response provided to Welsh Government by CCRTA as part of this consultation for questions 8 and 9. Representatives from the Council are appropriately represented on CCRTA and have been involved in signing off the response.

Franchising, Franchising in practice and Permits, SMEs

The Council has no specific comments on topic of franchising, but broadly supports the detailed response provided to Welsh Government by CCRTA as part of this consultation for questions 10 to 15. Representatives from the Council are appropriately represented on CCRTA and have been involved in signing off the response.

Local authority bus services

The Council has no specific comments on topic of local authority bus services, but broadly supports the detailed response provided to Welsh Government by CCRTA as part of this consultation for questions 16 and 17. Representatives from the Council are appropriately represented on CCRTA and have been involved in signing off the response.

Eligibility age for the mandatory concessionary fares

Even though the Council recognises the importance of the mandatory concessionary fares scheme reflecting the wider demographic changes that are taking place across Wales in terms of an ageing population and an older workforce, we do not support the proposal to increase the eligibility age in relation to women's pensionable age.

We believe that for many, including some people in their early sixties this scheme is, and will continue to be, integral for social and economic mobility. Furthermore, we must be mindful of the huge issue of loneliness and social isolation for older people. It may also be worth considering that less people on buses may well equal fewer buses and bus services, and the potential impacts of this.

Any proposal for change should be fully assessed with mitigating actions identified, considered and addressed especially with regards to any unintended consequences, bearing in mind that there are significant health and (healthy) life expectancy inequalities in some areas, especially our more deprived communities.

We also believe there has been a missed opportunity to get wider population of Wales actively involved in this part of the consultation about changes to the concessionary fares scheme given that a significant proportion of the population may be affected by any proposed changes.

Public transport information and monitoring

The Council broadly agrees with the proposals relating to information and monitoring, and supports the detailed response provided to Welsh Government by CCRTA as part of this consultation for questions 20 and 21. Representatives from the Council are appropriately represented on CCRTA and have been involved in signing off the response.

Part 2 – Taxis and private hire vehicles (PHV)

The response to the questions in Part 2 of this consultation will be sent through on behalf of the Council from the Blaenau Gwent General Licensing Committee. The response will cover the following four proposals set out in consultation:

1. Setting national standards for taxi and PHV
2. Enforcement
3. Information-sharing
4. Governance through a Joint Transport Authority (JTA)

Welsh language

The Council does not have any specific views on the proposals on the Welsh language, other than to note that any proposals and subsequent consequences would need to ensure they were in-line with the Welsh Language Standards.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

We are happy for our response to be made public

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	X
No	

Please explain your answer.

Although Cheshire West and Chester Council (CW&C) is not commenting on the formation of Joint Transport Authorities (JTA), local authority arrangements should maximise the capacity to focus upon meeting or exceeding the expectations of strengthening current and new markets (for passenger transport across modes). It is also important that any governance arrangements maintain (and develop) co-ordination of the planning and operation of education transport and public passenger transport services to secure efficiencies and connectivity of communities.

Local authority collaboration should embrace taking forward opportunities for sharing functions, making best use of public funds. For example, in addition to administering the CW&C concessionary travel scheme, the Council also does this for Warrington Borough Council and Halton Borough Council, achieving economies whilst also providing a scheme bespoke for each partner of this consortium.

Collaboration and governance mechanisms between Welsh local authorities must be equally seamless with those in England for cross border services. There are a number of significant multi-directional passenger flows between Flintshire and Wrexham (as well as other areas of Wales) and Cheshire West & Chester that should not be disadvantaged from those within Wales, for example in terms of investment, formal partnerships, ticket availability and information provision.

The joint working (cross border) is important for passenger transport solutions other than bus services alone. CW&C is working with Denbighshire County Council to explore the role of Apps for the development of pre-booked services for example. CW&C is also exploring collaboration opportunities with the public health sector and opening use of vehicles returning from operating home to school transport services to improve connectivity.

Cross border local authority collaboration is also important for developing and managing a regional strategic framework for road based passenger transport. CW&C attends the Welsh Government Metro Steering Group meetings, sharing our work on a root and branch review of the road based passenger transport network with Welsh Government, Transport for Wales and local authorities from North Wales.

There is great importance to be able to quantify the full economic, social and environmental benefits of road based passenger transport in addition to how these services support non-transport related objectives such as for sustainable economic growth and attracting inward investment / development.

REFERENCE WP105

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

Intentionally blank

Q3. Is there another organisational structure for JTAs that we should consider? Please explain your answer.

Intentionally blank

REFERENCE WP105

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

Intentionally blank

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

Intentionally blank

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

Intentionally blank

Q7. Should any other transport functions be transferred to a JTA? Please describe.

Intentionally blank

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	X
No	

Please explain your answer.

Legislation strengthens the accountability to deliver measurable commitments by all partners. The ability for local authorities to set restrictions on the registration of further local services once a scheme is in place, is an important resource to help safeguard investment made by partners of Enhanced Quality Partnerships (EQP). However it is important that local authorities are required to demonstrate having a robust process to periodically monitor and assess changes to relevant market conditions (such as changes to passenger demand), varying restrictions imposed on the registration of further services, to ensure that a progressive and customer orientated network is maintained.

Opportunities to develop (informal) partnership working without legislative conditions placed upon partners needs to be maintained and developed. There are many examples of this approach yielding significant customer orientated long term benefits.

The proposal to model enhanced partnership working in Wales to take account similar provision in England is of critical importance for cross border services and passenger journey flows. The opportunity should be taken to engage with English local authorities (and the Local Government Association Public Transport Consortium) to assess and use ideas based on experience to date of powers within the Bus Services Act 2017.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	X
No	

Please explain your answer.

The proposals appear to replicate those applicable within England. Seamless EQPs across the Wales / English border should be facilitated.

Requirements for EQP plans should include how they will benefit people with mobility and / or sensory impairment and hidden disabilities.

REFERENCE WP105

Partners should be encouraged to consider including travel training within schemes, to help overcome perceived barriers, or actual barriers of using road based passenger transport.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	
No	

Please explain your answer.

Intentionally blank

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	
No	

Please explain your answer.

Intentionally blank

Q12. Do you have any other comments on the proposed process for franchising?

Intentionally blank

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

Proposals to create a Franchise area (within Wales) and permits must demonstrate that they will not have an adverse impact on services extending beyond the franchise area. For example, if such as service was restricted on picking up (or setting down) passengers within the franchise area, that could undermine the viability of the service, potentially resulting in a neighbouring (to the franchise area) local authority having to provide financial support to maintain the service.

REFERENCE WP105

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	X
No	

Please explain your answer.

Arrangements to let franchise contracts should demonstrate measures to ensure that they will not have an adverse impact on the viability of SMEs but also of other larger operators. This is to help ensure that local authorities (and public health commissioning groups) do not incur additional costs for maintaining other services (such as education transport) because of a reduction of competition for invitations to tender. This is potentially an issue for geographical areas adjoining Wales as well as within Wales.

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

Intentionally blank

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

Intentionally blank

Q16a. In what circumstances do you think this would be appropriate?

Intentionally blank

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

REFERENCE WP105

Intentionally blank

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

Intentionally blank

Q17a. In what circumstances do you think this would be appropriate?

Intentionally blank

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

Intentionally blank

REFERENCE WP105

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

This proposal would align the Wales concessionary travel scheme to that in England, which would introduce consistency.

Recognizing that Wales residents make regular journeys to / from England (and vice-versa for English residents), it would be beneficial if the Wales concessionary travel scheme provided free travel for cross border passenger journeys, as opposed to only within Wales. Examples include between Saltney & Chester or Mold and Ellesmere Port.

Q19. Do you agree that an incremental change is the most appropriate method?

Intentionally blank

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	X
No	

Please explain your answer.

To reiterate the importance of data being equally available for journeys across the English border as well as those within Wales. Similarly, there needs to be full technological interface between developments from the Smart Ticketing work stream of Transport for the North and similar work of Transport for Wales / Welsh Government.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	
No	

Please explain your answer.

Intentionally blank

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	
No	

Please explain your answer.

Intentionally blank

Q23. Are there any matters which you would like to see contained in any national standards?

Intentionally blank

Q24. Are there any matters which you think should be excluded from any national standards?

Intentionally blank

REFERENCE WP105

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Intentionally blank

Q26. What would be the best approach for determining the content of national standards?

Intentionally blank

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

Intentionally blank

REFERENCE WP105

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

Intentionally blank

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

Intentionally blank

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

Intentionally blank

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	
No	

Please explain your answer.

Intentionally blank

REFERENCE WP105

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

Intentionally blank

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	

Please explain your answer.

Intentionally blank

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	
No	

Please explain your answer.

Intentionally blank

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

Intentionally blank

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

Intentionally blank

REFERENCE WP105

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Intentionally blank

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Intentionally blank

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

1 To emphasise the importance of encouraging new operators of public transport services and supporting existing operators. This could include business management techniques for example. This should also encourage development of the role of the third sector and social enterprise.

2 To assess options to help alert of the potential sudden closure of an operator and the consequential costs to the public sector where the correct closure procedure has not been adopted (i.e. relating to sudden loss of bus services)

Response from Blaenau Gwent County Borough Council General Licensing Team to the Improving Public Transport Consultation

Your name: Alison Hughes/Richard Crook

Organisation (if applicable): Blaenau Gwent County Borough Council

Email / telephone number: 01495 355530

Your address: Alison.Hughes@Torfaen.gov.uk / richard.crook@blaenau-gwent.gov.uk

This is in response to Part 2 of the Consultation in relation to Taxis and Private Hire Vehicles

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Please explain your answer. National standards would ensure that taxi services are delivered consistently across Wales, and help deal with any perceptions of inconsistency between Authorities.

Notwithstanding the above, every local authority policy has taken into account the views of local customers, local residents and the local taxi trade, and the perceived inconsistencies across Wales often, therefore, arise from the inconsistencies in what local people and taxi businesses need across Wales. Some form of local determination would help ensure that local needs continue to be met within any national framework, although this local determination would need to be proportionate, evidence based and/or within agreed parameters.

Q23. Are there any matters which you would like to see contained in any National Standards?

Existing standards should be taken into account when developing any National Standards, such as the Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010).

Any National Standards developed should be consistent with criteria implemented in England to reduce variations in driver, vehicle and operator requirements, especially around the border areas.

Any National Standards should include local knowledge tests, so that customers using local taxis can reasonably assume that the taxi will be able to take them to their destination, and language standards so that customers can reasonably expect their requirements will be understood.

Q24. Are there any matters which you think should be excluded from any National Standards?

There are no matters that should be excluded, although National Standards should not duplicate other legislation.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Common National Standards should be achievable, particularly if some local determination is allowed so that differing local needs can be taken into account. However, there are challenges that need to be overcome, and these include that:-

1. The communities served by the taxi trade differ widely, covering both large cities and very rural areas. These communities may have different needs depending on the type of community and the availability of other forms of transport.
2. The economic picture for the taxi trade varies greatly across Wales, with a vibrant taxi trade in some areas but reporting difficulties in continuing to offer services in poorer or more rural communities.
3. The nature of the taxi trade delivering services to these different communities is not uniform. Some areas have a high proportion of taxi services delivered by large Private Hire companies, whilst others are dominated by single proprietors that own and drive their own vehicles
4. The adoption of a national standard could effectively decrease standards in some areas of Wales that currently meet a higher standard, whilst the adoption of a higher standard could affect the ability of the taxi trade to continue to offer a service, particularly in poorer communities with limited opportunities to charge higher fares to recoup costs.

Any National Standard will need to find consistency which works for both urban and rural areas, and the adoption of agreed parameters within which local decisions could influence local standards would assist this process.

Transitional arrangements and grandfather rights will also be required.

Q26. What would be the best approach for determining the content of national standards?

The Welsh Government must work in partnership with local authority licensing officers, who have experience of developing workable standards that protect public safety.

We would suggest that the most appropriate body to assist with the development of national standards would be the All Wales Licensing Expert Panel. This Panel consists of licensing officers with extensive knowledge and experience in taxi licensing, and answers through the Welsh Heads of Environmental Health to the Directors of Public Health Wales and the Welsh Government Directorate for Public Health.

The Welsh Government would also need to engage with passenger safety groups and operator representatives and this could, for example, be included within the Licencing Expert Panel on a task and finish basis. A similar methodology was recently used by Defra to develop new legislation and guidance.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

The previous Welsh Government consultation on Taxi and Private Hire Vehicle Licensing in Wales referred to National Standards for all taxis and private hire vehicles, with the power for local licensing authorities to set additional conditions where it is appropriate to do so.

The view of Members is that powers to set some local standards are important in ensuring that local trade and customer needs are met, although it is accepted that these need to be within pre-defined parameters and evidence based.

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Members believe that the revocation of a vehicle licence should be the responsibility of the home Licensing Authority. The Licensing Authority that issued the licence will have invaluable local knowledge and the historical records about the licence holder, and is responsible for recovering any fees associated with taking enforcement action.

Members agree that it is appropriate for any authorised officer to have the power to immediately suspend a licence of any vehicle operating in their area (irrespective of where it was licensed) where there is an immediate public safety risk e.g. a defective tyre. That suspension would then need to be reported to the appropriate Licensing Authority for them to consider whether to lift the suspension or take further action.

A process where a local authority in whose area a contravention occurs can request/ require a review of a licence by the licensing authority would negate the need for that authority to carry out the review of the licence themselves. In practice, this Authority has not experienced issues where another authority has not taken action on evidence presented to them, or officers of another authority have failed to support enforcement action taken by this Authority.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

A wider range of enforcement remedies would be clearly beneficial, and in particular would

1. Benefit the taxi trade, by allowing enforcement action other than a licence review that risks their licence and livelihood,
2. Protect public safety by allowing prompter action in respect of contraventions
3. Be more efficient and effective for local authorities by reducing costly licence reviews
4. Be useful in supporting licence reviews and prosecutions, in that they can show that a licence holder has been given an opportunity to remedy a contravention but has failed to do so.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

The following additional provisions should be considered

1. Powers for local authority officers to stop and direct taxi and PHVs, regardless of where that vehicle was licensed.
2. The ability to impose conditions on licences in addition to the National Standards, particularly where additional controls are regarded as necessary in order to allow an applicant to obtain a licence
3. Mandating training for all individuals involved in the licensing decision-making process, with defined content and standards for that training as appropriate.

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

The establishment of a mandatory national database of all licensed drivers is critical, but should be expanded to include vehicle owners, Private Hire operators and dispatchers. Any national database must be able to link to any equivalent database in England to avoid duplication of data entry and ensure public safety, particularly around the border areas. This authority has previously had a number of drivers from the Bristol and other areas, some of whom remain licenced with the authority.

Members have noted the consultation launched by the Department of Transport on the 12th February 2019 entitled "Taxi and private hire vehicle licensing: protecting users". This introduces draft statutory guidance for Licensing Authorities that will apply in England and Wales, until and unless legislation is introduced in Wales, and seeks to address a number of issues of concern that are referred to in this Welsh consultation. This places England ahead of Wales in developing guidance and highlights the need for English and Welsh legislators to work together in addressing these issues. Unless there is a clearly perceived need for separate Welsh standards, joint standards should be adopted wherever possible.

Q32. Please provide any other comments or proposals around information sharing that were not covered in the above questions.

It is vital that information held by other enforcement bodies and agencies is effectively shared with Licensing Authorities. At present, there is a risk that a Licensing Authority may not be made aware of a taxi driver known to the

Police in connection with a crime that may render them not a “fit and proper person” to drive.

To resolve this, the Common Law Police Disclosure provisions need to be reviewed to ensure that all relevant information held by the Police regarding crimes and conduct by taxi and private hire drivers, including arrest, charge and conviction information, is shared with licensing authority immediately. A similar arrangement is required with Safeguarding Boards.

Mini-buses seating more than 8 passengers are not covered by taxi licensing legislation, and taxi drivers who have had their licence refused or revoked by a local authority have been found to be driving these larger vehicles. This needs to be addressed to ensure that bus customers receive the same level of protection as taxi customers.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Members have very clear concern about this proposal, and in particular the potential loss of local enforcement knowledge. There are some clear dis-benefits to this proposal, whilst many of the advantages can be easily achieved in other ways.

There is no detail contained within this white paper as to how the JTA would undertake the licensing function and therefore it is very difficult to be able to answer this question. However, Members would make the following points

1. An effective taxi trade depends on local knowledge, and the ability of the taxi driver to take customers to their chosen destination. It is unclear how a JTA would deliver this within a single licensing scheme that allows drivers to operate over a wider area.
2. Taxi drivers will, quite understandably, work where it is most economically advantageous for them to do so. It is unclear how a JTA will, within a single licensing regime, ensure that all areas of Wales receive a service and, in particular, smaller, poorer and more rural areas. In particular, it is unclear how taxi ranks will be managed and how Hackney Carriage's using these will be controlled.
3. Welsh Authorities have experienced an influx of drivers from English Authorities who wish to avoid more stringent licensing regimes whilst still driving in those English Authority areas, and Intended Use policies have

been adopted by many Welsh Authorities to address this. It is unclear, however, whether and how a JTA would address this, or how any such policy could be enforced.

4. Effective enforcement and the protection of public safety depends on local knowledge, local contacts and local partnership working. It is unclear how a national JTA will retain local knowledge and local relationships.
5. The consultation makes reference to the wider economic aspects of the taxi trade, and this raises the issue of whether there is a potential conflict of interest and, more importantly, whether public safety issues will be subsumed into the wider focus on transport needs
6. The proposal does not outline how existing partnership working in respect of wider transport services, and in particular with the planning, highways and school/social service transport functions of each local authority, will be maintained within a JTA structure.
7. A JTA based single all-Wales licencing regime would particularly benefit larger companies wishing to trade across borders, such as Uber, but would be of little or no benefit to the majority of taxi businesses and, indeed, could leave them open to competition that drives them out of business.
8. The synergies between the bus and taxi trades are not laid out in the consultation, and journeys involving both would be unusual. If it is envisaged that taxis and mini-buses could be contracted to replace buses on some routes, this could be achieved at a local as well as a national level. Furthermore
 - a. Disabled access taxis and mini-buses will rarely, if ever, offer the level of easy access that a bus can provide.
 - b. An arrangement along these lines would benefit larger businesses able to source additional vehicles and drivers, but would not benefit the significant number of individuals owning and driving just one vehicle.
 - c. The use of contract taxis and mini-buses on some routes could reduce income for other taxi businesses operating in these areas.
 - d. Larger mini-buses (over 8 seats) are licenced as busses, and drivers are not subject to the same scrutiny as taxi drivers.
9. Whilst larger App based companies such as Uber could benefit millennials who are able and used to accessing services in this way, this proposal has not outlined how vulnerable and low income groups would be protected to ensure that they can continue to access the services they

need. Areas with limited mobile coverage could also be adversely affected.

10. A single JTA may necessitate taxi businesses making applications etc. on-line or through the post. Our experience is that some of the trade would struggle with this, and that on-line processes are not well used where a face to face service is available. There would also be a lost opportunity for face-to-face contact between licence applicants and officers which can highlight issues that need to be taken further and, on occasion, have led to the refusal or revocation of licences. Access to advice for the trade could also reduce, particularly locally based advice.
11. For Local Authorities, the loss of the taxi licensing function and fees would mean a loss of staff, and this would have major implications in terms of service resilience for other licensing functions, particularly in smaller authorities.
12. The loss of the taxi licensing function will not reduce the underpinning costs of the wider licensing functions of the authority on a pro-rata basis, making service delivery more expensive for other licence holders and leaving local authorities with costs that cannot be fully recouped.
13. The proposal does not outline how other taxi related service delivery falling to local authorities, and in particular taxi rank provision and fare setting, will be delivered and financed.
14. Improvements to the current policies and procedures that protect public safety, such as National Standards, can be rapidly achieved and adopted within the existing delivery framework. The need to deliver these within a new legislative and JTA structure will delay this important work
15. Many cost savings inherent in setting up a JTA, such as developing just one policy instead of 22 across Wales etc., can be achieved within the existing delivery framework.
16. It is not stated how democratic oversight of the JTA will be delivered, but Members have a significant concern that the needs of small authorities and communities will not be given precedence and that local voices will be lost.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Members are strongly in favour of retaining local responsibility, particularly in respect of enforcement, taking the view that the loss of local knowledge could seriously affect the safety of taxi customers.

There is scope for a Joint Transport Authority to have a strategic overview of taxi transport provision, whilst Local Authorities continue the delivery and enforcement of taxi licensing and safety functions. For example, the Gambling Commission sets strategy and the framework within which gambling licence administration and enforcement by Local Authorities is delivered. A Joint Transport Authority could, in the same way, look at wider strategic matters whilst working with and supporting existing joint working arrangements in Wales, sharing knowledge and best practice and delivering standardisation and uniformity where appropriate.

A Joint Transport Authority could have a valuable role in the strategic delivery of taxi transport services, focusing on issues important to Welsh communities and taxi users. This could include, for example,

1. A more focussed (and funded) approach to the provision of disabled access taxis,
2. Taking steps to help support and ensure the economic vibrancy of the taxi trade in poorer and rural communities, perhaps through grant funding to create a level playing field with trains and busses.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

The existing legislation is archaic and would benefit from fundamental reform with new primary legislation. In particular, local residents often do not understand the difference between hackney and private hire vehicles, and Members would encourage and support new legislation that removes this differentiation.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you

think there would be? How could positive effects be increased? or negative effects be mitigated?

Members have no comment on this

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Members have no comment on this.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them: Please enter here:

Whilst the power to set local Welsh Standards in respect of taxis is welcome, there is a clear need to have legislation and policies that achieve a similar level to that found in England, and any Welsh determination should therefore bear the proposed changes in England in mind.

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	
No	

Please explain your answer.

PTI Cymru does not have an opinion on this.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

PTI Cymru does not have an opinion on this.

Q3. Is there another organisational structure for JTAs that we should consider?
Please explain your answer.

PTI Cymru does not have an opinion on this.

REFERENCE WP107

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

PTI Cymru does not have an opinion on this.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

PTI Cymru does not have an opinion on this.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

PTI Cymru does not have an opinion on this.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

PTI Cymru does not have an opinion on this.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	
No	

Please explain your answer.

PTI Cymru does not have an opinion on this.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	
No	

Please explain your answer.

PTI Cymru does not have an opinion on this.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	
No	

Please explain your answer.

PTI Cymru does not have an opinion on this.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	
No	

REFERENCE WP107

Please explain your answer.

PTI Cymru does not have an opinion on this.

Q12. Do you have any other comments on the proposed process for franchising?

PTI Cymru does not have an opinion on this.

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

PTI Cymru does not have an opinion on this.

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	
No	

Please explain your answer.

PTI Cymru does not have an opinion on this.

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

PTI Cymru does not have an opinion on this.

REFERENCE WP107

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

PTI Cymru does not have an opinion on this.

Q16a. In what circumstances do you think this would be appropriate?

PTI Cymru does not have an opinion on this.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

PTI Cymru does not have an opinion on this.

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

PTI Cymru does not have an opinion on this.

Q17a. In what circumstances do you think this would be appropriate?

PTI Cymru does not have an opinion on this.

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

REFERENCE WP107

PTI Cymru does not have an opinion on this.

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

PTI Cymru does not have an opinion on this.

Q19. Do you agree that an incremental change is the most appropriate method?

PTI Cymru does not have an opinion on this.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	✓
No	

Please explain your answer.

PTI Cymru welcomes the proposal to release open data on routes, timetables, fares and ticket information.

One of the biggest issues we experience when disseminating information to the general public and one of the largest areas of complaints for our customers is errors that arise when we are not informed of changes to routes, timetables, fares and tickets.

Mandating the provision of this data would ensure that we were able to ensure our data is kept up to date in a timely way. We would go one step further and ask that the provision of this data to PTI Cymru be part of the requirements.

REFERENCE WP107

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	✓
No	

Please explain your answer.

PTI Cymru would support this proposal as again, it would enable to us to display information and alerts about variations or cancellations to services to customers prior to the event. Thus ensuring customers have the information they need in plenty of time to adjust their plans or make alternative arrangements.

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	
No	

Please explain your answer.

PTI Cymru does not have an opinion on this.

Q23. Are there any matters which you would like to see contained in any national standards?

PTI Cymru does not have an opinion on this.

Q24. Are there any matters which you think should be excluded from any national standards?

PTI Cymru does not have an opinion on this.

REFERENCE WP107

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

PTI Cymru does not have an opinion on this.

Q26. What would be the best approach for determining the content of national standards?

PTI Cymru does not have an opinion on this.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

PTI Cymru does not have an opinion on this.

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

PTI Cymru does not have an opinion on this.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

REFERENCE WP107

PTI Cymru does not have an opinion on this.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

PTI Cymru does not have an opinion on this.

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	
No	

Please explain your answer.

PTI Cymru does not have an opinion on this.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

PTI Cymru does not have an opinion on this.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	

Please explain your answer.

PTI Cymru does not have an opinion on this.

REFERENCE WP107

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	
No	

Please explain your answer.

PTI Cymru does not have an opinion on this.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

PTI Cymru does not have an opinion on this.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

As a fully bilingual organisation able to provide information and customer service in both Welsh and English to the customers in Wales, PTI Cymru would see any devolution of public transport powers to Wales as an opportunity to grow the availability of public transport information in the Welsh language.

PTI Cymru would also see any such growth in the provision of Welsh language information as an opportunity for the organisation. For example, we have worked with a number of public transport operators in Wales to provide bilingual stop announcements, all of our services including alert and short notice changes are bilingual and all customer service including telephone, email, website, social media are all bilingual.

Any growth in the reliance of the provision of Welsh language services by PTI Cymru would also secure and grow job opportunities in an area of high unemployment in rural Gwynedd.

REFERENCE WP107

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

As previously mentioned, the increase in the use of Welsh language in the public transport industry would be a positive for our organisation and PTI Cymru could support organisations where Welsh language resource does not currently exist.

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Nothing further to add.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Whilst there is only one question on the provision of information within the consultation, there were a number of references to information throughout the White Paper document so we would like to address and respond to those.

As part of the Introduction section, the statement is made that 'We need public transport to operate as one seamless service that is accessible to all.' We agree with and support this, however we feel that the availability of good quality information is key to this. Mandating that operators and local authorities are required to provide us with quality registration and fare data would ensure this.

In the 'All Wales' table on page 12, reference is made to 'Real-time travel information improvements needed.' PTI Cymru are currently working on a project which will pilot the provision of accurate real time information on the Traveline services (telephone, website and apps). Working with Pembrokeshire Council, operators, JMW (real time provider) and Transport for Wales we hope to have a proof of concept available shortly with a view to rolling out across Wales if funding is available.

On page 13 under the 'Need for improved passenger experience' heading, it is said that 'Clear, high quality and up to date information is essential for members of the public who seek to understand the services available to them.' We totally agree with this and feel that high quality information is already being delivered by PTI Cymru through the Traveline services. We agree that improvement is needed to ensure that information is sent to PTI Cymru to ensure the quality of the information, and we feel that this can potentially be achieved in a number of ways. Firstly this can be

REFERENCE WP107

mandated through conditions of BSSG so that operators and local authorities are required to provide good quality information to PTI. There is also an opportunity for PTI Cymru to become involved in the Registration Process and take a more formal role in interrogating and querying registrations with operators before approval and them entering the public domain. This is already being done post publication, but would be a better experience for the customer if it was resolved beforehand.

The second point in this section on page 14 states 'An area we are interested in exploring is making improvements not only to the information available to passengers, to include ticketing information, but also ticketing systems.' PTI Cymru already provide 90% of fares information across our website, apps and contact centre. The remaining 10% of fares have yet to be provided by SMEs. We are also working on a Fares Tool prototype which will display not only fares information, but also the best value journey available for the customer at the time of travel. We are working with major operators in Wales to test this prototype and hope to have it in the public domain by Summer 2019.

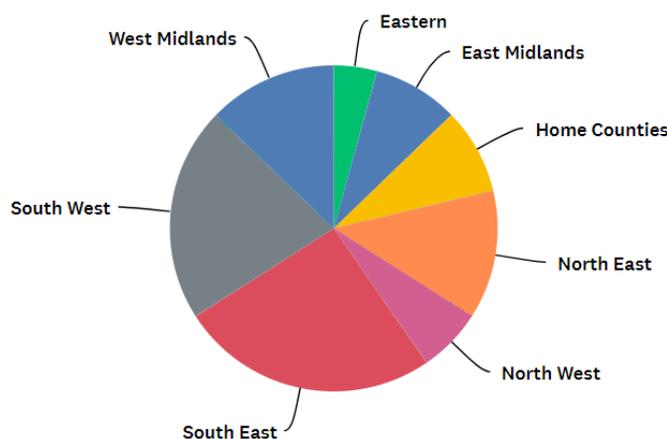
In summary, many of the things noted about information provision are already being worked on by PTI Cymru and appear in our organisational road map which has been submitted to Welsh Government. We would encourage Welsh Government and Transport for Wales not to reinvent the wheel and to better utilise the service they fund to deliver quality, bilingual information via a variety of means both technological, paper format and over the telephone to the general public.

Institute of Licensing response to Welsh Government White Paper: Improving Public Transport

The Institute of Licensing (IoL) is the professional body for licensing practitioners across the UK. Our membership includes local authority, police, legal and industry practitioners with an interest in all areas of local government licensing. Taxi and Private Hire licensing is one of the main areas of licensing, and we have consulted with IoL members via online survey to inform this response. In addition, this response has been discussed by the IoL’s Taxi Consultation Panel, a group of IoL members with a particular interest in Taxi and Private Hire Licensing (including representatives from Wales). Finally, we have had regard as well to the response submitted by the All Wales Licensing Expert Panel (AWLEP), which is largely comprised of IoL members.

IoL Survey – Respondents

We had a number of responses via the online survey (47), from English regions (Wales region members are represented via the AWLEP). Most responses were from local authority practitioners. We considered it appropriate to gather responses from England as the majority of the questions are equally relevant when applied to England.



The questions posed within the White Paper are addressed below using the relevant parts of the response form provided. The IoL response is made taking our survey responses, together with AWLEP and IoL Taxi Consultation Panel views.

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer.

Yes. 94% of our survey respondents agreed that national **minimum** standards should apply. The concept and distinction of national minimum standards is important – it provides consistency to a minimum standard but allows for local conditions over and above the baseline.

It is worth noting that the report (published in 2018) by Task and Finish Group on Taxi and Private Hire Vehicle Licensing chaired by Professor Abdel-Haq recommends:

Recommendation 2

Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators (**see recommendation 6**). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England.

Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

The report also states: *‘These minimum standards should be set at a high but still proportionate level that would in practice reduce the need (actual or perceived) for individual authorities to add their own further checks or conditions - ‘minimum’ should not be understood or treated as meaning ‘minimal’.*

Noted that the AWLEP also agree with this proposal (although the response indicates a preference for ‘national standard’ rather than minimum) and point out the reference to minimum standards within the Law Commission’s report **“Reforming the Law of Taxi and Private Hire Services”** [2012]”.

National minimum standards will also assist in deterring ‘licence shopping’ by applicants seeking to avoid licensing requirements by their local authority in favour of a more lenient authority.

Q23. Are there any matters which you would like to see contained in any national standards?

There are varying responses to this question within the survey, but on balance, we would concur with the recommendation from the Task and Finish Group that the minimum standards should be drafted by a panel of regulators, passenger safety groups and operator representatives. Minimum standards should be drafted separately for vehicles, drivers and operators and matters tabled below should be within the scope for consideration when drafting the standards.

Consideration should also be given to existing guidance from the Department for Transport as well as the other guidance sources included in the table.

Another area for consideration relates to training of individuals involved in regulation of taxi and private hire vehicles and we note that this is a point raised by the AWLEP. The Institute of Licensing provides standard and advance level training courses on taxi and private hire licensing and are in the process of reviewing its training for local authority councillors involved in licensing committees and sub-committee. We agree that training of all parties involved in the regulation and decision-making process is essential and that there should be mandated minimum training requirements.

The AWLEP refer to the need to ensure consistency with England, and we consider this to be an essential requirement of any national minimum standards.

Heading	Standards
CCTV (vehicles)	<p>The use and standards for CCTV within vehicles, both audible and video as outlined in the Task and Finish Group report (recommendation 17 & 18).</p> <p>The Information Commissioner’s Office has produced advice for councils and other organisations in using surveillance and CCTV systems in licensed taxis. A national standard should take account of this advice.</p> <p>The LGA Guidance has also now been published.</p> <p>The cost of fitting CCTV within licensed vehicles particularly for small businesses may require subsidy from Welsh Government.</p>
CCTV (vehicles)	<p>In board CCTV to be fitted where data is stored, encrypted in the vehicle but is only accessible by licensing authorities. To record visual data from the moment ignition is turned on until at least 20 minutes after it is turned off, to record audio data for a period of 5 minutes after activation by either the driver or passengers who should all have access to buttons to activate the audio.</p> <p>Will need to raise national grounds for this with the ICO.</p>
Design and appearance (vehicles)	Design and appearance and internal spatial requirements of vehicles including the approach to identify taxis and private hire vehicles.
Design and appearance (vehicles)	The information which should be contained on any vehicle identification source (plates, door signs).
Design and appearance (vehicles)	Standards for specialist and novelty vehicles, such as stretched limousines, wedding and funeral cars, omnibuses and pedicabs.
Design and appearance (vehicles - Hackneys)	Taxi sign roof box or built in.
Design and appearance (vehicles)	Private hires not allowed any roof box or alternative sign similar to the hackney. Door stickers with licence number, pre-booked only, operator name and contact details and the licensing authority.

	This will tie the vehicle to one operator and prevent abuse by drivers not fulfilling bookings because of a better job coming in from another operator, driver still has choice of operator and there are schemes where drivers use a pool of cars with different operators. This will prevent a lot of illegal pickups by private hires.
Design and appearance (vehicles)	Plates to be securely fixed to vehicle by licensing authority. Licence information and contact information for licensing authority to be displayed within the vehicle where passengers can easily see it.
Environmental (vehicles)	Environmental considerations such as vehicle emission standards.
Inspections (vehicles)	National Inspection Standards and frequency of inspections and testing including the criteria for testing. Consideration should also be given to suitability, independency and availability of testing stations and how they are approved e.g. consider if use of Trade owned testing stations are appropriate.
Inspections (vehicles)	Vehicles to be examined twice a year, 6 months apart.
Medical (drivers)	Medical fitness and specifically the requirement of Group 2 Medical Standards and the need for the applicant's full medical history to be noted by the completing GP. Standards should also consider consistency of the issue of exemption certificates in terms of Equality Act duties.
Meters (vehicles)	Taxi Meter standards including the criteria for Pulse and GPS meters.
Records (Drivers, vehicle proprietors, and operators)	Record Keeping including the retention period required. Public safety would be promoted through the requirement for records to be kept for every journey undertaken. There are obvious practical difficulties with taking this approach. Another option would be to use technology to improve safeguarding arrangements. The use of CCTV, trackers and GPS systems would provide a more robust system for record keeping, without an administrative burden on taxi drivers.
Regulatory	Enforcement Protocols - To ensure consistency of compliance management and enforcement activity across local authority areas.
Right to Work (Drivers, vehicle proprietors, operators and dispatcher)	Immigration checks specifically the Right to Work in the UK
Suitability (Drivers, vehicle proprietors, operators and dispatcher)	Enhanced DBS and Barring List checks (certificate of good conduct for overseas applicants) Anyone privy to personal information should be subject to suitability checks
Suitability (Drivers, vehicle proprietors, operators and dispatcher)	Suitability policy The IoL has recently published ' Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades '. This guidance is included within the DfT Statutory Guidance which is currently under consultation.
Suitability	Foreign driving licences

Tests (Drivers, vehicle proprietors and operators)	Nationally-recognised / WG approved vocational qualifications to include disability quality and awareness training, safeguarding awareness training (Child Sexual abuse / Exploitation, County Lines), practical driving standards test, communication skills and literacy, customer care, handling of emergencies, managing conflict etc. Practical driving tests would apply only to licensed drivers
Tests (Drivers)	Knowledge and suitability test (literacy, numeracy, highway-code, conditions, local area knowledge).

Q24. Are there any matters which you think should be excluded from any national standards?

A majority of our survey respondents felt that no matters should be excluded from consideration for national standards, although some mention issues such as vehicle age, local knowledge tests etc.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

In relation to Wales, we refer to the AWLEP response which states that the main obstacle will be incorporating the national standards into the 10,000 vehicles and 12,000 drivers currently licensed in Wales and the provisions that will need to be in place for transitional arrangements and grandfather rights. Consideration will also need to be given to finding suitable consistent standards which work for both urban and rural areas.

In a wider context, survey respondents noted the difficulties with agreeing the appropriate minimum standards given the inevitable inconsistencies across local authorities at present and potential resistance by the trade, particularly where the new standards would incur additional costs to comply. There was also a caution that care should be taken to ensure that any national standards do not remove or unduly curtail the ability of LAs to address local issues.

Q26. What would be the best approach for determining the content of national standards?

We refer to the recommendation from the Task and Finish Group that the minimum standards should be drafted by a panel of regulators, passenger safety groups and operator representatives. The draft standards should also be subject to detailed consultation and reviewed in light of the responses received.

We note that AWLEP refer to a number of national policies in place which have been adopted by a number of Welsh Local Authorities in order to provide a level of consistency between areas, such examples include:

- National Inspection Standards for hackney carriage and private hire vehicles; and
- Institute of Licensing Guidance on determining the suitability of applicants and

licensees in the hackney and private hire trades.

AWLEP state:

Welsh Government will first need to establish what polices and standards are already in place in Wales and then draw on the knowledge of licensing practitioners who have expert practical experience of undertaking taxi licensing work on a daily basis.

It would be remiss of Welsh Government to disregard any polices, standards or procedures which have been developed by licensing professionals and which actually serve to provide a robust service against a backdrop of legislation which is woefully inadequate and outdated.

The All Wales Licensing Expert Panel consists of managers and team leaders who have extensive knowledge and experience in the taxi licensing field and would without question need to be heavily involved in the development of national standards.

It is suggested that Welsh Government would also need to engage with passenger safety groups and operator representatives by way of meetings, seminars and workshops.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

We note that AWLEP mention the previous Welsh Government consultation on Taxi and Private Hire Vehicle Licensing in Wales [WG31865] which referred to “national standards for all taxis and private hire vehicles, set by Welsh Ministers, with the power for local licensing authorities to set additional conditions where it is appropriate to do so”. AWLEP have noted that they would not recommend allowing local licensing authorities to set additional local conditions above the national standard.

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	✓
No	

Please explain your answer.

There are mixed comments on this question which filter back to the question of cross border workings and the difficulties associated with it.

The majority answer through the survey is that local authority officers should have the power to take action against vehicles (and drivers) operating in their area regardless of the licensing authority for that vehicle / driver. That said, there is a note of concern at the potential for appeal, with some respondents suggesting that powers should be limited to

suspension with an automatic referral back to the issuing licensing authority. Others suggest that the issue would be vastly simplified by a requirement that journeys must start or end in the licensing authority responsible for the licence in question, although there would still be an element of out of area working.

Another consideration is that there would need to be a clear and consistent policy of approach to avoid enforcement discrepancies across areas. This is ably illustrated within the survey responses, with one respondent advising:

Birmingham have a policy if one of our licensed drivers is found guilty of plying for hire his/her licence is revoked. If a Wolverhampton driver is found guilty of plying for hire in Birmingham, then he/she is referred to Wolverhampton who will normally issue a warning letter or a month's suspension. If a driver from another authority is caught plying for hire or committing any other offence in your authority, then your authority should be able to deal with the driver and administer the same punishment as they would as if it is one of their own licensed drivers.

Cross border enforcement arrangements will have cost implications which will also require consideration. Will the enforcing authority be indemnified by the authorised the vehicle in relation to enforcement costs. If not, how is it proposed that this will be funded?

AWLEP state:

The Panel believe that the revocation of a vehicle licence should be the responsibility of the home Licensing Authority. Where it is proposed that action is taken to revoke a licence, it is imperative that the licence holder is afforded the opportunity to be heard i.e. the opportunity of a fair hearing; this is a requirement of Article 6 Human Rights Act which protects your right to a fair trial. The Licensing Authority that has issued the licence will also have invaluable local knowledge about the licence holder, have immediate access to the history of the vehicle and any complaints received and should be responsible for recovering any fees associated with taking the enforcement action. It is noted that proposals in relation to fee setting are not included in the White Paper.

The Panel believe however that it is appropriate for any authorised officer from any Licensing Authority area to have the power to suspend immediately (Section 68 Local Government (Miscellaneous Provisions) Act 1976) a licence of any vehicle operating in their area (irrespective of where it was licensed) where there is an immediate public safety risk e.g. defective tyre, or potentially where the vehicle fails to meet the national standards e.g. missing door signs / back plates. The authority that issues the suspension, would then report the matter to the home Licensing Authority for them to consider whether to lift the suspension or take further action.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

77% of survey respondents supported this with references to Fixed Penalties and similar, which is also supported by AWLEP in its response, along with a referral scheme. Warnings are also suggested within the survey responses. Full consideration will need to be given to this in relation to the practical implications.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

We refer to the response from AWLEP:

The All Wales Licensing Expert Panel has previously been in discussion with Welsh Government about introducing the power to stop and direct taxi and PHVs. This would be a useful and beneficial addition to the enforcement options currently available to local authorities.

Currently Licensing Authorities are unable to attach conditions to hackney carriage driver licences, some local authorities have Byelaws in place and the Panel would recommend incorporating any relevant component of these into national standards

The Panel would recommend other enforcement provisions be introduced by Welsh Government such as where a driver refuses a fare due to the short distance involved or for cases of overcharging.

In addition, the Panel would recommend mandating training for all individuals involved in the licensing decision-making process (as mentioned above). Consistent and appropriate training of officers and councillors (this should also include Magistrates' legal clerks) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	✓
No	

Please explain your answer.

Survey respondents were unanimous in their support of a national database across England and Wales. This is seen as essential in the interests of safeguarding. The AWLEP agree:

The establishment of a mandatory national database of all licensed drivers is critical, however this database should be expanded to include vehicle and operators, proprietors and dispatchers to support stronger enforcement. This must be established quickly.

In the interim, the National Anti-Fraud Network (NAFN) currently provides an online register of taxi and private hire drivers who have been refused or had their licence revoked. The database includes the reasons for any refusal or revocation, along with the relevant Licensing Authority details. Welsh Government must introduce legislation to mandate its use as a priority. The Licensing Expert Panel has agreed in principle to use this database and at the time of this consultation response all local authorities in Wales were progressing this.

In addition, any national database must be able to accommodate or link in with an equivalent database in England to avoid duplication of data entry and ensure public safety particularly around the border areas.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

We agree with the comments from the AWLEP in relation to the current arrangements under the Common Law Police Disclosure. There are significant inconsistencies at present in terms of information shared by the police and this is subject to discussions with the Department for Transport, Disclosure and Barring Service and NPCC. These discrepancies undermine safeguarding and the licensing system and there are clear examples of unsuitable individuals being (or remaining) licensed due to information not being shared.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	✓

Please explain your answer.

80% of survey respondents do not agree with the proposal to redirect the licensing function to a JTA, while 87% consider that local authorities should retain the responsibility.

The report from the Task and Finish Group “*Taxi and Private Hire Vehicle Licensing - Steps towards a safer and more robust system*”¹ considered the single licensing authority model in London with Transport for London holding responsibility for taxi and private hire licensing across the 33 districts within Greater London.

The Task Group concluded that this model would likely work in some other areas, and as a

¹ Available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-recommendations-for-a-safer-and-more-robust-system>

result recommended that 'large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm.'

The report further notes that taxis and PHVs serve a range of very different localities across England, and local licensing authorities should not be prevented from applying extra conditions to their drivers or vehicles where there is an evidenced need. Even within urban areas where a centralised system would be beneficial, the report cites the importance of maintaining direct electoral accountability to ensure that the needs of all residents in any expanded licensing areas are considered and refers to the use of 'zoning' to maintain localised requirements of taxi regulation such as quantity restrictions, fare setting, local knowledge testing where deemed beneficial.

Wales is not a large urban area. Far from it. It is over 8,000 square miles of mixed localities including remote rural villages and busy urban areas. Taxis provide a life line to those in remote areas particularly in the absence of a strong public transport service. Local accountability, local conditions and local regulation are important in the interests of the travelling public and to maintain service provision in the more remote areas. Through the Institute of Licensing Wales Region and the AWLEP, the Welsh local authorities have a strong network in place and are ideally set up to continue to increase collaborative working.

There is no consideration or information in the White Paper as to how this would work, or the impact on the taxi industry or the population of Wales. If hackney carriages can stand or ply for hire across the whole of Wales, it is not difficult to foresee that a great many will concentrate on Cardiff on rugby and football match days, and other big events. Likewise, similar occurrences at the National Eisteddfod, the Royal Welsh show, and possibly even seaside resorts in the summer months.

A single private hire operator could dispatch vehicles across the whole country, and drivers will be free to move wherever they felt the work was available.

We consider that this part of the consultation is lacking in any detail or substance and badly flawed. We strongly recommend that it is not progressed.

The AWLEP response states:

The Panel would not support the proposal on the information provided, as there is no evidence to support the need to redirect the existing taxi and PHV licensing function away from Local Authorities. At this stage there is no detail contained within this white paper as to how the JTA would undertake the licensing function and therefore it is very difficult to be able to answer this question. The Panel feel that insufficient research has been undertaken in respect of this proposal and that Welsh Government must produce a far more detailed explanation on how the JTA would work. The Panel feel that they would then be in a better position to comment on the proposal. Our overriding concern is the protection of the public, and there is nothing contained within this proposal which suggests that public safety is at the forefront of this proposal.

In addition, Local Authorities have a duty to consider the WG's Framework for Managing the Night Time Economy in Wales. Authorities need to consider the transport need of their local evening and night time economy as part of an integrated approach, which includes the importance of taxis and PHVs. Partnership working between key local agencies such as the Police (including transport Police), licensing and the taxi trade offer the best opportunities for achieving sustainable late-night transport environments that also promote safety. Removal of the duty from Local Authorities would not be beneficial to implementing plans for improving the night time economy as a whole.

The Panel would be happy to consider the evidence for Welsh Government's proposals and to work with them further to ensure any reform of taxi and private hire vehicle legislation is robust, enforceable and improves public safety.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	✓
No	

Please explain your answer.

Yes as explained above.

AWLEP response to Q34:

Yes, the Panel believe that local authorities should continue to have responsibility for taxi and PHV licensing. Whilst the Panel appreciate that the Licensing function requires strengthening as mentioned in option B, it is recognised that licensing at the local level works well. Additional evidence is requested from Welsh Government to justify the contrary to continuing with Local Authority responsibility.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

We concur with the response from the AWLEP which states:

The Panel believe that the current proposals contained within the White Paper fall far short of the reform that taxi and private hire licensing so desperately requires. The previous set of proposals contained within the Taxi and Private Hire Vehicle Licensing in Wales [WG31865] would have introduced a robust taxi licensing regime which was fit for the 21st century and afforded local authorities the necessary tools to protect the public, tackle cross border working and introduce more powers for better enforcement. Instead, what is now being proposed is a quick fix and offers nothing more than a sticking plaster solution. The existing legislation is archaic, not fit for purpose and requires fundamental reform with new primary legislation.

The Panel are unfortunately resigned to the fact that the radical, ambitious and exciting plans previously proposed by Welsh Government have effectively been "kicked into the long grass" and are unlikely to be revisited. A viable alternative however is readily

available by considering in more detail adopting the recommendations of the “Ministerial Working Party into Hackney carriage and Private Hire Licensing in England [2018]” which builds on the work undertaken by the Law Commission “Reforming the Law of Taxi and Private Hire Services [2012]”.

These recommendations offer far more than a sticking plaster solution and would modernise the legislative framework, introducing appropriate regulation and giving licensing authorities the necessary enforcement tools to better protect the public. The recommendations, if implemented, would also ensure that inconsistencies between Welsh and English authorities, particularly along the border, are negated.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

We refer to the response from the AWLEP:

Welsh Government must have regard to the Welsh Standards as set out by the Welsh Language Commissioner. It is important that applicants are able to apply in their language of choice. Positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks.

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

No further comments.

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

No further comments.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

No further comments.

26 March 2019

Public Transport Engagement Team
Transport, Welsh Government
Cathays Park
Cardiff
CF10 3NQ

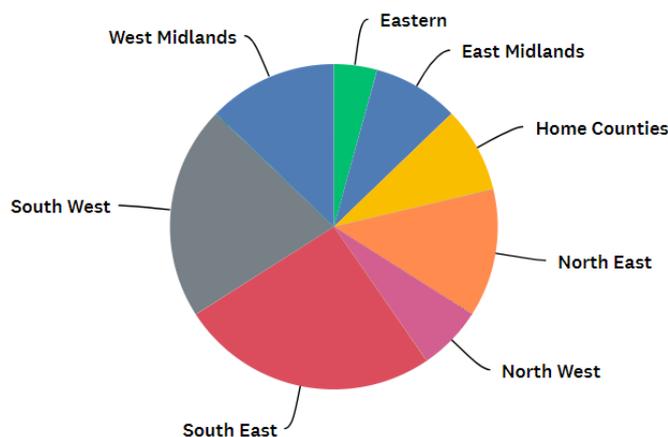
Dear Sirs

Institute of Licensing response to Welsh Government White Paper: Improving Public Transport

The Institute of Licensing (IoL) is the professional body for licensing practitioners across the UK. Our membership includes local authority, police, legal and industry practitioners with an interest in all areas of local government licensing. Taxi and Private Hire licensing is one of the main areas of licensing, and we have consulted with IoL members via online survey to inform this response. In addition, this response has been discussed by the IoL's Taxi Consultation Panel, a group of IoL members with a particular interest in Taxi and Private Hire Licensing (including representatives from Wales). Finally, we have had regard as well to the response submitted by the All Wales Licensing Expert Panel (AWLEP), which is largely comprised of IoL members.

IoL Survey – Respondents

We had a number of responses via the online survey (47), from English regions (Wales region members are represented via the AWLEP). Most responses were from local authority practitioners. We considered it appropriate to gather responses from England as the majority of the questions are equally relevant when applied to England.



The questions posed within the White Paper are addressed below, taking into account the survey responses, AWLEP and IoL Taxi Consultation Panel views. A copy of the survey report is provided to give a complete picture.

National Standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales? Yes/No? Please explain your answer.

Yes. 94% of survey respondents agreed that national **minimum** standards should apply. The concept and distinction of national minimum standards is important – it provides consistency to a minimum standard but allows for local conditions over and above the baseline.

It is worth noting that the report (published in 2018) by Task and Finish Group on Taxi and Private Hire Vehicle Licensing chaired by Professor Abdel-Haq recommends:

Recommendation 2

Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators (**see recommendation 6**). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England.

Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

The report also states: *‘These minimum standards should be set at a high but still proportionate level that would in practice reduce the need (actual or perceived) for individual authorities to add their own further checks or conditions - ‘minimum’ should not be understood or treated as meaning ‘minimal’.*

Noted that the AWLEP also agree with this proposal (although the response indicates a preference for ‘national standard’ rather than minimum) and point out the reference to minimum standards within the Law Commission’s report **“Reforming the Law of Taxi and Private Hire Services”** [2012]”.

National minimum standards will also assist in deterring ‘licence shopping’ by applicants seeking to avoid licensing requirements by their local authority in favour of a more lenient authority.

Q23. Are there any matters which you would like to see contained in any national standards?

There are varying responses to this question within the survey, but on balance, we would concur with the recommendation from the Task and Finish Group that the minimum standards should be drafted by a panel of regulators, passenger safety groups and operator representatives. Minimum standards should be drafted separately for vehicles, drivers and operators and matters tabled at [Appendix A](#) should be within the scope for consideration when drafting the standards.

Consideration should also be given to existing guidance from the Department for Transport as well as the other guidance sources included in the table.

Another area for consideration relates to training of individuals involved in regulation of taxi and private hire vehicles and we note that this is a point raised by the AWLEP. The Institute of Licensing provides standard and advance level training courses on taxi and private hire licensing and are in the process of reviewing its training for local authority councillors involved in licensing committees and sub-committee. We agree that training of all parties involved in the regulation and decision-making process is essential and that there should be mandated minimum training requirements.

The AWLEP refer to the need to ensure consistency with England, and we consider this to be an essential requirement of any national minimum standards.

Q24. Are there any matters which you think should be excluded from any national standards?

A majority of survey respondents felt that no matters should be excluded from consideration for national standards, although some mention issues such as vehicle age, local knowledge tests etc.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

In relation to Wales, we refer to the AWLEP response which states that the main obstacle will be incorporating the national standards into the 10,000 vehicles and 12,000 drivers currently licensed in Wales and the provisions that will need to be in place for transitional arrangements and grandfather rights. Consideration will also need to be given to finding suitable consistent standards which work for both urban and rural areas.

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Q26. What would be the best approach for determining the content of national standards?

We refer to the recommendation from the Task and Finish Group that the minimum standards should be drafted by a panel of regulators, passenger safety groups and operator representatives. The draft standards should also be subject to detailed consultation and reviewed in light of the responses received.

We note that AWLEP refer to a number of national policies in place which have been adopted by a number of Welsh Local Authorities in order to provide a level of consistency between areas, such examples include:

- National Inspection Standards for hackney carriage and private hire vehicles; and
- Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

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It is suggested that Welsh Government would also need to engage with passenger safety groups and operator representatives by way of meetings, seminars and workshops.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

We note that AWLEP mention the previous Welsh Government consultation on Taxi and Private Hire Vehicle Licensing in Wales [WG31865] which referred to “national standards for all taxis and private hire vehicles, set by Welsh Ministers, with the power for local licensing authorities to set additional conditions where it is appropriate to do so”. AWLEP have noted that they would not recommend allowing local licensing authorities to set additional local conditions above the national standard.

Enforcement

Q28. Should a Local Authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer.

There are mixed comments on this question which filter back to the question of cross border workings and the difficulties associated with it.

The majority answer through the survey is that local authority officers should have the power to take action against vehicles (and drivers) operating in their area regardless of the licensing authority for that vehicle / driver. That said, there is a note of concern at the potential for appeal, with some respondents suggesting that powers should be limited to suspension with an automatic referral back to the issuing licensing authority. Others suggest that the issue would be vastly simplified by a requirement that journeys must start or end in the licensing authority responsible for the licence in question, although there would still be an element of out of area working.

Another consideration is that there would need to be a clear and consistent policy of approach to avoid enforcement discrepancies across areas. This is ably illustrated within the survey responses, with one respondent advising:

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Cross border enforcement arrangements will have cost implications which will also require consideration. Will the enforcing authority be indemnified by the authorised the vehicle in relation to enforcement costs. If not, how is it proposed that this will be funded?

AWLEP state:

The Panel believe that the revocation of a vehicle licence should be the responsibility of the home Licensing Authority. Where it is proposed that action is taken to revoke a licence, it is imperative that the licence holder is afforded the opportunity to be heard i.e. the opportunity of a fair hearing; this is a requirement of Article 6 Human Rights Act which protects your right to a fair trial. The Licensing Authority that has issued the licence will also have invaluable local knowledge about the licence holder, have immediate access to the history of the vehicle and any complaints received and should be responsible for recovering any fees associated with taking the enforcement action. It is noted that proposals in relation to fee setting are not included in the White Paper.

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77% of survey respondents supported this with references to Fixed Penalties and similar, which is also supported by AWLEP in its response, along with a referral scheme. Warnings are also suggested within the survey responses. Full consideration will need to be given to this in relation to the practical implications.

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We refer to the response from AWLEP:

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The Panel would recommend other enforcement provisions be introduced by Welsh Government such as where a driver refuses a fare due to the short distance involved or for cases of overcharging.

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Information Sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared? Yes/No? Please explain your answer.

Survey respondents were unanimous in their support of a national database across England and Wales. This is seen as essential in the interests of safeguarding. The AWLEP agree:

The establishment of a mandatory national database of all licensed drivers is critical, however this database should be expanded to include vehicle and operators, proprietors and dispatchers to support stronger enforcement. This must be established quickly.

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We agree with the comments from the AWLEP in relation to the current arrangements under the Common Law Police Disclosure. There are significant inconsistencies at present in terms of information shared by the police and this is subject to discussions with the Department for Transport, Disclosure and Barring Service and NPCC. These discrepancies undermine safeguarding and the licensing system and there are clear examples of unsuitable individuals being (or remaining) licensed due to information not being shared.

Joint Transport Authority (JTA)

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national Licensing Authority (Option A)? Yes/No? Please explain your answer.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)? Yes/No? Please explain your answer.

80% of survey respondents do not agree with the proposal to redirect the licensing function to a JTA, while 87% consider that local authorities should retain the responsibility.

The report from the Task and Finish Group "*Taxi and Private Hire Vehicle Licensing - Steps towards a safer and more robust system*"¹ considered the single licensing authority model in London with Transport for London holding responsibility for taxi and private hire licensing across the 33 districts within Greater London.

The Task Group concluded that this model would likely work in some other areas, and as a result recommended that 'large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one

¹ Available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-recommendations-for-a-safer-and-more-robust-system>

licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm.'

The report further notes that taxis and PHVs serve a range of very different localities across England, and local licensing authorities should not be prevented from applying extra conditions to their drivers or vehicles where there is an evidenced need. Even within urban areas where a centralised system would be beneficial, the report cites the importance of maintaining direct electoral accountability to ensure that the needs of all residents in any expanded licensing areas are considered and refers to the use of 'zoning' to maintain localised requirements of taxi regulation such as such as quantity restrictions, fare setting, local knowledge testing where deemed beneficial.

Wales is not a large urban area. Far from it. It is over 8,000 square miles of mixed localities including remote rural villages and busy urban areas. Taxis provide a life line to those in remote areas particularly in the absence of a strong public transport service. Local accountability, local conditions and local regulation are important in the interests of the travelling public and to maintain service provision in the more remote areas. Through the Institute of Licensing Wales Region and the AWLEP, the Welsh local authorities have a strong network in place and are ideally set up to continue to increase collaborative working.

There is no consideration or information in the White Paper as to how this would work, or the impact on the taxi industry or the population of Wales. If hackney carriages can stand or ply for hire across the whole of Wales, it is not difficult to foresee that a great many will concentrate on Cardiff on rugby and football match days, and other big events. Likewise, similar occurrences at the National Eisteddfod, the Royal Welsh show, and possibly even seaside resorts in the summer months.

A single private hire operator could dispatch vehicles across the whole country, and drivers will be free to move wherever they felt the work was available.

We consider that this part of the consultation is lacking in any detail or substance and badly flawed. We strongly recommend that it is not progressed.

The AWLEP response states:

The Panel would not support the proposal on the information provided, as there is no evidence to support the need to redirect the existing taxi and PHV licensing function away from Local Authorities. At this stage there is no detail contained within this white paper as to how the JTA would undertake the licensing function and therefore it is very difficult to be able to answer this question. The Panel feel that insufficient research has been undertaken in respect of this proposal and that Welsh Government must produce a far more detailed

explanation on how the JTA would work. The Panel feel that they would then be in a better position to comment on the proposal. Our overriding concern is the protection of the public, and there is nothing contained within this proposal which suggests that public safety is at the forefront of this proposal.

In addition, Local Authorities have a duty to consider the WG's Framework for Managing the Night Time Economy in Wales. Authorities need to consider the transport need of their local evening and night time economy as part of an integrated approach, which includes the importance of taxis and PHVs. Partnership working between key local agencies such as the Police (including transport Police), licensing and the taxi trade offer the best opportunities for achieving sustainable late-night transport environments that also promote safety. Removal of the duty from Local Authorities would not be beneficial to implementing plans for improving the night time economy as a whole.

The Panel would be happy to consider the evidence for Welsh Government's proposals and to work with them further to ensure any reform of taxi and private hire vehicle legislation is robust, enforceable and improves public safety.

AWLEP response to Q34:

Yes, the Panel believe that local authorities should continue to have responsibility for taxi and PHV licensing. Whilst the Panel appreciate that the Licensing function requires strengthening as mentioned in option B, it is recognised that licensing at the local level works well. Additional evidence is requested from Welsh Government to justify the contrary to continuing with Local Authority responsibility.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

We concur with the response from the AWLEP which states:

The Panel believe that the current proposals contained within the White Paper fall far short of the reform that taxi and private hire licensing so desperately requires. The previous set of proposals contained within the Taxi and Private Hire Vehicle Licensing in Wales [WG31865] would have introduced a robust taxi licensing regime which was fit for the 21st century and afforded local authorities the necessary tools to protect the public, tackle cross border working and introduce more powers for better enforcement. Instead, what is now being proposed is a quick fix and offers nothing more than a sticking plaster solution. The existing legislation is archaic, not fit for purpose and requires fundamental reform with new primary legislation.

The Panel are unfortunately resigned to the fact that the radical, ambitious and exciting plans previously proposed by Welsh Government have effectively been “kicked into the long grass” and are unlikely to be revisited. A viable alternative however is readily available by considering in more detail adopting the recommendations of the “Ministerial Working Party into Hackney carriage and Private Hire Licensing in England [2018]” which builds on the work undertaken by the Law Commission “Reforming the Law of Taxi and Private Hire Services [2012]”.

These recommendations offer far more than a sticking plaster solution and would modernise the legislative framework, introducing appropriate regulation and giving licensing authorities the necessary enforcement tools to better protect the public. The recommendations, if implemented, would also ensure that inconsistencies between Welsh and English authorities, particularly along the border, are negated.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased? or negative effects be mitigated?

We refer to the response from the AWLEP:

Welsh Government must have regard to the Welsh Standards as set out by the Welsh Language Commissioner. It is important that applicants are able to apply in their language of choice. Positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks.

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

No further comments.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them: Please enter here:

No further comments.

I hope this information is of assistance to you. The Institute of Licensing would be happy to engage with you further in considering potential reform of arrangements for taxi and private hire licensing.

Yours faithfully



Sue Nelson
Executive Officer

Improving Public Transport - Welsh Government White Paper - IoL Response DV1 (appendix re National Standard)

Heading	Standards	Vehicles	Drivers	Operators	Notes
CCTV	<p>The use and standards for CCTV within vehicles, both audible and video as outlined in the Task and Finish Group report (recommendation 17 & 18).</p> <p>The Information Commissioner's Office has produced advice for councils and other organisations in using surveillance and CCTV systems in licensed taxis. A national standard should take account of this advice.</p>	Vehicles			<p>The LGA Guidance has also now been published.</p> <p>The cost of fitting CCTV within licensed vehicles particularly for small businesses may require subsidy from Welsh Government.</p>
CCTV	In board CCTV to be fitted where data is stored, encrypted in the vehicle but is only accessible by licensing authorities. To record visual data from the moment ignition is turned on until at least 20 minutes after it is turned off, to record audio data for a period of 5 minutes after activation by either the driver or passengers who should all have access to buttons to activate the audio.				Will need to raise national grounds for this with the ICO.
Design and appearance	Design and appearance and internal spatial requirements of vehicles including the approach to identify taxis and private hire vehicles.	Vehicles			
Design and appearance	The information which should be contained on any vehicle identification source (plates, door signs).	Vehicles			
Design and appearance	Standards for specialist and novelty vehicles, such as stretched limousines, wedding and funeral cars, omnibuses and pedicabs.	Vehicles			
Design and appearance	Taxi sign roof box or built in.	Taxis			

Improving Public Transport - Welsh Government White Paper - IoL Response DV1 (appendix re National Standard)

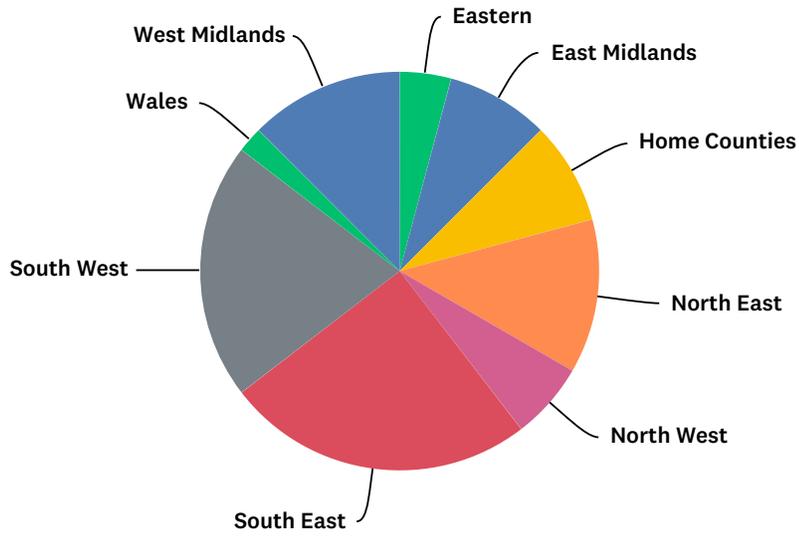
Heading	Standards	Vehicles	Drivers	Operators	Notes
Design and appearance	Private hires not allowed any roof box or alternative sign similar to the hackney. Door stickers with licence number, pre-booked only, operator name and contact details and the licensing authority.				This will tie the vehicle to one operator and prevent abuse by drivers not fulfilling bookings because of a better job coming in from another operator, driver still has choice of operator and there are schemes where drivers use a pool of cars with different operators. This will prevent a lot of illegal pickups by private hires.
Design and appearance	Plates to be securely fixed to vehicle by licensing authority. Licence information and contact information for licensing authority to be displayed within the vehicle where passengers can easily see it.				
Environmental	Environmental considerations such as vehicle emission standards.	Vehicles			
Inspections	National Inspection Standards and frequency of inspections and testing including the criteria for testing. Consideration should also be given to suitability, independency and availability of testing stations and how they are approved e.g. consider if use of Trade owned testing stations are appropriate.	Vehicles			
Inspections	Vehicles to be examined twice a year, 6 months apart.				
Medical	Medical fitness and specifically the requirement of Group 2 Medical Standards and the need for the applicant's full medical history to be noted by the completing GP. Standards should also consider consistency of the issue of exemption certificates in terms of Equality Act duties.		ALL		
Meters	Taxi Meter standards including the criteria for Pulse and GPS meters.	Vehicles			

Improving Public Transport - Welsh Government White Paper - IoL Response DV1 (appendix re National Standard)

Heading	Standards	Vehicles	Drivers	Operators	Notes
Records	Record Keeping including the retention period required.	Proprietors	ALL	ALL	Public safety would be promoted through the requirement for records to be kept for every journey undertaken. There are obvious practical difficulties with taking this approach. Another option would be to use technology to improve safeguarding arrangements. The use of CCTV, trackers and GPS systems would provide a more robust system for record keeping, without an administrative burden on taxi drivers.
Regulatory	Enforcement Protocols				To ensure consistency of compliance management and enforcement activity across local authority areas.
Right to Work	Immigration checks specifically the Right to Work in the UK	Proprietors	ALL	ALL	
Suitability	Enhanced DBS and Barring List checks (certificate of good conduct for overseas applicants)	Proprietors	ALL	licence holders and dispatchers	Anyone privy to personal information should be subject to suitability checks
Suitability	Suitability policy	Proprietors	ALL	licence holders and dispatchers	The IoL has recently published ' Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades '. This guidance is included within the DfT Statutory Guidance which is currently under consultation.
Suitability	Foreign driving licences		ALL		
Tests	Nationally-recognised / WG approved vocational qualifications to include disability quality and awareness training, safeguarding awareness training (Child Sexual abuse / Exploitation, County Lines), practical driving standards test, communication skills and literacy, customer care, handling of emergencies, managing conflict etc.	Proprietors	ALL	ALL	Practical driving tests would apply only to licensed drivers
Tests	Knowledge and suitability test (literacy, numeracy, highway-code, conditions, local area knowledge).		ALL		

Q3 What region are you located in?

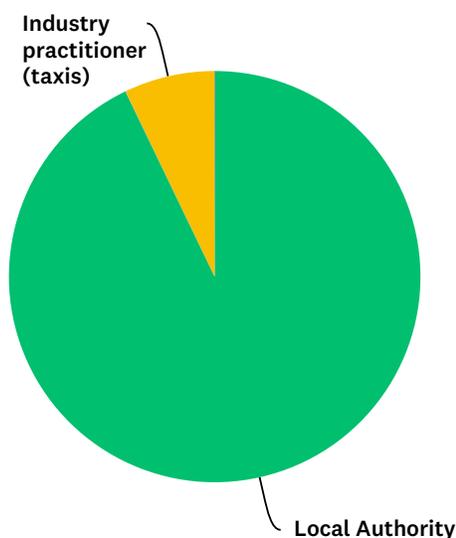
Answered: 48 Skipped: 0



ANSWER CHOICES	RESPONSES	
Eastern	4.17%	2
East Midlands	8.33%	4
Home Counties	8.33%	4
London	0.00%	0
North East	12.50%	6
Northern Ireland	0.00%	0
North West	6.25%	3
Scotland	0.00%	0
South East	25.00%	12
South West	20.83%	10
Wales	2.08%	1
West Midlands	12.50%	6
TOTAL		48

Q4 If you are responding on behalf of an organisation, please indicate which type of organisation:

Answered: 42 Skipped: 6



ANSWER CHOICES	RESPONSES	
Local Authority	92.86%	39
Police	0.00%	0
Industry practitioner (taxis)	7.14%	3
Industry practitioner (other)	0.00%	0
Legal Practice	0.00%	0
Licensing consultancy	0.00%	0
Training consultancy	0.00%	0
TOTAL		42

#	OTHER (PLEASE SPECIFY)	DATE
1	[18/03, 17:06] Ruhul. Under the Welsh government every licensed drivers should be able to operate to work in Cardiff City or anywhere in wales as long as you work with tech giant like uber or ola just like Transport for London operating for greater London. . Customers have no crisis that way... But the jealous Cardiff taxi driver want earn £2000 every week greedy And demand customers to pay higher fares. There will be cross bordering as Wales is a small country with very small population and majority people surrounding Cardiff and county area.. [18/03, 17:10] Ruhul. Especially Cardiff is the capital of Wales with people touring ang visiting the city... extra drivers a must need for services so cross bordering is not illegal and special safety measures should be considered as it is joining uber or ola. [18/03, 17:11] Ruhul. I can forward this to the Welsh government by all means.	3/18/2019 5:43 PM
2	Employed by Birmingham City Council	1/24/2019 12:41 PM
3	While manager of a local authority licensing service, I am submitting response in my own right and the views expressed are therefore entirely my own - not that of my employing organisation.	1/23/2019 5:39 PM

Q5 What is your role within the organisation?

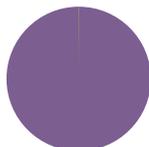
Answered: 47 Skipped: 1

Local Authority



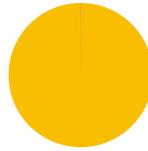
- Licensing Officer
- Service Manager
- Enforcement Officer
- Civilian Licensing Officer
- Legal Adviser
- Councillor
- Police Officer
- Licensing Sergeant
- Police Legal Adviser
- Licensed operator
- Licensed vehicle owner
- Licensed driver
- Licensed vehicle owner and driver
- Licensing Solicitor
- Licensing Barrister
- Licensing consultant
- Training provider

Police



- Licensing Officer
- Service Manager
- Enforcement Officer
- Civilian Licensing Officer
- Legal Adviser
- Councillor
- Police Officer
- Licensing Sergeant
- Police Legal Adviser
- Licensed operator
- Licensed vehicle owner
- Licensed driver
- Licensed vehicle owner and driver
- Licensing Solicitor
- Licensing Barrister
- Licensing consultant
- Training provider

Industry Operator



- Licensing Officer
- Enforcement Officer
- Legal Adviser
- Councillor
- Service Manager
- Civilian Licensing Officer
- Police Licensing Officer
- Police Officer
- Licensing Sergeant
- Police Legal Adviser
- Licensed operator
- Licensed vehicle owner
- Licensed driver
- Licensed vehicle owner and driver
- Licensing Solicitor
- Licensing Barrister
- Licensing consultant
- Training provider

Legal Practitioner



- Licensing Officer
- Enforcement Officer
- Legal Adviser
- Councillor
- Service Manager
- Civilian Licensing Officer
- Police Licensing Officer
- Police Officer
- Licensing Sergeant
- Police Legal Adviser
- Licensed operator
- Licensed vehicle owner
- Licensed driver
- Licensed vehicle owner and driver
- Licensing Solicitor
- Licensing Barrister
- Licensing consultant
- Training provider

Consultancy



- Licensing Officer
- Enforcement Officer
- Legal Adviser
- Councillor
- Service Manager
- Civilian Licensing Officer
- Police Licensing Officer
- Police Officer
- Licensing Sergeant
- Police Legal Adviser
- Licensed operator
- Licensed vehicle owner
- Licensed driver
- Licensed vehicle owner and driver
- Licensing Solicitor
- Licensing Barrister
- Licensing consultant
- Training provider

Local Authority

	LICENSING OFFICER	ENFORCEMENT OFFICER	LEGAL ADVISER	COUNCILLOR	SERVICE MANAGER	TOTAL
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IoL Member Consultation - Welsh Government - Improving Public Transport (taxis and PHVs) (December 2018)

Role	43.48%	17.39%	2.17%	0.00%	36.96%	
	20	8	1	0	17	46

Police

	CIVILIAN LICENSING OFFICER	POLICE LICENSING OFFICER	POLICE OFFICER	LICENSING SERGEANT	POLICE LEGAL ADVISER	TOTAL
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Role	100.00%	0.00%	0.00%	0.00%	0.00%	
	1	0	0	0	0	1

Industry Operator

	LICENSED OPERATOR	LICENSED VEHICLE OWNER	LICENSED DRIVER	LICENSED VEHICLE OWNER AND DRIVER	TOTAL
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Role	0.00%	0.00%	100.00%	0.00%	
	0	0	1	0	1

Legal Practitioner

	LICENSING SOLICITOR	LICENSING BARRISTER	TOTAL
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Role	0.00%	0.00%	
	0	0	0

Consultancy

	LICENSING CONSULTANT	TRAINING PROVIDER	TOTAL
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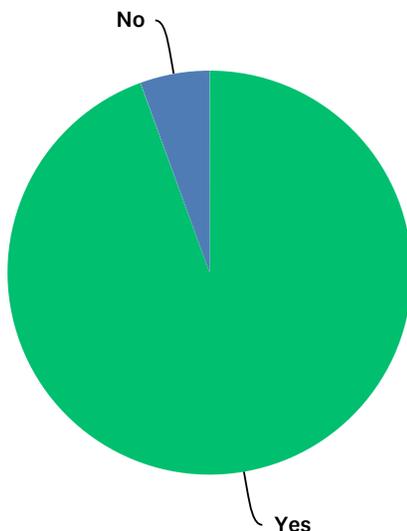
Role	0.00%	0.00%	
	0	0	0

#	OTHER (PLEASE SPECIFY)	DATE
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1	Principal officer	12/18/2018 8:27 AM
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Q6 Q22. Do you agree with proposals to introduce national standards which will apply to all taxis and PHVs in Wales?

Answered: 36 Skipped: 12



ANSWER CHOICES	RESPONSES	
Yes	94.44%	34
No	5.56%	2
TOTAL		36

#	PLEASE EXPLAIN YOUR ANSWER	DATE
1	[18/03, 17:06] Ruhul. Under the Welsh government everyone should be okay to operate taxi.. Private hire in Cardiff City or anywhere in wales as long as you work with tech giant like uber or ola.. . Customers have no crisis that way... But the jealous Cardiff taxi driver want earn £2000 every week greedy And demand customers to pay higher fares. There will be cross bordering as Wales is a small country with very small population and majority people surrounding Cardiff and county area.. [18/03, 17:10] Ruhul. Especially Cardiff is the capital of Wales with people touring ang visiting the city... extra drivers a must need for services so cross bordering is not illegal and special safety measures should be considered as it is joining uber or ola. [18/03, 17:11] Ruhul. I can forward this to the Welsh government by all means.	3/18/2019 5:46 PM
2	It is very detrimental to have different standards across different authorities. It allows for people to 'shop around' for licences and work in an area with a vehicle that does not meet the standards required by that authority. Creating a national standard would ensure that everybody had to meet the same level.	3/1/2019 9:16 AM
3	In my opinion, issues such as cross border hire and safeguarding require a consistent national response to be truly effective.	2/18/2019 2:49 PM
4	National minimum standards would provide a more consistent approach whilst allowing additional standards to be added as required to address any local requirements	2/14/2019 10:11 PM
5	Consistency of enforcement across neighbouring authorities would be improved.	2/8/2019 9:39 AM

IoL Member Consultation - Welsh Government - Improving Public Transport (taxis and PHVs) (December 2018)

6	To limit the incentivisation to apply in an area where standards are lower. To provide consistent high standards across Wales would stop taxi or private hire vehicle proprietors being selective and only taking the decision to licence in those areas with lower standards. This in turn creates level playing field for all taxi and private hire vehicle proprietors. The hallmark of the licensing regime is localism and therefore the local authority responsible for granting licences ought to have the authority to exercise full control over all vehicles and drivers being operated within its area.	1/29/2019 11:34 AM
7	I believe that operating to a national standard allows for continuity across councils. At the moment speaking from experience we have a very robust and high standard policy including a conviction policy. However, if we revoke and refuse the driver as an example; they can quite easily apply in another borough with a lesser standard and obtain a licence. this defeats the object of have professional standard that all drivers, operators and vehicles have regard to and presenting a professional service. the problem we have in many boroughs is that some people not all see it as an easy option and the last option. I would like it to be a professional option. See Buttons guide under the IOL	1/29/2019 11:17 AM
8	National Minimum Standards will be good, but the local populace need individuals who know their local area so that they are not taken advantage of by those who do not know their way around and charge on meters.	1/28/2019 10:35 AM
9	unless those national standards are consulted on to inform the decision made	1/25/2019 9:21 PM
10	But they should be a National Standard adopted by all licensing authorities and NOT a National Minimum Standard. If the Welsh Government adopts a minimum national standard it run the risk that vehicle proprietors will continue to identify and migrate to Licensing Authorities that may only require the national minimum vehicle standards. Having varying and minimum national standard poses a potential risk to communities, as well as the reputation of local government as a whole and every Licensing Authority should accept they have a role to play in protecting other communities outside of its immediate responsibility.	1/24/2019 4:48 PM
11	With cross boarder hiring becoming more and more common, this will standardised the requirements for drivers. It will also ensure that drivers being refused in one area are not then able to get licenced in a neighboring area due to different policy requirements. It will also stop some authorities bringing in tougher minimum vehicle standards forcing older vehicles into authorities with less strict requirements.	1/24/2019 2:20 PM
12	It makes sense to have national standards for vehicles.	1/24/2019 11:44 AM
13	The current regime in England means that there is a lack of consistency in standards and we know this is resulting in licence holders selecting where they will get a licence and then working outside of that authority. This will help to ensure that high standards are maintained consistently across the country and make the whole system more adaptable to change, and also creating a better understanding for licence holders	1/24/2019 9:59 AM
14	Consistent standards ensure enforcement compliance standards are the same throughout and provides transparency for all. There is therefore no point to going to another authority in the belief that their standards are more lenient or better suited to an individuals preferred method of operation	1/24/2019 9:51 AM
15	The public should have the same standards and safety regardless of the district they use the service.	1/24/2019 9:19 AM
16	Area should exceed the minimum requirements of the DVLA, such as min tyre tread. They should be set as a minimum, with the caveat of LA being able to increase their requirements.	1/24/2019 8:58 AM
17	National standards will stop "licence shopping",	1/24/2019 8:47 AM
18	The current legislation covering taxis and PHVs is 172 yrs and 43 yrs old respectively. Technology, improved roads and a much better understanding of offending behaviour, particularly those matters related to safeguarding, have totally outstripped the old Acts. Furthermore, the public demand higher standards of service and behaviour and do not recognise or care about Local Authority boarders. It therefore makes absolute sense to have a national set of conditions, standards and enforcement powers/procedures. This would not only allow for a common set of easily understood 'rules' but it would allow flexibility in ensuring that licensing conditions keep pace with technology, etc.	1/24/2019 8:03 AM
19	To establish a common baseline, there should be national minimum standards with ability to impose additional standards as appropriate that can be justified to help resolve localised problem issues (e.g. in-cab CCTV for areas where there is a high crime and disorder incidence).	1/23/2019 6:38 PM

IoL Member Consultation - Welsh Government - Improving Public Transport (taxis and PHVs) (December 2018)

20	Having said yes; the standard should be much higher than it currently is in many authorities areas. It might be better to have a minimum standard set.	1/23/2019 4:57 PM
21	Yes if they are a minimum standard and local authorities can add further conditions to suit local issues and requirements	1/23/2019 4:41 PM
22	National standards are required, however there needs to be some restricted variation allowed for local conditions. Also recommend a restricted licence scheme to cater for school run only type of operations. .	1/11/2019 11:22 AM
23	An overall standard for vehicles would be beneficial providing it was not set at the lowest common denominator	12/20/2018 4:41 PM
24	the highest national standards should be set and there should not be a compromise between a lesser standard or a higher standard, but the highest standard should be adapted all the time.	12/18/2018 10:38 AM
25	I agree that legislation needs to change due to advances in technology however strongly believe this should be kept with Local Authorities as it would be too difficult to monitor and enforce.	12/18/2018 10:35 AM
26	This approach would bring consistency for the trade when dealing with more than one local authority and stop operators shopping around for the weakest local authority standards.	12/18/2018 9:55 AM
27	There are currently too many inconsistent standards across counties and regions. All local authorities have different licensing standards resulting in different costs for operators and variable safety and quality standards for passengers.	12/18/2018 8:42 AM
28	I think its absolutely vital, for the reasons given in the report - to standardise taxi and private hire.	12/18/2018 8:26 AM
29	I feel we should all have an industry standard to allow us to bring our vehicles into line with the other transport providers clean and safe vehicles.	12/18/2018 8:16 AM

Q7 Q23. Are there any matters which you would like to see contained in any national standards?

Answered: 30 Skipped: 18

#	RESPONSES	DATE
1	It needs to be above the MOT standard. I'd suggest that any item that would constitute an advisory on an MOT check would result in a failure to meet the required standard.	3/1/2019 9:16 AM
2	Standardised driver application procedures Adoption of the IOL convictions policy	2/18/2019 2:49 PM
3	Age limits Vehicle testing intervals Vehicle testing content Seating dimensions Wheelchair conversion approval schemes Emission standards Identification signage - i.e. number and location of identification plates, but format and design could be regionally set	2/14/2019 10:11 PM
4	Consistent requirement for markings, plates.	2/8/2019 9:39 AM
5	That vehicles used to convey passengers are safe and fit for the purpose for which they are licensed. This can be achieved by setting a minimum NCAP (New Car Assessment Programme) standard for vehicles. That the impact on the environment is reduced in line with European and national guidelines. This can be achieved by way of setting a minimum euro emissions standard or age limit on vehicles. Safety of wheelchair accessible vehicles - ensuring that all vehicles capable of transporting a passenger in a wheelchair have been specifically built for that purpose and any wheelchair adaptations to a vehicle meet the standards approved by the Vehicle Certification Agency (VCA), evidenced by way of producing a Certificate of Conformity or a Certificate of Compliance or other relevant certificate Regular safety checks to include, but not restricted to, MOT, insurance	1/29/2019 11:34 AM
6	I think a national points system that relates to various offences that driver, operators and vehicles can do. I think a convictions policy that has a sliding scale and CCTV as standard etc we should be aiming for good minimum standards but minimum should not mean minor. They should include cross border enforcement that is the same in whichever borough you operate from. Enforcement protocols Group 2 medicals	1/29/2019 11:17 AM
7	A minimum standards conviction policy	1/29/2019 9:47 AM
8	minimum EU/UK driving experience minimum age local knowledge tests english language standards	1/28/2019 10:35 AM
9	MOT, Certificate of compliance, Enhanced DBS and annual check (on line), Safeguarding training. qualification NVq. Advanced driving test and retest, medical Group 2 standard, DVLA annual check disabled access HCV, CCTV	1/25/2019 9:21 PM
10	Age policy - will ensure a continuing modernisation of licensed taxis and private hire vehicles. Emission policy - again to effectively accelerate the modernisation of the vehicles used and support improved air quality and associated public health improvements. Mandatory signage - Will assist in the regulation of licensed vehicle and support public safety.	1/24/2019 4:48 PM
11	The current "Safe and Suitable" policy is a great tool and we have adopted it as part of our policy. Safeguarding is such a huge issue now that its vital all authorities have the same standards when it comes to the suitability of a driver. I think a similar policy for vehicles would also be a great tool, standardise the minimum and maximum ages for vehicles that can be used. Potentially look at the fuel types too which will co-inside with the Air Quality issues. Enforcement between authorities would help resolve issues with cross border hiring and there should be a national standard enforcement policy outlining how each offence is dealt with and what penalties are imposed.	1/24/2019 2:20 PM
12	Enhanced DBS Medical assessment meeting the DVLA group 2 criteria Practical driving assessment CSE/Safeguarding training Disability awareness training - including a practical element for loading and unloading passengers in wheelchairs. Passenger and personal safety Customer service Conflict management Basic vehicle maintenance English language skills	1/24/2019 11:58 AM
13	Age limits, emission levels, seating configurations (eg tilting seats to access a 3rd back row), equipment (spare tyres, first aid kit, fire extinguishers), plate identification and signage.	1/24/2019 11:44 AM

IoL Member Consultation - Welsh Government - Improving Public Transport (taxis and PHVs) (December 2018)

14	Would like to see a list of "barred" convictions for driver applicants licensees so someone revoked, as an example for drink driving, could not regain a licence until a set period had expired. If added to the DBS barred list of occupations simply to apply would constitute an offence and be grounds for refusal. Calculation of vehicle seating capacities should also be via a clear methodology. Operator licences and required records should also be required for booking businesses whether using Hackney Carriages, Private Hire vehicles or both	1/24/2019 9:51 AM
15	Local knowledge tests for area to be licensed Enhanced DBS checks for all applicants Disability Awareness and Safeguarding Training mandatory CCTV in all licensed vehicles Medical to be undertaken by drivers own GP who has access to the drivers medical history	1/24/2019 9:19 AM
16	As well as all of the requirements of a MOT, areas should include: Body work Vehicle classification, excluding vehicles with a insurance write off as public safety can not be guaranteed in those vehicles. Internal standards, bearing in mind passenger safety and comfort. Wheelchair equipment functionality. Minimum seat dimensions, allowing for customers comfort, and assisting the LA in licensing passenger numbers per vehicle.	1/24/2019 8:58 AM
17	The ability for authorities to add additional conditions to the national ones to deal with local issues Mandatory CCTV	1/24/2019 8:47 AM
18	National standards for vehicles should not only focus on quality and safety-related issues, but enable minimum specifications in respect of the full range of relevant issues applicable to a modern public transportation service. National minimum standards should therefore tackle issues in respect of accessibility, appearance, air quality and emissions, economy of fuel type / use, environmental performance and efficiency, end of life recycling standards, maintenance and testing standards, permitted vehicle modifications, security (both drivers and passengers), insurance, disabled driver adaptation standards, vehicle history standards (i.e. checks and standards in respect of vehicle recalls, stolen vehicles, insurance write-offs, scrapped vehicles, vehicle mileage and identification discrepancies etc), taximeter specifications, vehicle advertising standards. National minimum standards should also set out what happens when taxi vehicles have been involved in an accident - repair standards.	1/23/2019 6:38 PM
19	Guidance to members being put on a statutory footing. Safeguarding training (attendance not online)	1/23/2019 4:57 PM
20	The usual Group 2 medical, enhanced DBS, driving test etc, CSE training Verbal English test to show they can communicate with passenger in an emergency etc. Set mechanical standard that is stricter than an MOT. Green engines for vehicle	1/23/2019 4:41 PM
21	Engine to either be an ULEV or at least Euro 6 diesel or Euro 4 petrol to address clean air concerns. To be capable of carrying a minimum of 3 passengers plus luggage for 3 persons.- to meet the reasonable expectation of the public. However you may wish to include some exceptions for some community or school run type operations but again this could be managed locally by using a restricted licence scheme. Vehicles to be clearly signed as either a Hackney Carriage or a Private hire vehicle. Make hackneys a particular colour, yellow?? And private hires any colour except the hackney colour. Additional signage on hackneys such as a Taxi sign roof box or built in. Private hires not allowed any roof box or alternative sign similar to the hackney. Door stickers with licence number, pre-booked only, operator name and contact details and the licensing authority. This will tie the vehicle to one operator and prevent abuse by drivers not fulfilling bookings because of a better job coming in from another operator, driver still has choice of operator and we have seen schemes where drivers use a pool of cars with different operators.This will prevent a lot of illegal pickups by private hires. In board CCTV to be fitted where data is stored, encrypted in the vehicle but is only accessible by licensing authorities. To record visual data from the moment ignition is turned on until at least 20 minutes after it is turned off, To record audio data for a period of 5 minutes after activation by either the driver or passengers who should all have access to buttons to activate the audio. Will need to raise national grounds for this with the ICO. Vehicles to be examined twice a year, 6 months apart. Plates to be securely fixed to vehicle by licensing authority.	1/11/2019 11:22 AM
22	Vehicle inspections & Drivers requirements	12/20/2018 4:41 PM
23	There should be a national database of all taxi and private hire drivers and vehicles, which can be accessed by any local authority to determine whether an applicant is fit and proper to be issued a licence. As at the moment if an applicant does not divulge information on application that he/she has been licensed by or applied to another authority, then there is no way that the authority processing the application will know this and the database may have relevant information which will help determine whether or not the applicant is fit to be licensed.	12/18/2018 10:38 AM

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24	App based operators (Uber and Ola) need to be more accountable for where their drivers are working as currently it means a North Somerset driver can work anywhere in the country if they have the app on their phone.	12/18/2018 10:35 AM
25	A high minimum standard rather than a low one otherwise it would be worthless.	12/18/2018 9:55 AM
26	One 'Licenced Vehicle' The minimum standard	12/18/2018 9:27 AM
27	Full compliance with vehicle and driver requirements to obtain a licence (DBS, DVLA Group 2 standard medical, competency based test on application, safeguarding and disability awareness training).	12/18/2018 8:42 AM
28	A strict Criminal convictions Policy, clear and concise vehicle standards.	12/18/2018 8:26 AM
29	The use of second hand parts should be outlawed and proper service records as standard before plating.	12/18/2018 8:16 AM
30	Vehicles - Vehicle spec, age limits, emission standards Drivers - training requirements, national standards for guidance on conviction	12/18/2018 7:58 AM

Q8 Q24. Are there any matters which you think should be excluded from any national standards?

Answered: 20 Skipped: 28

#	RESPONSES	DATE
1	Not specifically	3/1/2019 9:16 AM
2	Vehicle standards. I would like to see some clear guidelines to local authorities on vehicle standards, but prescriptive vehicle standards would in my opinion be a step too far (I prefer for local authorities to have some latitude in this area to tailor their policy to the specific needs of that local area).	2/18/2019 2:49 PM
3	Engine sizes/power output.	2/14/2019 10:11 PM
4	No	2/8/2019 9:39 AM
5	I feel that design and type and information displayed on a vehicle should be for the LA to decide. I also think that Local authorities should be able to set the criteria for New drivers as to what they expect and what is required when assessing them.	1/29/2019 11:17 AM
6	None	1/28/2019 10:35 AM
7	No	1/25/2019 9:21 PM
8	Exemption from the National Standards - public safety must be a our paramount concern	1/24/2019 4:48 PM
9	Fee's should potentially be excluded. Numbers vary form authority to authority as do staffing levels so this is maybe something that needs to be considered on an individual basis.	1/24/2019 2:20 PM
10	Local topographical test.	1/24/2019 11:58 AM
11	No. Even the positioning of Hackney Carriage Stands and PH "pick up/ drop off" sites should be carried out consistently across the whole country	1/24/2019 9:51 AM
12	Colour needs to a local requirement	1/24/2019 8:58 AM
13	Age-restrictions or age-limitations on vehicles - In my mind, age is irrelevant. Old vehicles that are well maintained will likely be safer and of better quality etc, than a newer vehicle that has been run into the ground. Whilst there may be arguments to restrict older cars on the basis of improving environmental standards, the limiting criteria is whether the vehicle meets the relevant environmental standards - not age. Likewise, whilst there may be arguments to restrict older cars on the basis of improving safety and maintenance standards, the limiting factors are how well the vehicle is maintained and at what frequencies as opposed to how old it is. Any vehicle, regardless of its age, may be maintained in a good, safe, roadworthy condition and therefore, the setting of an age limit beyond which it will not be licenced is arbitrary and disproportionate.	1/23/2019 6:38 PM
14	Local knowledge should be optional.	1/23/2019 4:57 PM
15	Road Knowledge/Topographical exams	12/20/2018 4:41 PM
16	National standards should be set as a minimum but local authorities should have the power to also set their own conditions / standards which go way and beyond the national standards if the local authority believes these will help protect the public it serves.	12/18/2018 10:38 AM
17	No	12/18/2018 10:35 AM
18	No all initiatives being used by local authorities should be considered	12/18/2018 9:55 AM
19	NVQ Standards to be replaced by national application requirments (see Q230	12/18/2018 8:42 AM
20	No	12/18/2018 8:16 AM

Q9 Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Answered: 26 Skipped: 22

#	RESPONSES	DATE
1	With such a variety of standards across authorities it will be difficult to find an appropriate level. Unless the current highest standard is taken it will invariably mean that some authorities would be dropping below what they currently as for.	3/1/2019 9:16 AM
2	In some cases significant differences between local authority areas, with some entrenched views (particularly from some licensing committee members).	2/18/2019 2:49 PM
3	Care should be taken to ensure that any national standard doesn't remove or unduly curtail the ability of LAs to address local issues.	2/14/2019 10:11 PM
4	Cost implications for initial compliance may prove prohibitive to what are mainly small individual operators?	2/8/2019 9:39 AM
5	The needs of urban authorities versus the needs of rural authorities Development of a national standard creates a risk of cross-border hiring - Wales v England Political cross party agreement across the 22 local authorities in Wales One size fits all approach undermines individual business objectives for taxi and private hire proprietors Consideration should be given to novelty style vehicles, e.g. tuk-tuks, horse-drawn carriages, vintage vehicles	1/29/2019 11:34 AM
6	Its hard to put a finger on what as I think there will be many. One that springs to mind is the differences in current policies of LA and bringing them to a higher standard. I suspect there will be push back from the trade.	1/29/2019 11:17 AM
7	Getting agreement from local councillors and trade associations	1/29/2019 9:47 AM
8	Resistance from the trade	1/28/2019 10:35 AM
9	cost , varies from area to area	1/25/2019 9:21 PM
10	Potential cost implication for vehicle proprietors, Reduction in the number of licensed vehicles Impact of the availability of taxis and private especially in more rural areas For Licensing Authorities - cost & resources	1/24/2019 4:48 PM
11	I think the biggest hurdle will be getting people to agree! Everyone will think their standards are better, we don't like change. However, we need to embrace change in this circumstance and work together to get a national standard which focuses on public safety and also makes the enforcement of Taxis and Private hires easier and more effective.	1/24/2019 2:20 PM
12	Resistance from the private hire and taxi trade.	1/24/2019 11:58 AM
13	The differential between HCVs and PHVs. The availability of WAVs. How would it work if an area currently required livery.	1/24/2019 11:44 AM
14	Long held views from various trades interests/ pressure groups will cause resistance to some ideas. However genuine consultation can achieve consensus from the bona fides trades if carried out in good time, openly and with a genuine desire to improve services as a whole.	1/24/2019 9:51 AM
15	LA would have to ensure local policies are updated to include/refer to the national requirements. Cross boarder vehicles working in Wales, unless Britain adopts the min standards, vehicle will be registered to be licensed across the boarder.	1/24/2019 8:58 AM
16	Parlament time	1/24/2019 8:47 AM
17	Existing taxi trade drivers and vehicle proprietors may have bought a vehicle into the trade at current standards with the expectation that the vehicle will service their needs for the next 5+ years. As vehicles can incur a large capital cost, there will likely be trade resistance to any standards which result in their capital investment being threatened. Accordingly, whilst new vehicles can be licensed to new standards, there may consequently need to be a lead time / period of grace for existing vehicles.	1/23/2019 6:38 PM

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18	The difference in the areas and current standards could be an issue. In addition; if Wales were to progress this then applicants could migrate to other LA's not included to obtain licences.	1/23/2019 4:57 PM
19	Some private hire operations are specialists, disability, school runs and chauffeur work. All require different types of vehicles. Some wheel chairs need to put into vehilces using a hoist, these hoists require a LOLER certificate to be compliant, Chauffeur vehicles need to meet a certain standard and should be excused some requirements with regards signage and plate display. Need to define what chauffeur work is, it is not doing airport runs. We require them to be contract work with regular clients. The vehicles need to be prestigious vehicles. Mercedes E class at least, Jaguar XJ plus, Larger Range rovers etc..If someone is only doing a school run do they need luggage. All of these can be dealt with using a restricted licence scheme that allows a restricted driver to drive a restricted vehicle only for the purpose the restriction allows.	1/11/2019 11:22 AM
20	Having agencies to carry out certain requirements in all local authority areas	12/20/2018 4:41 PM
21	Certain local authorities not wishing to participate or certain authorities having lower standards for the applicants such as the knowledge test. these authorities then may not be able to process their applications as quickly or not be able to issue licenses because of the national standards, this would mean them taking a big hit in terms of the income this generates for that local authority. An example is Wolverhampton, prior to 2015 they had about 750 private hire drivers which appeared to be enough to serve the population of this city but in 2018 they have over 12000 PHD's, the cities population has not increased by 12 fold over 3 years but this local authority is simply taking advantage of its application process which is one of the easiest to get through in the country and its criteria for what it considers to be the fit and proper test. Applicants who have been refused by Birmingham have obtained licenses in Wolverhampton and will work on the streets of Birmingham when our application process considered them not to be fit and proper to be transporting the public, however our decisions are continually undermined by less scrupulous local authorities.	12/18/2018 10:38 AM
22	How will they be enforced if they are not being dealt with by the LA?	12/18/2018 10:35 AM
23	Resistance to set a high minimum standards because some local authorities do not enforce the standards they set at present	12/18/2018 9:55 AM
24	Current licence holder may seek to challenge national change	12/18/2018 8:42 AM
25	The Knowledge Test might prove difficult to standardise.	12/18/2018 8:26 AM
26	The trade all want different things as a regulator it si up to all the authorities in Wales to decide this	12/18/2018 8:16 AM

Q10 Q26. What would be the best approach for determining the content of national standards?

Answered: 28 Skipped: 20

#	RESPONSES	DATE
1	A working group that consists of representatives from the trade, local authorities, DVSA to create a framework to test compliance against	3/1/2019 9:16 AM
2	A working group led by the LGA or IoL, and made up of Reps from the National Taxi Association, Licensing Officers, Licensing Committee Chairs Etc.	2/18/2019 2:49 PM
3	Consultation with existing LAs, PH & HC trade bodies.	2/14/2019 10:11 PM
4	Submission of all LA current requirements and conditions - perhaps some consultation on mutual grounds?	2/8/2019 9:39 AM
5	Establishing the right compliment of individuals to determine the standards, to include but not restricted to licensing practitioners, representatives of the taxi and private hire trade, a political balance of members from the the local authorities, legal specialists in licensing legislation, members of the public and representatives of disability groups.	1/29/2019 11:34 AM
6	Start by asking LA for their current policies and seeing if there are any similarities that demonstrate good standards and excellent practice	1/29/2019 11:17 AM
7	Wide consultation with both officers and the trade	1/29/2019 9:47 AM
8	Consulting with Licensing professionals	1/28/2019 10:35 AM
9	consultation with LA's on current standards , main breaches/offences, what works what does not	1/25/2019 9:21 PM
10	Consultation with Local Authorities and trade bodies	1/25/2019 9:22 AM
11	Bench mark the current standards required by Welsh licensing authorities Identify if any Licensing Authorities have or are intending to implement a Clean Air Zones	1/24/2019 4:48 PM
12	A working group of licensing officers from all over the country with different minimum standards as well as legal professionals and government representative. A set of minimum requirements should be agreed and that will form the basis of the national standards and then a consultation which requires a mandatory response from all authorities (if that's possible!). Going back to basics is important and ensuring there is no room for "interpretation" by different authorities.	1/24/2019 2:20 PM
13	Creating a specific course for drivers such as an NVQ.	1/24/2019 11:58 AM
14	Compilation of local licensing standards as they stand currently to identify commonality and also research in relation to current issues of concern, e.g. around safeguarding; criminal activity; complaints; driver safety, etc.	1/24/2019 9:59 AM
15	I would suggest that both representative trades groups (Unite/ National Private Hire Association/ GMB etc.) plus NALEO and IoL and some independent well respected active, serving Licensing Officers are co-opted to a working party chaired by someone acceptable to the group. Resultant proposals should see clear consideration of whether regulations (possibly fixed penalty charge notice) would better serve thereby replacing outdated byelaws and unworkable conditions	1/24/2019 9:51 AM
16	As this may be a pilot for the whole of the UK, full consultations with all LA's would be advisable.	1/24/2019 8:58 AM
17	IoL working group, similar to that of the fit and proper guidance	1/24/2019 8:47 AM
18	Rigorous industry stakeholder testing of any proposed standard to ensure it meets the purpose of stated objectives.	1/23/2019 6:38 PM
19	Pick the best practice and standards form around the country and then adopt them.	1/23/2019 4:57 PM
20	Use a current good example, tweak it if necessary and present as a starting point for informal consultation with trade bodies and travelling public. . Nominate a lead individual to present the final recommendation.	1/11/2019 11:22 AM
21	Consultation with relevant bodies	12/20/2018 4:41 PM

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22	To compel every local authority to sign up to it and to consult every local authority in order to establish a common consensus of what the national standards should be. Also every local authority should be compelled to share the data they hold about their drives / vehicles on a national database so that all local authorities have access to this in order to determine whether an meets the fit and proper criteria.	12/18/2018 10:38 AM
23	Consultation with LA's and the trade?	12/18/2018 10:35 AM
24	Ask all authorities to set out their standards being used and include everything which meets a percentage to be determined.	12/18/2018 9:55 AM
25	LA and Trade consultation.	12/18/2018 9:27 AM
26	Formal consultation nationally with trade and responsible authorities prior to setting standards	12/18/2018 8:42 AM
27	Be strict. Taxi and private hire is a trade, and the sooner drivers realise that it is not a part time muckabout job and start taking it seriously the better.	12/18/2018 8:26 AM
28	Through Dialogue	12/18/2018 8:16 AM

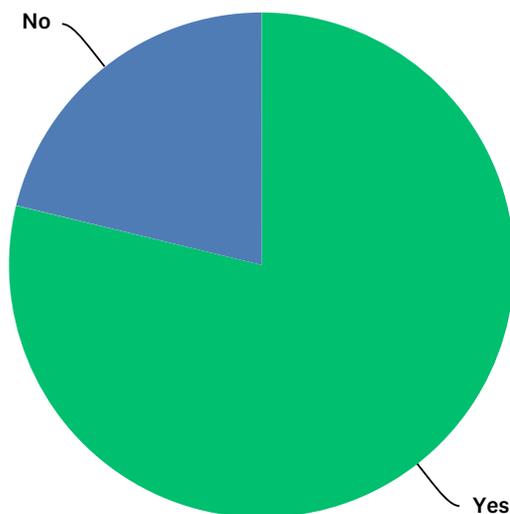
Q11 Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

Answered: 9 Skipped: 39

#	RESPONSES	DATE
1	N/A	3/1/2019 9:16 AM
2	Fit and proper checks on taxi and private hire vehicle proprietors where the proprietor is not the holder of a taxi or private hire drivers licence. Fit and proper checks on private hire operators.	1/29/2019 11:34 AM
3	N/A	1/29/2019 11:17 AM
4	Local Government as a whole and every Licensing Authority should accept they have a role to play in protecting other communities outside of its immediate responsibility. If the Welsh Government adopts a National Minimum Standard and allow licensing authorities to adopt additional local standard it has the potential to disadvantage some licensed vehicle proprietors and will result in other vehicle proprietors identifying and migrating to licensing authorities that have less stringent vehicle requirements (look at the statistic for England to evidence this). The Welsh Government has the opportunity to set a National Standard which will improve the standards of licensed vehicle across Wales and ultimately improve public safety.	1/24/2019 4:48 PM
5	I suggest also existing CSAS powers under Police Reform Act 2002 should be employed to give identifiable (essential) enforcement officers the powers to set up check points thereby reducing the burden on police forces when assisting Enforcement Teams. Also thereby derives powers from Chief Constables thereby authorising for whole county.	1/24/2019 9:51 AM
6	Would happily help with setting any national standards.	1/23/2019 6:38 PM
7	I do not believe other local authorities should have the authority to allow their operators to set up sub offices out of their controlled areas, any operator must only use a phone code to receive bookings which is for their area. e.g, Wolverhampton allow their operators to use the Birmingham phone number to accept bookings which is confusing as enforcement are then unsure as to where the booking has been taken in the first instance. cross border hiring is being abused by operators who are cross bordering bookings as a matter of course rather than passing over the occasional booking, Uber is great example of this. A Birmingham driver is waiting outside a pub in Birmingham and so is a Wolverhampton driver then why would the Wolverhampton driver be passed the booking when a Birmingham driver is clearly available. You have drivers from 3 different local authorities sitting on the same rank in a Birmingham office. App based bookings also need to be regulated, whereby If Uber has a licence in Wolverhampton and in Birmingham then any booking physically made in Birmingham should be recorded on their computer in Birmingham and then if necessary passed to their Wolverhampton operation (cross bordered) , how is it that these bookings made in Birmingham are then recorded on their Wolverhampton computer and when we ask for journey records then we have to submit to them a Data protection request when actually the booking should have been recorded in their Birmingham office.	12/18/2018 10:38 AM
8	It will only work if the standard is set high, setting too a low base line will result in the poor authorities doing the minimum and responsible authorities setting more stringent standards. National standards will achieve nothing if the gap between the bare minimum and high standards is not squeezed.	12/18/2018 9:55 AM
9	none	12/18/2018 8:16 AM

Q12 Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Answered: 33 Skipped: 15



ANSWER CHOICES	RESPONSES	
Yes	78.79%	26
No	21.21%	7
TOTAL		33

#	PLEASE EXPLAIN YOUR ANSWER	DATE
1	[18/03, 17:06] RAH G: Under the Welsh government everyone should be able to work as PHV or taxi in Cardiff City or anywhere in Wales as long as you work with tech giant like Uber or Ola... Customers have no crisis that way... But the jealous Cardiff taxi driver wants to earn £2000 every week greedy and demand customers to pay higher fares. There will be cross-bordering as Wales is a small country with very small population and majority people surrounding Cardiff and county area.. [18/03, 17:10] Ruhul. Especially Cardiff is the capital of Wales with people touring and visiting the city... extra drivers are a must need for services so cross-bordering is not illegal and special safety measures should be considered as it is joining Uber or Ola. [18/03, 17:11] Ruhul. I can forward this to the Welsh government by all means.	3/18/2019 5:49 PM
2	I think that an authority should be able to suspend a vehicle with immediate effect on safety grounds but the decision to revoke a licence should fall with the issuing authority.	3/1/2019 9:26 AM
3	Licensing Officers need legal powers which enable them to deal with non-compliance in their district. Liaising with local authorities in other parts of the country about enforcement can be time-consuming and frustrating when swift enforcement action is required.	2/18/2019 2:53 PM
4	I can see this becoming an administrative logistical nightmare! Any following appeals or Court action etc. will have massive cost implications which could not be foreseen in any fee-setting activities?	2/8/2019 9:42 AM

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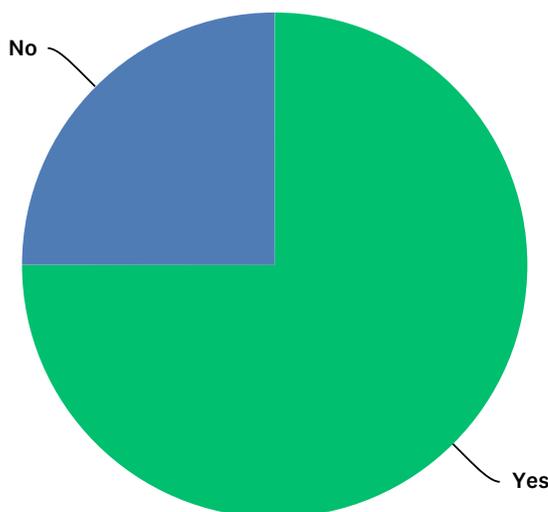
5	To allow for a consistent enforcement approach to all vehicles working in a local authority area. To ensure that enforcement action is undertaken in a timely and consistent manner. Currently the only option available to local authorities is to refer the vehicle to the issuing authority, who may or may not adopt the same approach to enforcement. Provides improved access for members of the public to make complaints and the confidence that the necessary action will be taken. Furthermore, this will allow the local authority enforcement officers to have full control over the taxi and private hire vehicles being operated within its area.	1/29/2019 12:16 PM
6	I think that is you have a national framework to operate too then I see no reason why you cannot suspend. Thinking practically I believe that if there is a fee structure in place where you have gone through the process of licensing and testing then I think that a suspension out of borough would be a better way, producing a report and allowing the borough that the licence has come from to decide. But the decision must be based on the national standards and the fit an proper person test. for revocation in most circumstances it is a build up of events that cause a revocation. I think that if you have a number of suspensions outside of Borough then there is a clear pattern that I think the primary authority could act on. If Revocation is to happen i.e. for :Public safety etc then there needs to be clear defined rules on what you can decide this under. In my borough both my officers are approved to test vehicles as such I would have confidence that the suspension of a vehicle would be justified.	1/29/2019 11:18 AM
7	Yes, if the same standards are being applied across the country	1/29/2019 9:57 AM
8	There are vehicles that have licences issued by authority A that work 24/7, 365 days in licensed areas B and the vehicles are not in fit condition when seen by area B licensing Officers.	1/28/2019 10:44 AM
9	This would assist with issue of PHV plying for trade in other districts when between jobs	1/25/2019 9:21 PM
10	Due to the increase in cross border hiring this is essential	1/25/2019 9:23 AM
11	As a Licensing Authorities our paramount concern should be the Health, Welfare ,Safety and Protection of our residents and visitor to out City/Town. We are all aware of the fundamental changes in relation to taxis & private Hire following the introduction of the Deregulation Bill. Currently Enforcement Officers have no powers to conduct any enforcement activity on private hire vehicles not licensed by their Authority and Enforcement Officers have no enforcement powers outside their relevant controlled districts. Therefore taxis and private hire vehicle licensed elsewhere are subject to little if any regulation or compliance checks when working remotely from their relevant licensing district. Also some Authorities are less challenging when carrying out their regulatory roles and many have no active or dedicated enforcement. All taxi and private hire vehicles operating in a controlled district should be subject to the same level of regulation regardless of their relevant Licensing Authority. If on inspection a licensed vehicle is deemed unfit for use as a taxi/private hire vehicle on safety grounds Officers should have the authority to suspend the licence with immediate effect and I would also recommend that Officer be given the authority to remove the licence identification plates from the vehicle there and then.	1/24/2019 6:41 PM
12	If all authorities are working to the national standards then this wouldn't necessarily be required. Maybe a report/data sharing function would be more appropriate. If it formed part of a national enforcement policy, the officer who dealt with/witnessed the breach (or what ever warrants the suspension or revocation) should submit a report (completed on a standard template) giving the information to the licensing authority. There should then be no room for manoeuvre as long as the appropriate evidence is included/statement is included.	1/24/2019 2:57 PM
13	Too many issues relating to the legislation and access to records. Alternatively, the issuing of fixed penalty notices should be permitted nationally.	1/24/2019 12:02 PM
14	Local Authorities must have the ability to take action against any licensed vehicle in their area.	1/24/2019 11:45 AM
15	Prevents offenders hiding/ working "out of area" hiding from effective enforcement. It would however be essential that such an officer had contacts so as to immediately advise an email contact from the home authority that action had been taken and if prosecution or PCN's were to follow.	1/24/2019 10:03 AM
16	To support a level playing field for members of the trade. It is unfair to the local licensed trade who can be subject to enforcement, whereas out of town cannot, unless there is support from the Police; the relevant licensing authorities, or the implementation of a cross border delegation arrangement, all of which are difficult to implement and are hugely reliant upon the resource availability of the other agencies involved.	1/24/2019 10:02 AM

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17	It makes more sense to amend the cross border working so that drivers and vehicles can not work primarily in another district to where they are licensed. We would need to take a licence holder to committee to suspend or revoke (unless there is an immediate risk to public safety).	1/24/2019 9:35 AM
18	Would assist in the problems with cross boarder hiring, and ensure public safety.	1/24/2019 9:00 AM
19	This needs careful consideration. It sounds like a great idea and would mean action could be taken against unfit vehicles but it would need the suspending authority to have sight of the licence to ensure that the vehicle is in breach of a condition prior to suspending.	1/24/2019 8:53 AM
20	This is a logical set in the standardisation of taxi and PHV licensing and enforcement. National guidelines in effect remove the somewhat artificial borders of local authorities. It therefore follows that licensing enforcement activity should be able applicable throughout Wales and not confined to individual areas.	1/24/2019 8:09 AM
21	Where national minimum standards apply any relevant authority (including VOSA and the police) should be able to take action against significant baseline vehicle issues.	1/23/2019 6:43 PM
22	Providing that the LA who issued the licence is permitted to make representations to the hearing.	1/23/2019 4:58 PM
23	Any approved licensing officer should be able to suspend a vehicle found to be failing the national standard. This is a public safety matter, it then needs to be reported to the home authority for further investigation and action. Need to overcome the Cardiff v Singh ruling on allowing a second decision should the home authority have additional grounds to justify revocation or vary the period of suspension.	1/11/2019 11:29 AM
24	Yes, however officers do not currently have powers to flag down moving vehicles and without Police assistance I am not sure that my officers would want to try and use that power.	12/20/2018 4:42 PM
25	Eg. Birmingham have a policy if one of our licensed drivers is found guilty of plying for hire his/her licence is revoked. If a Wolverhampton driver is found guilty of plying for hire in Birmingham then he/she is referred to Wolverhampton who will normally issue a warning letter or a months suspension. If a driver from another authority is caught plying for hire or committing any other offence in your authority then your authority should be able to deal with the driver and administer the same punishment as they would as if it is one of their own licensed drivers.	12/18/2018 10:49 AM
26	Legislation should change as advised previously that a licensed driver can now work anywhere in the country if they have the app for an Operator on their phone. This should mean that an LA can take enforcement action against any driver/vehicle if they commit an offence in their area.	12/18/2018 10:39 AM
27	If your authority sets high standards for its drivers, vehicles and operators then it should be in a position to deal with the above at that standard whether you are licensed by that authority or not. This is no different from national standards and the need for the bar to be high.	12/18/2018 10:07 AM
28	This authority recently revoked a driver that committed an offence whilst working in another authority area 60 miles away. The driver had never worked in the area where licensed but has provided untruthful statements declaring an intention to do so when applying. Upon receiving the allegation, the host authority had to pass the investigation on to this authority despite the offence occurring in that court jurisdiction. This meant the driver, witnesses and officers all had to attend court 60 miles from where the matter occurred. It is an outdated state that any authority cannot conduct enforcement where an offence or incident takes place. Had our driver been working 150 miles away we would have spent far more in enforcement although the costs are very high for a matter 60 miles away	12/18/2018 8:49 AM
29	If they are operating inappropriately - the officer in the area should be able to deal with it accordingly. For example - TFL vehicles operate in all the home counties - and are home counties drivers. Those vehicles rarely go into London - so how can TFL enforce and maintain their fleet if they're never in the area? With tech based apps - its possible for a TFL licenced driver to live and work for a tech based operator up in Scotland with no legal issues.	12/18/2018 8:28 AM
30	Cross border vehicles who originate in your area but are plated elsewhere are a nightmare and there is a need for control and more controls on PHV's to stop flying.	12/18/2018 8:18 AM
31	However, there must be a mechanism to allow recovery of enforcement costs in relation to 'out of area' vehicles and drivers	12/18/2018 8:00 AM

Q13 Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Answered: 32 Skipped: 16



ANSWER CHOICES	RESPONSES	
Yes	75.00%	24
No	25.00%	8
TOTAL		32

#	PLEASE EXPLAIN YOUR ANSWER	DATE
1	As above, I think that they should be able to issue FPN's, suspension notices, warnings and then have a mechanism of reporting that to the issuing authority	3/1/2019 9:26 AM
2	FPN's would be a very useful and practical option for taxi/ PHV offences.	2/18/2019 2:53 PM
3	If for instance a vehicle is found to be defective but from another LA area, it would seem appropriate from a public safety angle that the vehicle could be prohibited locally?	2/8/2019 9:42 AM
4	The ability to issue an advisory letter or written warning where a vehicle is found to be not complying with the conditions of licence in certain circumstances would be appropriate, e.g first breach of licence conditions	1/29/2019 12:16 PM
5	As above I believe that if you have reasonable cause a suspension would be sufficient.	1/29/2019 11:18 AM
6	A LA should apply the minimum standards accordingly and be able to justify their decision	1/29/2019 9:57 AM
7	Issues such as out of area Hackneys and private hire vehicles parking in or next to Hackney Ranks can be a huge problem. In addition, they can cause parking and traffic issues on busy nights	1/28/2019 10:44 AM
8	immediate suspension and stop notices- serious vehicle defects putting public at risk	1/25/2019 9:21 PM
9	As a Licensing Authorities our paramount concern should be the Health, Welfare ,Safety and Protection of our residents and visitor to the City/Town. The Regulation and Enforcement Policies adopted by each Licensing Authority should be applied equally in respect of all licensed vehicles operating in their controlled district regardless.	1/24/2019 6:41 PM

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10	As above, reports should be completed and shared so the issuing authority can deal with it. This would stop any misunderstandings like drivers claiming they didn't know because they weren't told by the authority who issued their licence. It would also avoid any miscommunication between authorities "I thought you were dealing with it".	1/24/2019 2:57 PM
11	Enforcement officers should have the ability to issue fixed penalty notices.	1/24/2019 12:02 PM
12	Local Authorities must have the ability to take any action against any licensed vehicle in their area.	1/24/2019 11:45 AM
13	Yes. Requiring immediate repairs to obligatory lights etc. is a matter of public safety. It would however be essential that such an officer had contacts so as to immediately advise an email contact from the home authority that action had been taken and if prosecution or PCN's were to follow. This would allow the home authority to record and take any further action considered necessary	1/24/2019 10:03 AM
14	Flexibility in the nature of a response is essential, although in reality, I suspect that a minor contravention would be referred back to the licensing authority. A Fixed Penalty Notice would be a useful deterrent, but could potentially enable recovery of some of the cost associated with the activity against out of town vehicles.	1/24/2019 10:02 AM
15	Lesser sanctions should be issued by the LA, but then passed onto the original LA to ensure that the lesser fault is corrected.	1/24/2019 9:00 AM
16	Not 100% sure though. Talks about the above point will assist in the answering of this point.	1/24/2019 8:53 AM
17	I submit that the ability to carry out enforcement activity nationally must mean that sanctions for breeched should carry the same burden of proof AND sanctions. That is not to say that individual enforcement officers should loose their discretion in dealing with matters BUT once a decision to take more formal action has been decided the process and 'sentencing' should be objective.	1/24/2019 8:09 AM
18	Where national minimum standards apply any relevant authority (including VOSA and the police) should be able to take action against baseline vehicle issues - even minor ones - where low level sanctions may be more proportionate.	1/23/2019 6:43 PM
19	See no need for this but it should be reported to licensing authority. The home authority should have all the dat to make the correct determination.	1/11/2019 11:29 AM
20	It should issue the higher sanction if theirs is lesser than the authority which issued the licence. This is the only way licensing authorities will get the respect from out of town drivers because at the moment out of town driver flout local regulations and conditions because they know they are not governed by these in the same way as for example Birmingham drivers are.	12/18/2018 10:49 AM
21	If a driver commits an offence in an area then the LA should be able to take enforcement action	12/18/2018 10:39 AM
22	Each sanction should be considered in its own right however it would be a dangerous game for a local authority to treat out of town drivers, vehicles and operators differently if we are as a country trying to work to a national standard. The point is to be consistent.	12/18/2018 10:07 AM
23	Based upon clear policy and standards being identified in advance	12/18/2018 8:49 AM

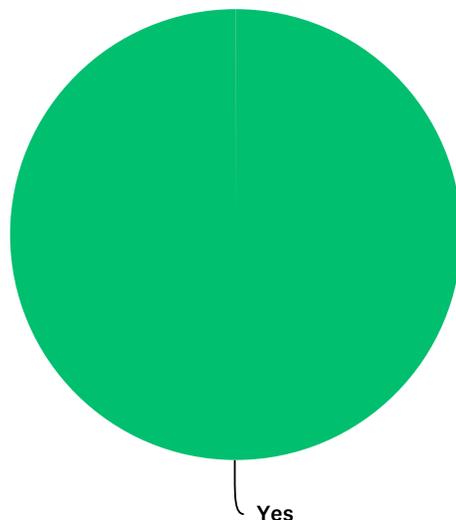
Q14 Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

Answered: 8 Skipped: 40

#	RESPONSES	DATE
1	It is acknowledged that each case is determined on its own merits, however, in order to achieve a consistent approach across the 22 local authority areas there is a need to develop guidance on determining the suitability of applicants and the relevance of any criminal convictions and cautions as a basis for the determination of any enforcement action to be taken.	1/29/2019 12:16 PM
2	N/A	1/29/2019 11:18 AM
3	The current situation makes it hard for Enforcement Officers to deter and identify opportunist taxi and private hire drivers working illegally and creates potential opportunities for criminals and sexual predators; The differing exterior signage requirements for licensed vehicles can be confusing for other Enforcement Agencies and members of the public both wrongly assuming that because a vehicle is being operated in an area it must be licensed by the local council.	1/24/2019 6:41 PM
4	Having considered these matters since the Law Commission consultation, in depth, I am of the opinion that the main legislation should set a framework or regulations (possibly with a PCN option, which can be amended as and when technology leaps forward. The 1976 Act quickly became outdated simply because of the mobile telephone	1/24/2019 10:03 AM
5	What about drivers? Similar powers are required for drivers. All approved licensing officers to be given power to inspect vehicles and check drivers, also to require booking records from operators regardless of where they are licensed.	1/11/2019 11:29 AM
6	If an out of area driver is dropping off in an area where he/she is not licensed then they should start making their way back to their own local authority and not cause extra traffic and pollution by continuing to operate out of their area.	12/18/2018 10:49 AM
7	Cross border hiring is a major issue which should be resolved and so included at the time of any decision to bring in national standards. It should not be ignored or any attempt to be brushed under the carpet	12/18/2018 10:07 AM
8	In the south west authorities see licence holders gaining licences then to move and work in other urban areas. The host taxi trade loathes this. The officers spend unnecessary time enforcing standards and checks in other authority areas. None of this is effective and costs most councils unnecessarily in time of public spending.	12/18/2018 8:49 AM

Q15 Q31. Do you agree with the proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Answered: 34 Skipped: 14



ANSWER CHOICES	RESPONSES	
Yes	100.00%	34
No	0.00%	0
TOTAL		34

#	PLEASE EXPLAIN YOUR ANSWER	DATE
1	Information sharing between authorities is often limited due to not having a suitable mechanism in place. Some are happy to share within the right framework, others seem to not want to engage.	3/1/2019 9:34 AM
2	The current system is still somewhat ad-hoc and relies on each local authority having membership of the national fraud initiative scheme, something which not all LA's have (here in Devon several local authorities are not currently members but are looking into it).	2/18/2019 2:55 PM
3	With the advent of more app based operators who may be operating away from their home area, safeguarding concerns should be accessible to all LAs?	2/8/2019 9:44 AM
4	Information sharing arrangements is wholly supported. There is a particular need to ensure that there is only one database for sharing relevant information for the purposes of safeguarding across England and Wales to ensure that bordering local authorities have access to all relevant safeguarding information, e.g. National Register of Revocations and Refusals (NR3).	1/29/2019 12:29 PM
5	I am afraid in todays world we know that CSE, trafficking and abusing vulnerable persons happens. The taxi and private hire trade are not immune to this; and recent cases demonstrate that it has indeed occurred within the trade. For Local Authorities to function properly and to investigate such cases there needs to be a sharing protocol. I believe if this was the case and you had known markers on vehicles, people etc then I think that you could add this to revocation and suspension asked in the previous questions. this is a must and as much as I wish it did not happen it does. where you have cross boarder partnerships and shared information you would be able to deal with the issues far quicker and may track down where, when and by who this is being carried out. which may in turn assist the police	1/29/2019 11:18 AM

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6	there have been times when individuals have been revoked but not prosecuted for improper behavior and Licensing Officers have found out from applicants by chance and have refused applications. It doesn't take a genius to figure out that "If I hadn't made a mistake and mentioned that my last licence was revoked, they wouldn't have found out. I wonder what I should do next time I apply somewhere else". Have experienced individual who applied and was granted licence in one name nationality and DoB, only for him to appear a few years later wishing to reapply using a new name nationality and DoB as was refused leave to remain using false details previously. Luckily he was recognised and his application was refused.	1/28/2019 10:58 AM
7	This would enhance safeguarding , data protection would need consideration	1/25/2019 9:21 PM
8	This is essential to safeguarding the public	1/25/2019 9:23 AM
9	As Licensing Authorities our paramount concern should be the health, welfare, safety and protection of residents and visitors to the area.	1/24/2019 6:46 PM
10	Safeguarding is paramount therefore information should be available to those who require it to make a decision about the suitability of an applicant whether they are new or renewing a licence.	1/24/2019 3:00 PM
11	A national database for all licensed drivers needs to be created.	1/24/2019 12:05 PM
12	This is essential to ensure applicants do not run from authority to authority to avoid the consequences of their actions.	1/24/2019 10:04 AM
13	Absolutely essential - the NAFN database is a case in point.	1/24/2019 10:02 AM
14	However it has been suggested that LA send weekly reports to central government. This is too onerous on the LA, and they should be able to issue monthly reports. We need to ensure that there is only ONE central reporting system for ALL government requirements.	1/24/2019 9:03 AM
15	Is this not done already by the DBS??	1/24/2019 8:54 AM
16	An absolute must, in my opinion. The Police service was heavily, and rightly, criticised after the Soham murders for failing to share information held by disparate police forces. It would be inexcusable for local authorities not to share information when safeguarding is at the heart of taxi and PHV licensing.	1/24/2019 8:12 AM
17	The nature of taxi and private hire services are trans-boundary and therefore safeguarding issues are trans-boundary.	1/23/2019 6:45 PM
18	It is essential a single database is created to record all relevant information on the licence holder, including complaints and information. To determine if an individual is a fit and proper person any relevant information can be considered.	1/11/2019 11:30 AM
19	Makes common sense	12/20/2018 4:43 PM
20	Yes I fully agree and this cannot happen soon enough as we see examples of drivers being licensed who should never have been licensed if relevant information had been shared on a national database and was available to the person processing the application.	12/18/2018 10:55 AM
21	A national database should be kept for ALL drivers	12/18/2018 10:41 AM
22	NAFN has provided the platform for sharing information but this has to be made a requirement otherwise some authorities will not bother. There should be sanctions put in place against local authorities who do not sign up and keep their records up to date.	12/18/2018 10:12 AM
23	Similar to NR3 it is simply a must	12/18/2018 8:50 AM
24	At the moment, the system is reliant on the honesty of the driver to provide info on - say - if he's ever had a licence revoked before. Whilst criminal convictions will show on his DBS, Local Authority dealings do not. And it is too easy for a driver revoked by one Authority to hop the border and apply there.	12/18/2018 8:29 AM

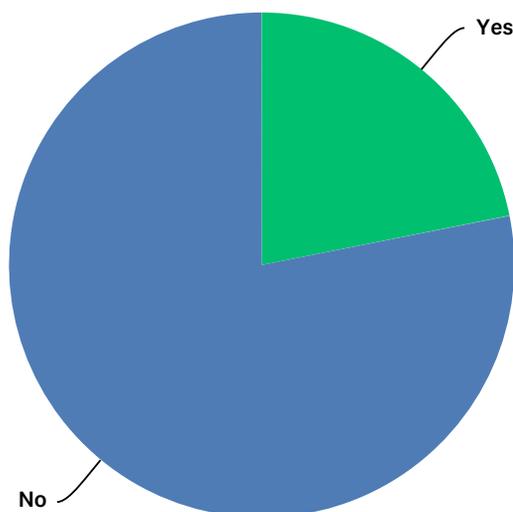
Q16 Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

Answered: 10 Skipped: 38

#	RESPONSES	DATE
1	There would need to be a robust data storing system and sharing protocols!	2/8/2019 9:44 AM
2	Welsh ministers need to be particularly concerned to ensure that there are no barriers to sharing safeguarding information across local authorities and the police.	1/29/2019 12:29 PM
3	N/A	1/29/2019 11:18 AM
4	National Database for all PH & HC applicants & drivers including any previous names that come to light including photos	1/28/2019 10:58 AM
5	needs to include immigration information, modern day slavery and police intelligence	1/25/2019 9:21 PM
6	A central database is the best way to deal with this and if all authorities are working from the same national standards then there is no reason people should be missed off following refusal/revocation.	1/24/2019 3:00 PM
7	It should be mandatory for all driver applications to be checked against a national database before grant	1/24/2019 10:04 AM
8	There should also be national standards for example if a driver is convicted of drink driving, then the length of time he/she must wait should be the same across the country as to when he/she is then allowed to reapply for a licence.	12/18/2018 10:55 AM
9	In the interest of public safety a register should be kept for all drivers so other LA's can see if they are licensed elsewhere and if any action has been taken against them	12/18/2018 10:41 AM
10	Funding should be made available to local authorities for the up keep of records for safeguarding either through an additional fee or central funding	12/18/2018 10:12 AM

Q17 Q33. Do you agree with the proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Answered: 32 Skipped: 16



ANSWER CHOICES	RESPONSES	
Yes	21.88%	7
No	78.13%	25
TOTAL		32

#	PLEASE EXPLAIN YOUR ANSWER	DATE
1	[18/03, 17:06] Ruhul: Under the Welsh government everyone should work as taxi or private hire in Cardiff City or anywhere in wales as long as you work with tech giant like uber or ola... Customers have no crisis that way... But the jealous Cardiff taxi driver want to earn £2000 every week greedy And demand customers to pay higher fares. There will be cross bordering as Wales is a small country with very small population and majority people surrounding Cardiff and county area.. [18/03, 17:10] Ruhul. Especially Cardiff is the capital of Wales with people touring any visiting the city... extra drivers a must need for services so cross bordering is not illegal and special safety measures should be considered as it is joining uber or ola. [18/03, 17:11] Ruhul. I can forward this to the Welsh government by all means.	3/18/2019 5:52 PM
2	I believe that a central organisation would be beneficial providing they had sufficient resource to cover the huge area that they would be licensing. It would however cause some problems for local authorities as it would mean a huge loss in income that will likely be used to cover staffing costs.	3/1/2019 9:41 AM
3	I would prefer national standards administered by the local authority. My reasoning is that we have extensive local knowledge, as well as experience of the drivers operating locally.	2/18/2019 2:57 PM
4	Retaining local knowledge of drivers, operators and fleets of vehicles is paramount. This would not be feasible if the processes were centralised and would make control even further detached than at present.	2/8/2019 9:45 AM
5	Provides for a consistent approach to all applications and allows for improved access to information. However, consideration needs to be made in regards to the geographical area of Wales and the delivery of this service, in particular with regards to vehicle compliance checks, enforcement, hearing appeals arising from licensing decisions and prosecutions.	1/29/2019 12:47 PM

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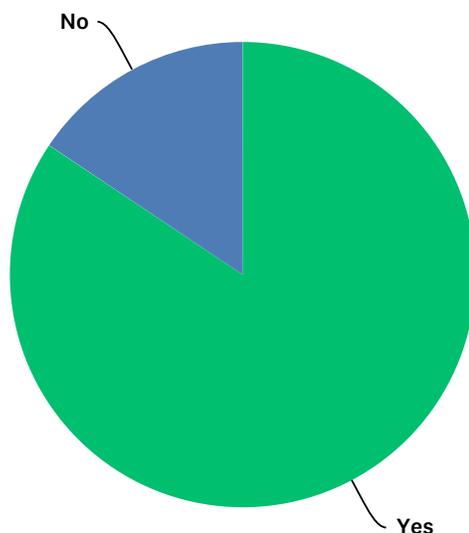
6	I still feel that local enforcement and the practicalities of running the licensing regime should still remain with in the LA. the idea of a central place to run day to day processes I think would be unworkable in covering such a wide area of enforcement and process. However, I do think that Hearing and appeals/prosecutions and audit/quality control checks could be centralised and maintained and a central system that LA have assess to. You could then also have a central data base for best practice including updating all the national standards. I do think that a central database on all drivers and operators should be done so when applying in other counties we would know if they have been refused else where and what for.	1/29/2019 11:19 AM
7	I would like to see drivers licensed in the same way personal licence holders are licensed under the LA03 but with a national register. All vehicles could be licensed / registered through the DVLA in line with national minimum standards. Operators licensed at local level in line with national minimum standards. Fees to be set in line with average cost recovery	1/29/2019 10:02 AM
8	Local Authorities are best placed to deal with licensing of PH & HC drivers & vehicles, they just need greater powers	1/28/2019 11:05 AM
9	This would be a mammoth and unmanageable task. The local knowledge of drivers and on the ground information from other drivers identifies many offences , there is trust between the trade and local licensing officers to deal with the rogues, this would be lost if licensed/enforced from a distance. fare setting has to reflect the locality - rural areas and Urban cities are very different and so are costs of enforcing. hearings are likely to take longer to be heard due to vast number of cases /management by one national authority	1/25/2019 9:21 PM
10	If it went national may not have local knowledge of issues in particular areas	1/25/2019 9:25 AM
11	As an Enforcement Officer working in a busy City I appreciate the demands involved in investigating complaints made by members of the public, investigating Offences, regulating licensed vehicle operating in our controlled district and carrying out pro-active enforcement activities. Local knowledge is invaluable in our investigation. Would a National Licensing Authority have regional offices or one central office ? Would licences be issued to operate in a geographical area ? What level of compliance checks would be carried out ? Investigation of offences and complaints ?	1/24/2019 8:19 PM
12	Whilst I do like some aspects of Option A, in our authority we deal with multiply licensable activities including Animals, Alcohol, gambling and Taxis so I do not see how this would work if they wanted to keep the current officers in place. I would assume if the function was to be removed then the fees would no longer go to the local authorities either. This could obviously have an impact on our work loads and potentially our jobs.	1/24/2019 3:25 PM
13	It would depend of the set up. How would enforcement we carried out?	1/24/2019 12:08 PM
14	There is considerable expertise and experience at Local Authority level, which would be lost. The majority of problems aching the industry are due to inadequate legislation and not due to Local Authorities. I imagine a number of Authorities may not be able to resource their other licensing functions if taxis were taken away. This may lead to problems with enforcement. For example in smaller areas if all compliance resource were directed to bigger towns/cities. There is also some considerably good practice which is only possible to take place locally, for example working relationships with the trade, LAs, Police and others which would be lost if this function were not carried out at a local level.	1/24/2019 11:53 AM
15	It is difficult to ensure a resilient service with conflicting demands in relation to other areas of licensing. Those unitary authorities who have general responsibility for transport functions as well, appear to have greater capacity to be proactive in terms of delivering a service which ensures public safety, but also meets the demands of the licensed trade.	1/24/2019 10:19 AM
16	Local authorities receive the best intelligence as to inappropriate actions in their area. Were it to become an NTA function it would be essential to have local CBC offices for administration and enforcement even if the NTA maintained a central database and set standards	1/24/2019 10:07 AM
17	The LA Officers work very closely with other authorities, and as a result public safety is almost ensured. If this were to be removed from LA's then the local joint approach, intelligence would massively impact on all of Safeguarding procedure, and ultimately put the public at risk. This would be a very dangerous move, and would impact on the minimum standards being achieved and enforced.	1/24/2019 9:08 AM
18	Need local contact and local conditions to deal with localised issues. i.e. pollution or poverty.	1/24/2019 8:55 AM
19	In principle, yes.	1/24/2019 8:14 AM

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20	Against the backdrop of national minimum vehicle standards, a national licensing authority is not necessary. A national authority will also have to replicate local authority issues and considerations in respect of some issues (e.g. setting of taxi fares) - taking account of the ability of local customers to pay for services at time of the day that they are needed, local areas of deprivation, local crime and disorder issues and initiatives etc etc	1/23/2019 6:53 PM
21	It will be too difficult to manage. Licence holders ought to be allowed to make representaions to the decision maker and often these decisions need to be made immediatly for public safety reasons, it will take too long to set up a national hearing. Keep it at a local level, need to abide by a national standard (IoL guidance), fully account the decision, allow officer delegated decisions as well.	1/11/2019 11:31 AM
22	This may not be practicable in the case of England as Wales is a more compact area.	12/20/2018 4:44 PM
23	I believe local authorities should still retain their licensing functions but should be directed by a national set of standards. As different geographical locations will have different issues which only the local authority could fully understand. A rural authority will be quite different from city authority.	12/18/2018 11:05 AM
24	How will one company be able to enforce every area? It will mean that rural/remote areas would never have a presence.	12/18/2018 10:42 AM
25	I do not think that one size fits all for the country, we have small rural large rural authorities, small industrial and large industrial towns and cities. It is the frame work that requires an overhaul because it is not fit for purpose the detail will fall in to place which is right for each area afterwards. There could be a task team set up for the country like Osted to monitor local authority standards with powers to impose change if inadequate.	12/18/2018 10:22 AM
26	It will formalise all standards. Currently Devon County Council manages school transport contracts with licensed drivers having to undergo DBS checks. They then undergo the same checks when renewing their licences with district and city council taxi licensing. there is duplication and extra cost for the trade and for authorities. It makes sense to bring licensing under one central organisation.	12/18/2018 8:52 AM
27	Not really no. I think an element still needs to be dealt with at a Local Authority Level (i.e. Knowledge Tests, enforcement, as well as providing a localised hub for the drivers) that would be lost if all the functions were removed.	12/18/2018 8:30 AM
28	I don't think the vehicle operators will be as controllable if it goes to a big organisation	12/18/2018 8:20 AM

Q18 Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Answered: 32 Skipped: 16



ANSWER CHOICES	RESPONSES	
Yes	84.38%	27
No	15.63%	5
TOTAL		32

#	PLEASE EXPLAIN YOUR ANSWER	DATE
1	As above	3/1/2019 9:41 AM
2	As above	2/18/2019 2:57 PM
3	For the reasons given above.	2/8/2019 9:45 AM
4	Allows for the service to be delivered at a local level. However, consideration needs to be given to potential inconsistencies, in particular with regards to vehicle compliance checks, enforcement, hearing appeals arising from licensing decisions and prosecutions.	1/29/2019 12:47 PM
5	I believe local knowledge in todays world is a must. You need localised control in order to maintain standards. officers within in LA have a wealth of knowledge and professionalism that I feel would be lost if it was to be centralised. I do not believe that the same level of detail could be carried out unless you had officers distributed throughout the country. There should be no reason why some parts could not be centralised as I think that prosecutions as an example vary throughout the country. But if you have a central point where this is heard and decided upon, in turn this can guide and set the national standards to which we work to.	1/29/2019 11:19 AM
6	Local Authorities are best placed to deal with licensing of PH & HC drivers & vehicles, they just need greater powers and the ability to impose financial penalties for certain offences	1/28/2019 11:05 AM
7	local officers know the area, the challenges, the drivers, the customers , the 'intelligence' it makes for a more robust and safer licensing regime. distancing this control will create more risks for passengers.	1/25/2019 9:21 PM
8	I do not consider that a National Licensing Agency would have the resources to effectively regulate, carry out compliance inspection in all areas equally and investigate complaints from members of the public. Local Authorities are accountable to local residents, have local knowledge, promote joint working initiative with local police teams and other partner agencies.	1/24/2019 8:19 PM

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9	I think a national standard that each authority adopts is the best option to get everyone working the same and to the same standards but also incorporates the local knowledge of officers who have been performing these roles for many years. It is important as with any business that there are good relationships between people and using a central office format could effect those relationships. There's a lot to be said for local knowledge. Its also really important that those applicants applying for the first time or renewing their current licenses are still met by individuals on a face to face basis.	1/24/2019 3:25 PM
10	The nature of private hire and taxi licensing is still essentially a local function. Enforcement is a vital part of the local authorities role.	1/24/2019 12:08 PM
11	As above.	1/24/2019 11:53 AM
12	As above, although as consultees on issues relating to public safety locally.	1/24/2019 10:19 AM
13	Local authorities receive the best intelligence as to inappropriate actions in their area. Retaining local CBC offices for administration and enforcement even if the NTA maintained a central database and if the NTA set standards etc. would be preferable to the current situation.	1/24/2019 10:07 AM
14	The LA Officers work very closely with other authorities, and as a result public safety is almost ensured. If this were to be removed from LA's then the local joint approach, intelligence would massively impact on all of Safeguarding procedure, and ultimately put the public at risk. This would be a very dangerous move, and would impact on the minimum standards being achieved and enforced.	1/24/2019 9:08 AM
15	Local control is essential	1/24/2019 8:55 AM
16	I think there are arguments for both national or local responsibility.	1/24/2019 8:14 AM
17	There should be local accountability and responsiveness to local issues.	1/23/2019 6:53 PM
18	See 33	1/11/2019 11:31 AM
19	Yes it is the only way they can have control, otherwise governments will be lobbied by big companies and responsibility will be ceded away from them and put in the hands of big business, Uber is a classic example of them lobbying influential people like the Chancellor and Prime minister to bring in the Deregulation Act which unknown at the time appears to have been designed specifically for Uber's business model which has allowed them to flood towns and cities with out of area drivers creating an enforcement nightmare for local authorities.	12/18/2018 11:05 AM
20	The LA knows it's local area better than anyone	12/18/2018 10:42 AM
21	Yes, localism is important to local authorities it shapes their identity. Taxis and PHV licensing is part of this along with bus services.	12/18/2018 10:22 AM
22	Far to many separate policies, standards and differences across England & Wales	12/18/2018 8:52 AM

Q19 Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

Answered: 3 Skipped: 45

#	RESPONSES	DATE
1	It is a very difficult choice and I am only marginally falling on the side of a singular national authority. I would imagine that many of those staff would have the ability to transfer/apply to work for JTA. The JTA would also need to have links with Police, Safeguarding teams and a host of other regulatory bodies that Council's already have partnerships with	3/1/2019 9:41 AM
2	N/A	1/29/2019 11:19 AM
3	I consider this should continue to be an issue for local regulation to secure public protection for local people.	1/24/2019 8:19 PM

Q20 Q36. What are your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Answered: 20 Skipped: 28

#	RESPONSES	DATE
1	Welsh and English	3/18/2019 5:53 PM
2	I don't know. I think that it already the case that all legal forms in Wales must be issued in English and Welsh. I'd suggest that this is a good starting point and would require both English and Welsh speakers working for the JTA/local authorities	3/1/2019 9:43 AM
3	No comment to make on this	2/18/2019 2:58 PM
4	No comment to add	2/8/2019 9:46 AM
5	I think that the changes, if they were to be made should by no means treat the Welsh Language less favourable. however, that being said you need to make sure that both operator, driver and customer should be able to easily communicate.	1/29/2019 11:19 AM
6	No Comment	1/28/2019 11:06 AM
7	No comments	1/25/2019 9:21 PM
8	Not qualified to offer an opinion	1/24/2019 8:20 PM
9	I think both languages should be treated equally. Legislation should be available in both English and Welsh so as not to exclude anyone.	1/24/2019 3:31 PM
10	No views from an English authority	1/24/2019 3:18 PM
11	Centralising the regime may mean less ability to take enforcement locally.	1/24/2019 11:56 AM
12	No comment to make- English speaker only- not qualified to state an opinion	1/24/2019 10:08 AM
13	I agree with that proposal, it is the native language of Wales, and should be recognized as such.	1/24/2019 9:10 AM
14	no view on this	1/24/2019 8:56 AM
15	Unsure	1/24/2019 8:15 AM
16	I don't really have an opinion on this as do not believe this is relevant to the consultation	12/18/2018 11:08 AM
17	I cannot comment on this as I am not in Wales	12/18/2018 10:45 AM
18	As long as there is access to both languages there should be little effect.	12/18/2018 10:35 AM
19	I cannot comment on this question.	12/18/2018 8:31 AM
20	N/K	12/18/2018 8:21 AM

Q21 Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Answered: 15 Skipped: 33

#	RESPONSES	DATE
1	Welsh and English	3/18/2019 5:53 PM
2	I don't know. As above	3/1/2019 9:43 AM
3	No comment to make on this	2/18/2019 2:58 PM
4	No comment to add	2/8/2019 9:46 AM
5	I am not sure that I can answer this. I think the language needs to be protected, but I am not sure that you can legislate for this. I am sure it crosses many boundaries not least of all the equalities act etc.	1/29/2019 11:19 AM
6	No Comment	1/28/2019 11:06 AM
7	No comment	1/25/2019 9:21 PM
8	As above	1/24/2019 3:18 PM
9	No comment to make- English speaker only- not qualified to state an opinion	1/24/2019 10:08 AM
10	I agree with that proposal, it is the native language of Wales, and should be recognized as such	1/24/2019 9:10 AM
11	Unsure	1/24/2019 8:15 AM
12	I don't really have an opinion on this as do not believe this is relevant to the consultation	12/18/2018 11:08 AM
13	Legislation should be the same nationally?	12/18/2018 10:45 AM
14	Could be formulated (printed) in Welsh first!	12/18/2018 10:35 AM
15	NK	12/18/2018 8:21 AM

Q22 Q38. We have asked a number of specific questions. If you have any related issues not specifically addressed, please use this space to report them:

Answered: 3 Skipped: 45

#	RESPONSES	DATE
1	The Welsh Government are stongly encouraged to consider the implementation of national standards for taxi and private hire vehicle drivers, proprietors and operators alongside these proposals, to include significantly increasing the criteria that must be satisfied before a person will be deemed a 'fit and proper person' to hold a taxi and private hire vehicle drivers licence, to hold a taxi or private hire vehicle proprietors licence or to hold a private hire operator licence.	1/29/2019 12:59 PM
2	I think you need to address the issue of a Taxi and Private Hire. should there just be one type.	1/29/2019 11:19 AM
3	No	12/18/2018 8:21 AM

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	X
No	

Please explain your answer.

Local bus service routes do not always recognise local authority or even national boundaries and it is therefore imperative that local authorities continue to work together particularly where changes to the networks are planned to ensure that the most effective services are delivered across the region.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

The proposals are relatively undeveloped and further clarity would be required around functions and roles and membership to establish a better understanding of the proposed structures. In principal, the national JTA with four regional JTA's is the most favoured option however it is important that Welsh Government, Local Authorities and other partners work together to shape these proposals. It is however critical that any such arrangement is accountable back to individual Local Authorities and that developed local governance and links with other local authority transport services, especially learner and social care, is maintained.

Q3. Is there another organisational structure for JTAs that we should consider? Please explain your answer.

The North Wales JTA should mirror the boundaries of the North Wales Economic Ambition Board.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

It would be appropriate for Welsh Ministers to be represented on a national JTA however, consideration should be given to the potential for conflict, if they were required to make direction should they be represented on a regional JTA.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

REFERENCE WP109

It is reasonable that the Welsh Ministers should have powers to issue guidance and directions and to intervene where a JTA is failing, however note response to Q4.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

It appears sensible that functions have been identified as National/Strategic and Regional/Implementation however, it is considered premature to produce a list and apportion these functions without further dialogue with stakeholders and accept that this may change over time.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

Regional JTA should be responsible for the creation and publication of all timetable information for the region.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	X
No	

Please explain your answer.

We work with our local operators with regards to individual routes where we have two quality partnerships in place which have generally been successful however, these only cover singular routes and therefore we don't have experience of quality partnership on network development.

Legislation that would secure enhanced partnership working between operators and local authorities is supported however, it is vital that local authorities (or a JTA) is able to influence/incentivise an EQP perhaps by offering enhanced rates of BSSG to operators who actively participate in EQP's.

Given our good working relationship with our local operators, and past experience in establishing quality partnerships, we would be keen to undertake a pilot EQP to test its ability to improve the overall network.

The regional JTA should be able to impose a duty on operators to ensure that there is integration between bus services and rail services including an obligation to serve designated transport interchanges.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

REFERENCE WP109

Yes	x
No	

Please explain your answer.

This is seen as a significant improvement over the current QPS, particularly where the requirement for the LA to provide infrastructure distorts/limits the attraction for the scheme.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	x
No	

Please explain your answer.

The ability to consider franchising (whilst unlikely to be welcomed by some bus operators) clearly provides a new opportunity to control the bus routes operated in an area and creates an alternative solution (lost as a consequence of deregulation) where it is not possible to develop strong partner relationships.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	x
No	

Please explain your answer.

To provide transparency.

Q12. Do you have any other comments on the proposed process for franchising?

--

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

--

Impacts of franchising on small and medium sized bus operators (SMEs)

REFERENCE WP109

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	X
No	

Please explain your answer.

Franchising is seen as potentially threatening to the smaller sized bus operators. However, it is understood that where similar arrangements exist in other areas, appropriate mechanisms have been put in place to ensure a level playing field for these smaller operators. Unless such support mechanisms are considered, introducing franchising could have a detrimental impact on local bus service operation.

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

The proposals could be tested through the use of pilot projects.

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

Yes, this must be an option.
This may be the only cost effective way of delivering some services.

Q16a. In what circumstances do you think this would be appropriate?

Where it is more efficient or, where there is no market interest or, where we are unable to achieve the required quality of service in any other way.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

There are sufficient safeguards in place that require Local Authorities to obtain value for money.

REFERENCE WP109

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

Yes.

Q17a. In what circumstances do you think this would be appropriate?

Where it is more efficient or, where there is no market interest or, where we are unable to achieve the required quality of service in any other way.

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

There are sufficient safeguards in place.

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

Accept that the provision of concessionary fares must be affordable/sustainable. However, other alternatives should be explored/discounted, which may include:

- charging for the issuing of a card
- small annual charge
- restricting the hours when cards can be used
- 'smart card' with capped allocation

Stakeholders must be consulted and an assessment made to understand the full impact of the proposal.

Initiatives should be introduced to combat fraud and miss-use of concessionary cards through on bus monitoring.

Q19. Do you agree that an incremental change is the most appropriate method?

Yes, it is critical as an incremental change reduces the risk of impact on those services which are heavily reliant on concessionary travel.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

REFERENCE WP109

Yes	X
No	

Please explain your answer.

The lack of information is a significant obstacle in planning effective routes.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	X
No	

Please explain your answer.

Cancelled and varied services can be very disruptive to users and often cause bad feeling, with authorities having to react quickly to the change. Obtaining timely information will help to mitigate the impacts.



REPORT TO THE NORTH WALES ECONOMIC AMBITION BOARD
DATE

TITLE: *Welsh Government Improving Public Transport White Paper*

AUTHOR: *Iwan Prys Jones, Programme Manager NWEAB*

1. PURPOSE OF THE REPORT

- 1.1. To update Members on the Welsh Government White paper on Improving Public Transport and the regional response which has been submitted

2. DECISION SOUGHT

- 2.1. Members are invited to note this summary report on the Welsh Government proposals for Improved Public Transport and the attached response to the White Paper consultation.

3. REASONS FOR THE DECISION

- 3.1. The Welsh Government published the long awaited White Paper on Improving Public Transport on 10th December 2018.

The White Paper sets out proposals to reform passenger transport, delivery structures and taxi licensing. The policy document is intended to try and reverse a rapid decline in bus usage in recent years; the paper suggests that bus use in Wales is declining at a faster rate than any other country or region across the UK.

A consultation period until 27 March 2019 was allowed for responses. The attached NWEAB response was submitted by the due date.

https://beta.gov.wales/sites/default/files/consultations/2018-12/improving-public-transport_0.pdf

The Transport Cabinet Members Group discussed the White Paper with Welsh Government officials present at their meeting on 04 February. A further opportunity to finalise a response to the consultation was given before the closing date.

3.2 Considerations

The White Paper falls into three broad sections

- Changes to organisational structures that are responsible for the delivery of passenger transport services
- Legislative changes to enable more control over bus routes and services.
- Changes to taxi and Hackney Carriage licensing and organisational process so that Taxi services are better coordinated alongside other passenger transport.

The various proposals are discussed in the report below.

Decline in Bus Usage

There are a number of other factors at play, all of which contribute to declining patronage across Wales.

- The centralising of services making it easier for private motorists over public transport passengers e.g. for acute hospitals
- Polycentric employment nodes difficult to serve by public transport
- Changes to working patterns, with the private car offering more flexibility for journeys. Often, buses cannot compete in terms of time taken or changes of buses or between modes required
- Congestion which adds additional and expensive resources to longer-distance bus services
- A sharp reduction in footfall in town centres.
- The car-orientated rise of retail developments, which are less easy to serve by bus than town centres.

It is clear that change is needed, both to the way services are managed and procured, but also to the controls around bus networks and the relationship with the industry.

Whilst organisational structures have a role to play in this decline, the most significant issue has been the reduction in funding to support bus services by both Welsh Government and local authorities. This has led to difficult decisions in terms of service reductions and the loss of funding may have contributed to the high profile failure of a number of bus operators in the past few years.

4. BACKGROUND AND RELEVANT CONSIDERATIONS

4.1. Proposal to establish Joint Transport Authority / Authorities

The White Paper proposes a transfer of local authority responsibilities to Joint Transport Authorities (JTA)

The WG has existing powers to enable them to establish one or more JTA. It proposed to add further powers to direct local authorities to participate onto the existing powers to establish.

There are two alternative proposals, to establish one national JTA or a national JTA and three regional JTA.

A single JTA would be a national body, to deliver national programmes and also any required regionally based activity, with regional delivery sub committees of the JTA being established.

An alternative approach is to have one national body plus 3 separate regional bodies.

There is no reference in the document to any current regional approach or regional committees. This is a surprising omission. Discussions with Welsh Government following the publication of the White Paper suggest that there may be some flexibility where current proposals for regional bodies could be integrated with the WG proposals to reach a partnership for regional delivery.

There is some merit in the proposals to establish JTA. Local authorities have seen significant reductions in capacity and experience in recent years. For example there are now relatively few Chartered Transport professionals in North Wales. There are also widely differing approaches to funding local bus networks across the authorities; this has areal impact on the network across the region.

The White Paper does not comment substantively on school and learner transport. Whilst a reference is made, there are no firm proposals in relation to integration of how this could work within a JTA. Given the high level of integration of school and learner transport with other bus services, especially in rural areas, this is a significant issue.

4.2. **A range of National / Regional Functions**

The White Paper attempts to set out which services could be included within a National JTA and which would be the responsibility of regional JTA.

National Functions - Proposals based around having single or consistent national standards and contractual arrangements, it includes proposals for joint approaches to infrastructure procurement, consolidated back office functions and branding.

Regional / Implementation Functions – Proposals for activities such as local network planning, contracts with operators, implementation of quality partnerships, procurement and maintenance of infrastructure, to be managed regionally.

Importantly, Ministers are seeking powers to issue guidance and direction to JTA and also have intervention powers. This is a significant step up from the current powers to establish JTA in the current legislation.

4.3. **Enhanced Quality Bus Partnerships**

The White Paper is looking at better ways of government organisations working formally with operators. EQPs should be welcomed as probably the most important element of the package of operational changes proposed.

There have been no statutory quality partnerships established in Wales and few in England. This is because of the hurdles required. To date, only voluntary partnerships exist and these are somewhat one-sided.

The White Paper proposed improved mechanisms to establish quality partnerships with bus companies that will reduce some of the barriers to implementing partnerships at the current time.

One of the key changes is to remove the requirement for infrastructure improvements from LA where EQP are entered into.

The introduction of EQP should be seen as an additional tool for local authorities to manage bus networks. This should not be the only tool available, but the proposals to address the unequal relationship that exists at the moment.

Potential opportunities include, the potential for services to be directed towards employment, social exclusion and health and away from providing services targeted at concessionary pass holders to access retail areas. The Proposal would also allow targeted bus services to support the Integrated Travel Zones set out in the emerging North Wales Metro strategy.

In summary, this is a proposal that has some merit, but there are potential issues in terms of implementation, cost and achieving a balance between fares and subsidy.

4.4. Franchising

As expected, the WG are seeking powers to be able to franchise bus corridors or geographic areas. Simplified powers are proposed, but 5 case business cases will be needed before implementation.

The greater flexibility and opportunity to manage networks should be broadly welcomed, however it should not be seen as the single tool to achieve change. Franchising is best used to eliminate wasteful duplication between operators, however following the collapse of some operators in North Wales; there is little duplication on main routes at the moment.

Franchising under current legislation allows an authority to specify and tender all services in its area, whether these were formerly commercial or under contract. The main benefit of franchising would be to spread the benefit accrued from commercial services to enable a greater or wider improvement

The weakness is that, unless there is additional funding, to do so may result in some passenger detriment from a reduction in daytime, core services, as profits pay for off-peak services.

It is unlikely that bus operators will welcome this measure. However the option to franchise could be a useful tool to those procuring bus services.

4.5. Local Authority Bus Services

The White Paper contains a proposal to make it easier for Local Authorities to establish their own bus companies, by removing the prohibition contained in the Transport Act 1985. The proposal is that LA could establish such operations through an arms length vehicle, subject to having a 5 case business model in place.

The changes proposed are broadly positive. The additional powers could be useful in areas where there is little or no competition among private operators, which can result in higher tender prices or where authorities struggle to attract sufficient bids.

In such circumstances, the ability to reinvent municipal bus operators is therefore a step forward. Direct provision would be preferred rather than through arms-length organisations.

The key issues in relation to the viability of bus services will still remain however. The costs of the services and the revenue implications will need to be balanced against fares and other income, in the same way as any commercial operator, unless there is significant additional subsidy available.

This is a welcome proposal and matches regional aspiration to have alternative delivery models. Careful consideration through developing a detailed business case, will be needed before any such operation is established.

4.6. Concessionary Fares Scheme

The White Paper proposes changes to the future issuing of concessionary bus passes.

The change to the age when a pass is issued will increase the age from 60 to a women's pensionable age. No other changes in eligibility are proposed, even though there may be a case for some changes in order to reduce the cost of the scheme.

The concessionary pass scheme has mostly been successful, however it has had an impact on the way services are provided, has driven an increase in the cost of single fares and has been an expensive scheme to implement.

The changes to the eligibility of the scheme are relatively minor, but will have the impact of increasing the age when passes are issued. This change could be beneficial if any savings arising from the change were to be recycled back into improved public transport provision.

4.7. Public Transport Information and Monitoring

The White paper contains a proposal to give ministers the ability to require bus operators, traffic commissioner and LA to provide information on passenger transport. Currently this is voluntary and subject to commercial confidentiality. Lack of information has hampered scheme development in the past, but again this is not likely to be welcomed by the industry.

There is nothing especially controversial or indeed radical in these proposals. Ensuring all operators register services electronically and making the resultant open sources data widely available to a range of organisation would probably be the best way of delivering improvements in information.

There should be a consistent approach to the provision of information, especially printed timetable information. Currently not all authorities provide information in this format.

4.8. Taxi Licensing

This is a more radical section of the White Paper than had been expected.

It proposes a single set of standards and licensing conditions across Wales, which will be set by regulation, with no further consultation.

Current LA discretion will be removed. These national standards will apply irrespective of whether they are managed by LA or JTA. There are concerns about the consistency and quality in some areas when compared to others.

As long as the national standards are as good as the best of the local licensing conditions, this should be supported.

Any LA will be able to enforce against any operator working in its area, irrespective of where the licence is issued.

Provided standards are the same, this should be straightforward and should be welcomed.

A single approach to the sharing of Safeguarding information is proposed. This is a long over due proposal and one where LA have been poor at agreeing a joint approach in the past.

The most significant change is the proposal to redirect all taxi and PHV licensing from LA to a national licensing Authority, within the national JTA. There are however two options highlighted in the proposals.

Option A is to have a single national organisation delivering taxi and PHV licensing.

Option B is where existing licensing functions within LA continues, but using national standards, information sharing and enforcement.

A single JTA could be seen as distant and unresponsive to local needs, there should be a discussion about whether there are better regional alternatives.

4.9. **Implementation**

The White Paper sets out some radical proposals to change bus regulation and also the way in which bus services and taxi licencing are currently delivered. The document is written almost as a consultation document with a number of options, rather than clear proposals for legislation. As a result, it is almost more of Green (Policy) Paper, rather than proposals for legislation.

It is understood that as the paper proposes changes to legislation, it is unlikely that implementation can take place before 2020 – 21, subject to the outcome of the consultation process.

Preliminary discussions between WLGA and Welsh Government have indicated a willingness to have discussions at a regional level over the potential establishment of JTA and how this could be developed alongside emerging proposals for regional transport bodies. There could be some flexibility over future structures, if local authorities are committed to a regional approach for transport.

Discussions with the Transport Cabinet Members group in North Wales focussed on the need for some urgent action given: -

- the rate of decline in patronage,
- high profile bus operators going out of business,
- significantly increased costs of tendered services due to a shortage of capacity in the market,
- rapid changes in registration of commercial routes leading to further demands on budget.

Preliminary discussions with Welsh Government have indicated there could be an opportunity to pilot some proposals in the region, pending any new legislation. This could involve some regional work on bus service delivery, support for Welsh Government to prepare for the legislation post White Paper and development of proposals for a regional transport body. There could also be an opportunity to pilot an approach based on the proposed Enhanced Quality Partnerships on a network of strategic routes across the region. An offer to Welsh Government in line with the suggestion above has been made.

4.10. **Consultation Process**

The consultation period for the White Paper was open to the 27 March 2019.

The WLGA also arranged an all Wales Transport Cabinet Members meeting to City Hall Cardiff for the 25th March, at which Ken Skates was in attendance for at least part of the event. A meeting

of the Chairs of the four regional member groupings in Wales was also held to shape the all Wales responses through the WLGA.

5. FINANCIAL IMPLICATIONS

5.1. There are no significant costs in responding to the White Paper consultation that cannot be accommodated within existing budgets.

There will be costs associated with establishing and managing any JTA established. The proposals in the White Paper are high level at the moment and more detailed work will be needed to fully quantify the costs of the approach. It is likely that further evaluation work will be carried out as more details of the firm proposals emerge.

6. LEGAL IMPLICATIONS

6.1. There are no significant legal implications in relation to the consultation response.

As the more detailed proposals emerge after the first consultation process, the implications could be significant. Establishing a Joint Transport Authority and its subsequent administration will involve detailed development. In addition the devolution of powers from local authorities to the JTA could also have significant implications. It is envisaged that a period of detailed work leading up to full proposals will need to be undertaken prior to any implementation.

7. STAFFING IMPLICATIONS

7.1. The staffing implications of any implementation of the proposals is not known at this stage. The move to establish a JTC could involve transfer or secondment of staff, however until the proposals are finalised the details are unknown.

8. IMPACT ON EQUALITIES

8.1. Not known at this stage. Further detailed work will need to be undertaken once the results of the consultation period have been announced by WG. There could be implications for bus users, in terms of service changes and the increased age of concessionary pass will impact on eligibility for free bus travel.

9. CONSULTATIONS UNDERTAKEN

9.1. The Transport Cabinet Members group has been consulted on the proposed response to the White Paper. Chief Officers and Transport managers from the six local authorities have also been consulted.

APPENDICES:

Appendix 1 Copy of the response submitted to the Welsh Government consultation

STATUTORY OFFICERS RESPONSE:

i. Monitoring Officer – Accountable Body:

“

ii. Head of Finance – Accountable Body:

“

REFERENCE WP111

Dear Sir/Madam

I am writing to you because I have heard that the Welsh Government intends to raise the eligibility age for a bus pass, allowing free bus travel in Wales, from 60 to 65 (or possibly 67 in my case). Unsurprisingly there has been very little publicity given to this unfair proposal - I only found out about it by chance.

There has been almost nothing about this proposal in the media; otherwise I am sure many more people in my age group would have protested. Perhaps I am being unduly cynical, but I can't help wondering if the Welsh Government are trying to sneak it through unobtrusively while everyone is, quite understandably, preoccupied with Brexit. A Cruise counsellor specifically mentioned the bus pass at 60 as something for me to look forward to; although an intelligent and well-informed woman, she hadn't heard about this unfair proposal.

How can it be right or just for the Welsh Government to propose to discriminate on the grounds of age against people like myself, born through no fault of our own, due to circumstances beyond our control, in the 1960s rather than in the 40s or 50s? How can this be fair or morally acceptable? Surely any form of discrimination against any group of people because of things which they are beyond their control is wrong. People my age have already been hit by the raising of the retirement age.

Can you explain to me how it is fair that someone born in 1962, for example, should have to wait 7 years longer for a bus pass than someone born in 1959, only three years his/her senior?

I write in the hope that you are someone for whom fairness is important rather than an irrelevance, because I am beginning to have doubts about the Labour party in the Assembly's commitment to fairness for the reason I have outlined.

I know that life is often unfair, but surely the role of a Welsh Labour Government should be to minimise unfairness rather than promote it.

The Westminster Government has already raised the retirement age for someone like myself (born in July 1962) from 65 to 67, but then what can one expect from the Tories? They are not concerned about fairness; I don't think they ever have been. But I would have expected better from a Labour-controlled Welsh Assembly. Yet it appears that they are intending to penalise people like myself for having been born 3 or 4 years too late.

I realise that it might seem sad, or even pitiful, to a successful person with a well paid job that something like a free bus pass should mean so much. But, unfortunately, for many people my age there is little that is positive rather than negative to look forward to. There was the bus pass, which would be of great benefit to people who are not well off financially, and/or rely on bus services.

I am asking politely that you **ABANDON THIS UNJUST AND UNACCEPTABLE PLAN.**

I will come to Cardiff on my hands and knees to beg you to do so, if necessary, but it should not be necessary, since, if you have any sense of justice, you should do so anyway,..... A. Richards

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	n/a
No	n/a

Please explain your answer.

It would not be appropriate to provide a binary answer to this question. The key issue is to ensure that an effective governance and implementation structure is put in place with full local authority representation.

Once in place there are potential benefits of local authorities sharing best practice. However, matters related to local services are best dealt with by the local authority that will have local knowledge about the complexities of the issues that need to be addressed and detailed awareness of the priorities for local investment and competing demands on resources. A local authority without the local knowledge would add little if any value to the decisions that need to be made. If local authorities are given appropriate powers, they will be best placed to work effectively with local bus operators, key stakeholders and developers to deliver and improve local bus services.

It is important that local authorities work together where they need to improve local bus services. However, local authorities working together should be a means to achieve outcomes, not an end in itself. In this respect, there are questions regarding whether or not Joint Transport Authorities, comprising multiple local authorities and covering contrasting geographies would represent the most effective and economical use of scarce local authority officer capacity and skills.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

--

Overall we strongly support Option 1 in which a national JTA is established with local or regional implementation for the following reasons;

- i. There is potential for better-integrated multi-modal public transport. A national JTA structure with responsibility for standardised and improved bus quality standards for infrastructure, services, vehicles, branding, ticketing and partnership working to be introduced and consistently applied across Wales. Working in partnership in this way would improve the consistency of offer for users
- ii. It would allow a clear and positive dialogue between local and national organisations – that occurs at present – and avoid duplication of structures and levels – at a regional basis.
- iii. It would allow economies of scale and planning that are essential to maximise wider benefits, network integration and cost effectiveness.
- iv. This approach could potentially link better with national Metro/TfW structure and proposals to provide an integrated multi-modal public transport offer across Wales including Cardiff – the key delivery agency
- v. It would allow more national strategic integration/planning – reduces fragmentation
- vi. It would support Great Western City (inter-regional planning) - major Welsh conurbation integration
- vii. It would also be an opportunity to rationalise standing orders, supplier frameworks, administrative efficiencies and economies of scale to achieve better value from the funding available.
- viii. A national JTA structure also provides the opportunity for a centralised regime for taxi and PHV licencing

Overall, the transport needs of Cardiff differ from the surrounding region because of Cardiff's position as the major regional employment centre and its continuing growth. It is estimated that Cardiff provides approximately 20% of the bus passengers in Wales and just under 40% of the bus passengers in the Cardiff City Region (estimated from the Department for Transport, National Trip End Model). It is essential that Cardiff is effectively represented on a proposed national JTA.

The local input is also essential to this model to tailor bus services to the socio-demographic needs of the local population.

In practical terms, a high quality integrated public transport system needs to be well resourced in order to be successful. It also needs to be responsive in order to take effective action in often fast changing circumstances.

The ability of public transport to grow the economy has been undervalued particularly with regards to sustainability and equality of opportunity. Trends and changes in culture and socio-demographics indicate that public transport will be increasingly important in the future whereas private car travel is likely to continue to decline. Courage is needed by decision makers to apportion funding where it will provide greatest benefit long-term in the interests of future generations and grow the

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economy of Wales. It is more important that sustainable funding models are identified and explored rather than organisational structures.

Q3. Is there another organisational structure for JTAs that we should consider?
Please explain your answer.

NA

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

This is a positive proposal and supported. The inclusion of WG representation will ensure an effective strategic perspective and will integrate planning, implementation and funding programmes.

Q5. Do you have any comments on the proposals that the Welsh Ministers should

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have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

See responses to Q4. This should be supported where the core strategic priorities are not being addressed.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

A national JTA structure with responsibility for standardised and improved bus quality standards for infrastructure, services, vehicles, branding, ticketing and partnership working to be introduced and consistently applied across Wales. Working in partnership in this way would improve the consistency of offer for users.

The local JTA functions could create conflict with the highway authority and the decision-making associated with prioritising investment. Establishing JTAs would make local preferences for how the highway is used difficult to resolve. For example, the local preference may be to provide active travel improvements, which could require reallocating road space to provide improved facilities for walking, and cycling based on a local understanding of needs.

How would the Traffic Regulation order process be affected? This could conflict with the JTA preference to provide bus lanes based on a regional or national need. These conflicting preferences and priorities are likely to be difficult if not impossible to resolve ensuring that the JTAs fail in delivering their obligations.

Without sight of the Regulatory Impact Assessment (RIA) it is difficult to understand potential conflicts of powers and interests that may arise.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

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Any additional powers needed would be replicating the existing powers of local authorities at the expense of diminishing the ability of providing transport infrastructure and services that are appropriately tailored to local needs.

Without sight of the Regulatory Impact Assessment (RIA) it is difficult to understand potential conflicts of powers and interests that may arise

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	X
No	

Please explain your answer.

Without legislation there can be no enforceable sanctions on operators who fail to comply with the provisions of a Quality Partnership. To give the Traffic Commissioner powers to refuse or revoke registrations of non-compliant operators would be a major step forward.

Whilst it is noted that there would be no obligation under the present proposals for local authorities to provide any enhanced facilities, the Council considers that operators would be far less likely to agree to an EQP if no enhancements were forthcoming and all the improvements were required from them.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	X
No	

Please explain your answer.

Broadly speaking yes, although there is a danger that the process could become somewhat unwieldy and over bureaucratic, with successive rounds of consultation, voting by operators followed (if sufficient operators are in favour) by public consultation again involving operators.

Any changes resulting from the consultation then has to be put to operators again, who could effectively walk away from the scheme.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	n/a
No	n/a

Please explain your answer.

Bus Service Franchising is supported in principle. However, Cardiff could not commit full support in the absence of details concerning the planning, managing and funding of these arrangements.

Franchising has the potential to create a better, more integrated network if it is supported by an appropriate level of funding particularly in large conurbations. Less funding may be needed where there is a growing market. However, there are potentially unintended impacts on the market and there are risks that the operators are not incentivised to increase patronage. The issues are complex.

There is the potential that interventions could destabilise commercial services. For example, a franchise based on a subsidised revenue cap could counter-intuitively lead to fares being raised thereby reducing patronage leading to a vicious circle and an unsustainable position for the operator.

There is also the possibility of unintended local political pressure on any franchise to cap the fares that users are charged which would increase the level of subsidy that would be required.

There could also be local political pressure to provide bus services that are not commercially viable. If subsidy is not increased, the only option would be to remove services from commercial areas of the network which would have the compounded impact of reduced patronage, less revenue and a requirement for more subsidy with the added risk of potentially undermining commercial routes.

As discussed in the House of Commons Library briefing paper, "Buses: franchising" dated 19th April 2012, there are two key points of view to consider:

1. Deregulation has not necessarily meant healthy competition in the bus market. Larger operators dominate the market effectively running monopolies in many areas of the UK. Where there is competition, it has not always led to streamlined services and cheaper fares. For example, without integrated ticketing, two

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competing operators providing 4 buses per hour on a route does not provide a usable service frequency of 8 buses per hour for the users. This engenders frustration for users as they may often see a bus arrive that their ticket does not allow them to use meaning they have to wait longer for their bus to arrive. In the vast majority of Urban Areas in the UK a substantial proportion of services do not face effective head-to-head competition (source: "Local bus services market investigation", Competition Commission, 20th Dec 2011). The bus operating companies have little option but to avoid competing directly with other operators, particularly in a shrinking market, in the knowledge that one operator will lose out over the other resulting in business failure. This typically results in geographic market segregation. The idea that healthy competition grows a local market is an admirable aim but in reality appears to be impossible to achieve, without other interventions such as congestion charging.

2. The level of subsidy required to support bus services varies significantly between urban and rural areas. Remote areas of low population density are more likely to require close to 100 percent subsidy.

It is worth noting that London commits significant funding on its franchising system. Transport for London has a strategic transport role, including highways powers on "red routes" which enable it to make other interventions such as extensive bus priority measures and congestion charging.

Without sight of the Regulatory Impact Assessment (RIA) it is difficult to understand potential conflicts of powers and interests that may arise.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	X
No	

Please explain your answer.

Yes, it is critically important that transparency and fairness is demonstrated through any franchising procurement process. This would give competing operators added confidence that their bids will be given a reasonable and fair chance on an equitable basis. Therefore, more bids are likely to be received and better value for money is possible.

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Q12. Do you have any other comments on the proposed process for franchising?

The effectiveness of franchising could be undermined or weakened by new emerging technology such as mobility as a service, app based service providers and/or improved competing public transport options or investment in other modes of travel.

Depending on the working arrangements and governance, it could be advantageous if Local Authorities could potentially appoint Transport for Wales to run any franchise and/or quality partnership arrangements. This would enable consistency across Wales and ensure a sustainable resource of expertise and knowledge for planning and operating improved bus services.

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

Some practical arrangements would need to be put in place to allow operators who are not part of the franchise to operate services outside the franchise remit such as inter-urban or regional services.

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	
No	

Please explain your answer.

It is difficult to see how this could be achieved without it being open to legal challenge by unsuccessful operators.

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

It took London some years to complete their transition. There were also difficulties experienced getting a balance between revenue support and incentives for investment in improved services. London buses started with gross cost basis tendering and then introduced net cost contracting in the mid 1990's before reverting to gross cost contracts with a modification to include a direct link between quality of service (reliability) and contract payments (quality incentive contract).

Franchising through a JTA could also make it difficult to secure Section 106 contributions which are payable to the Local Planning Authority. There is a risk that existing Section 106 agreements for new or improved bus services would not be deliverable by the local authority. How would infrastructure be supported by pump-primed services under a franchise approach?

The legal implications of this matter needs further consideration.

Without sight of the Regulatory Impact Assessment (RIA) it is difficult to understand potential conflicts of powers and interests that may arise

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

Yes

Q16a. In what circumstances do you think this would be appropriate?

Where the market has failed to provide viable services, and the normal tendering/deminimis arrangements have not proved effective.

However it should be noted that this option is unlikely to be cheaper than alternative arrangements and would involve considerable set-up costs for most local authorities, who do not currently run in-house bus fleets. A reliable revenue and capital funding programme would be needed.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

In the above situations the deregulated market would have failed so there would be no advantage to be gained.
Local authority operators should not be allowed to compete on commercial routes under the current legislation.

Q17. Do you think that local authorities should be able to set up arm's length companies to operate local bus services?

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Yes, although this option allows the arm's length operator to behave commercially, but sets them financially at a disadvantage with other bus operators, as they are prevented by current legislation from using many of the financial mechanisms open to private operators.

Q17a. In what circumstances do you think this would be appropriate?

Where the market has failed to provide viable services, and the normal tendering/de minimis arrangements have not proved effective.

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

The current legislation ensures transparency, although it gives private bus companies a financial advantage in that arm's length local authority companies can only borrow money from that local authority rather than other financial providers.

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

Response to the previous consultation is given below.

No change should be made without an analysis of the impact. For example, it needs to be understood how many 60-65 year old are using the system, for what type of trips do they use it (full-time work, part-time work, shopping, personal business,

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escort, etc), during what times (peak, off-peak), what is their socio-economic status, how additional accessibility do they get from the scheme, how does all of this differ from >65 year olds, how many 60-65 year old pass holders would otherwise be eligible for disabled passes? Without such data it is difficult to see whether there is any case for a change or whether it would cause more hardship than benefit.

A different approach might be to retain the current age qualification but consider time restrictions such as after 09.30 as is used in the English scheme.

Q19. Do you agree that an incremental change is the most appropriate method?

See above

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	X
No	

Please explain your answer.

In order to make bus services attractive it is vital that this information is as widely disseminated as possible. It is also vital that the information is in a form that is easily understandable for both existing and potential users.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services that are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	X
No	

Please explain your answer.

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This should improve local authority decision making in this process, and enable better value for money to be obtained by local authorities.

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards, which will apply to all taxis and PHVs in Wales?

Yes	X
No	

Please explain your answer.

National standards would ensure that taxi services are administered consistently across Wales and deal with any perceptions of any unnecessary variation across Councils. This is consistent with the previous work undertaken between the Local Authority Licensing Expert Panel and Welsh Government lead on taxi reform in Wales during 2017/18. Consequently, the Council would support this proposal and in particular support the introduction of a vehicle emission standard. Other areas of harmonisation might be best prioritised through consultation with stakeholders to understand what aspects of licensing policies are deemed to cause most concern.

Q23. Are there any matters, which you would like to see contained in any national standards?

The introduction of a vehicle emission standard. Other areas of harmonisation might be best prioritised through consultation with stakeholders to understand what aspects of licensing policies are deemed to cause most concern

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Q24. Are there any matters, which you think should be excluded from any national standards?

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Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Q26. What would be the best approach for determining the content of national standards?

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

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Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	X

Please explain your answer.

We believe that a change to the current enforcement regime is appropriate. We would advocate that revocation of a vehicle licence should be the sole responsibility of the "home" licensing authority. Having issued the licence, the authority will have invaluable local knowledge about the licence holder, the history of the vehicle and any complaints received.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

it is considered appropriate that any duly authorised officer from any Licensing Authority area should have the power to suspend immediately a licence of any vehicle operating in their area (irrespective of where it was licensed) where there is an immediate public safety risk e.g. defective tyre, or potentially where the vehicle fails to meet the national standards e.g. missing door signs / back plates.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

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There is scope for other enforcement provisions to be introduced such as where a driver refuses a fare due to the short distance involved, or for cases of overcharging, and a power for officers to stop and issue direction orders to a driver and his vehicle where public safety is at risk.

Finally, while enhancing enforcement capacity is undoubtedly a positive development, the Welsh Government should revisit the provisions of Section 53 of the 1976 Act and expand the fee recovery regime to include enforcement against taxi drivers (*currently this only extends to inspection of vehicles c/w Section 70*). Failure to do so will only add to the pressures on the public purse.

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	X
No	

Please explain your answer.

The establishment of a mandatory national database for licensed drivers would be an important addition to the current regime and should be expanded to include vehicles, operators, proprietors and dispatchers to support stronger enforcement

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

The current use of the National Anti-Fraud Network (NAFN) currently provides an online register of taxi and private hire drivers who have been refused or had their licence revoked. The database includes the reasons for any refusal or revocation, along with the relevant licensing authority details. This is not used by all councils at present, but is a clear way forward for more effective administration and public

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protection.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	X

Please explain your answer.

The creation of a JTA (Option A) is the most controversial of the four proposals and one that the Council cannot support for the delivery of taxi licensing. The administration of the taxi industry is without doubt in need of reform, but it is not an administration in crisis, it simply needs reform and Councils have been asking for that reform for many years.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	X
No	

Please explain your answer.

The current delivery mechanism (Option B) through local authorities continues to be the best way to manage taxi licensing. Taken in conjunction with the first three proposals there will be an enhanced enforcement regime that will do away with much of the perceived inconsistency.

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Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

There is little detail contained within this white paper as to how the JTA would undertake the licensing function and therefore it is very difficult to provide a detailed response. What is clear is that the scope and complexity of the licensing system has not been understood fully by the Welsh Government. If there is a desire to reduce the number of licensing authorities, it may be possible to consider regional delivery models, such as our own Shared Regulatory Service, or a single council delivery model such as RentSmart Wales. However, a move to one of these models would take time to develop and deliver.

We would suggest the Welsh Government progress the first three proposals in this consultation document and reconsider the role of administering the system once these changes have become embedded into the taxi licensing regime.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

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Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Q38. We have asked a number of specific questions. If you have any related issues, which we have not specifically addressed, please use this space to report them:

Cardiff Council fully supports Welsh Government's (WG) vision Option 1 JTA based on a national JTA, WG and effective Cardiff, major conurbation, representation. This will enable the city to continue to be the engine of growth for south east Wales. Cardiff's LDP is predicated on a 50:50 modal split of public transport and to achieve this bus patronage must be doubled from existing levels, and the council will be using developer contributions through s106 agreements to work towards this goal. However to achieve this ambition in Cardiff WG needs to address structural and legislative weaknesses in the current bus service regime.

The transport needs of Cardiff differ from the surrounding region because of Cardiff's position as the major regional employment centre and its continuing growth. . It is estimated that Cardiff provides approximately 20% of the bus passengers in Wales and just under 40% of the bus passengers in the Cardiff City Region (estimated from the Department for Transport, National Trip End Model).

It is crucial that JTA are able to prioritise investment to meet the needs of Cardiff. The Option 1 needs to ensure the strategic priorities are addressed. How would a JTA ensure that bus services support growth areas?

How would the transitional arrangements from s106 funding be managed? Current s106 funding agreements with the local Planning Authority would become obsolete.

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Without sight of the Regulatory Impact Assessment (RIA) it is difficult to understand potential conflicts of powers and interests that may arise.

In terms of integrated ticketing the council believes that the model (for multi operator bus services at least) already exists in the form of the All Wales concessionary fares scheme, which should be expanded to enable daily capped contactless bank card payments to be used.

The current Traffic Commissioners six minute window (5 minutes late/1 minute early) for punctuality of 95% of services is unworkable in a congested urban environment. Operators should be able to control headways in real time to ensure reliability as perceived by passengers is maintained, rather than strict adherence to timetables where services run more frequently than half-hourly.

In summary;

What Cardiff needs:

1. Option 1 national JTA and effective Cardiff/major conurbation representation
2. Secure funding mechanism
3. Control over the quality of bus services
4. Control over infrastructure investment
5. Ability to enforce non-compliance
6. Integrated ticketing including rail and other forms of public transport

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	X
No	

Please explain your answer.

This is the best way to ensure consistency of service, trace accountability when services are changed and to help a local authority to secure the services they need to meet their transport duties. It would also help people with learning disabilities to cross counties and would make it easier to travel train them as it would prevent different training for each county, based on how each authorities transport system works.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

We don't have an individual preference. We would only say that whatever structure is applied, it should be the best structure to provide consistent and regular bus services for our members, who have learning disabilities.

Q3. Is there another organisational structure for JTAs that we should consider?
Please explain your answer.

Again, as in the box above we have no individual preference about this, only that whatever structure is used, it must be whatever provided the best outcomes for people with learning disabilities in terms of consistent and easy to use bus travel.

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Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

We feel this is important. At the moment services can be changed at short notice without any consultation or involvement with the local population, including the members we represent with learning disabilities. When raising the issues with local authorities and transport providers about the consequences of this, there seems to be little concern or willingness to change based on our feedback. Representations we make to Welsh Government tell us that there is little they can do about it, despite it having an effect on the ability of people with learning disabilities to access their communities as advocated under the SSWB Wales Act. A presence from Welsh Government would allow the Welsh Government to be able to advise and see what is happening at the grass routes in a local region.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

This is essential for the reasons above. Currently local authorities can fail in their duty to provide adequate transport and are not accountable as they should be. When contacting some authorities it seems that the decision is non negotiable despite the duties placed on them. Powers are needed to ensure they comply with their duties. This is especially important for people who live in North Wales and rural Wales. A service being removed can have an adverse effect on their ability to live independently and access their local communities, employment and use the services they need to fulfil their own well-being outcomes, again, as promoted under the SSWB Wales Act.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

Yes. This could provide a much needed consistent approach across Wales which would not only make it very clear what services should be provided, it would also empower people with learning disabilities to know what services they can expect. As mentioned previously, this would also make it easier for people with learning

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disabilities to access transport across Wales.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

Yes, we feel rail should be included, particularly local rail journeys. This would help people with learning disabilities to have more options when travelling (particularly in areas such as Powys, West and North Wales) and the concessionary bus pass should be extended to cover these journeys too. This would help to reduce the deficit in bus services.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	X
No	

Please explain your answer.

Legislation would give a clearer understanding of what is expected of local authorities and transport providers as well as helping to provide a consistency of approach across Wales.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	X
No	

Please explain your answer.

EQP's would ensure that a local authority can source and secure the services it needs to meet its duties, and also deliver what is realistic given both the service provider's capacity and local authorities budgets.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	X
No	

Please explain your answer.

Yes because it means that local authorities can assess what it provides and what it needs, and clearly identify from that information what they would require from the

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services they want to tender.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	X
No	

Please explain your answer.

This is important both in terms of accountability and guidance to local authorities and also to ensure that local authorities do not dilute or cut corners when meeting their duties.

Q12. Do you have any other comments on the proposed process for franchising?

It is important that the public are involved in consultation exercises by local authorities when tenders are designed for franchising, so that the views of the public are taken on board. This should include people with learning disabilities. There are self-advocacy groups in every county in Wales who would be delighted to support this. We would welcome this being promoted in any legislation and guidance. The groups can be found on our website at allwalespeople1st.co.uk

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

We have no particular opinion on this, other than we would support any measure that improves the quality and frequency of service for people with learning disabilities across Wales.

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	X
No	

Please explain your answer.

It is important that as many options as possible are considered so that local authorities have as wide as scope as possible to find solutions to all transport duties. We are not concerned about the commercial impacts on any provider, small or large but on the delivery of quality services.

Franchising Transition Arrangements

Q15.What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

This is not something we would be adequately qualified to comment on, other to emphasise the importance of communicating effectively to the public any changes that are taking place. This includes people with learning disabilities and the provision of easy read information for people with learning disabilities.

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

Again, we have no preference to how services are provided as long as they are frequent and accessible for people with learning disabilities. If a local authority feels

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it is best placed to achieve this, then we would welcome them having the power to do this.

Q16a. In what circumstances do you think this would be appropriate?

In the event of there being no suitable transport provider in a region, an operator going out of business or a provider failing to meet its obligations under the franchise.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

All franchises should be funded and measured against a consistent criteria across Wales based on who can adequately meet the needs of the people who use the services and help local authorities to meet their duties of transport. Maybe the assessments can be evaluated anonymously, without any evaluator knowing the name of the provider they are assessing.

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

Yes, if it means it is the best option in providing frequent, consistent and quality bus services.

Q17a. In what circumstances do you think this would be appropriate?

If local services did not exist, were inadequate or if a franchised service was not meeting its duties.

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Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

I refer back to my answer in question 16a.

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Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

Yes. We would also encourage the concessionary pass to cover local rail services.

Q19. Do you agree that an incremental change is the most appropriate method?

We would have no opinion or preference over this.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	X
No	

Please explain your answer.

This is essential for accountability, scrutiny and in empowering the public to use the services to best effect.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	X
No	

Please explain your answer.

Yes, this is essential to ensure that local authorities can plug any potential gaps and to prevent reductions in services.

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Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	x
No	

Please explain your answer.

<p>Yes, this would help bring a consistency of standards, which would benefit our members and make clear to them what they should expect from their service and make it easier to give travel training that would be relevant to every county in Wales. It would also be essential in the safeguarding of vulnerable adults.</p>
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Q23. Are there any matters which you would like to see contained in any national standards?

<p>We would welcome anything that can enhance the experience of people with learning disabilities using taxis, such as LD awareness training and accessible information etc.</p>
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Q24. Are there any matters which you think should be excluded from any national standards?

<p>No.</p>

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Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

None that I am aware of.
Not all taxis and PHVs in all areas are accessible for wheelchairs. This presents challenges in terms of national standards.

Q26. What would be the best approach for determining the content of national standards?

Full public consultation, to include people with learning disabilities.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

N/A

REFERENCE WP113

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

We feel that this is the only way to ensure standards are met and to prevent complacency or dilution of responsibility.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

Yes, for the reasons given above.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

N/A.

REFERENCE WP113

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	X
No	

Please explain your answer.

It is essential in the safeguarding of vulnerable adults and in aiding the general consistent approach this consultation is advocating.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

N/A

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	

Please explain your answer.

Our members would all have different opinions about options A and B. What we can say however is that any approach that best provides consistency of standard can only benefit people with learning disabilities when travelling across Wales.

REFERENCE WP113

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	
No	

Please explain your answer.

Please see answer above.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

N/A

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

None that we can think of. We would only advocate that service operators and local authorities provide bi-lingual easy read information about services and any changes to services and that an easy read alternative of any document produced for the benefit of the public is also produced in an easy read format and published at the same time as the full English version.

REFERENCE WP113

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Please see above answer.

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Again, please see answer given in question 36.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Not an issue as such but wanted to comment how enlightening it was to read the consultation and understand the real issues behind the reasons there have been transport problems in Wales. I feel that if this could be communicated somehow to the general public in a more effective way, it would increase understanding and sympathy about the reasons there are issues with transport.

REFERENCE WP114

UNISON Cymru/Wales response to Welsh Government consultation on Improving Public Transport

1. UNISON is the largest public sector trade union with 1.2 million members working across public services in the UK who rely on public transport, in particular buses. We are a key trade union for transport support staff, with many members involved in supporting the work of Cardiff Bus in particular. We welcome this opportunity to respond to Welsh Government's consultation on Improving Public Transport. As we have no representatives in the taxi sector, we have chosen to only respond to issues affecting buses.
2. This consultation follows recent consideration of these issues by both the UK and Scottish Governments, in which we have participated. Our guiding principle in all cases has been to support responsive, comprehensive bus service arrangements in which publicly owned and municipal operators can play a full role; and to seek legislative arrangements that guard against a race to the bottom on worker terms and conditions in the bus sector.

General comments

3. We strongly welcome the positive statement of commitment expressed by Welsh Government on bus service provision, which plays a very important social as well as economic role. We welcome the intention of Welsh Government to establish new arrangements in Wales to promote better integration and integrated thinking across existing local authority boundaries, and consistency of experience for the travelling public.
4. It is important at the same time that the very different needs of different parts of the country should be recognised in how administration is organised and services provided. What will be appropriate for the South East is not likely to work in other parts of the country, and too powerful central functions would risk creating a monolithic conception of service provision.

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This wouldn't be likely to meet the needs of citizens who use or might use bus services. For that reason, we support below the more decentralised options.

Joint Transport Authorities - questions 1-5

5. We strongly support the proposal for a JTA structure, capable of establishing common standards across the country where that is appropriate. In addition, the JTA must have the ability to establish floor standards of worker terms and conditions which those in the sector might expect, irrespective of their employer, when engaged in providing bus services in Wales. The model of a national strategic JTA with three other JTAs discharging regional and locally specific functions would be a preferable model, ensuring that solutions meeting needs outside the main centres of population are able to emerge and be considered. It would be right for Welsh Ministers to be represented on the main JTA, but for the three regional JTAs, it would be more important for local/regional interests to be properly reflected, and these might be crowded-out if Ministers were represented at that level. UNISON Cymru/Wales believes it is right that Ministers should have the powers to intervene where a JTA was not performing effectively, but the scope for their intervention should be set out in clear and transparent criteria.

Questions 6-7

6. JTAs should also have powers to establish floor standards for terms and conditions for bus operators in Wales.

Enhanced Quality partnerships (questions 8 and 9)

7. We share the view expressed in the consultation document that the existing regime has failed to deliver effective arrangements and that additional powers could enable much better results. The existing regime is similar to that which applied in England before 2017. We saw

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there that a major impediment to improvement was that the arrangements basically gave a veto over improvements to operators in a given area.

8. It is essential in framing new arrangements that local authorities should be given the ability to form partnerships with operators who are able to commit to the levels of service provision aspired to by the authority, even if that is a subset of operators in a given locality, and that as part of the EQP schemes, authorities should be able to prevent operation within their area by operators who are not part of the partnership.
9. We think it important that there should be no requirement that a majority of bus operators must be involved, the process of deciding what constitutes a majority then becomes an expensive and needless complication in what will anyway be a complicated task. We would see that legislation would be necessary as this is not the approach currently available to authorities.

Franchising (Q10-15)

10. Franchising should be made available to authorities, provided that they would be able to form EQPs if that best met local demands. Franchising schemes need to contain floor standards on workers terms and conditions as well as on service levels if they are to avoid becoming a mechanism for companies to bid low, then secure their profit by driving down staff pay and conditions, and staffing levels crucial to providing the service levels promised in winning the franchise bid. While we see the potential promise of franchising, the details of given schemes are critical and we could not support any which were not properly designed.

Local Authority bus services

11. We strongly support municipal service provision, and would back the removal of the prohibition on establishing municipally-owned bus operators. UNISON Cymru/Wales believes that rules concerning when a bus company might be formed should be a matter for local governments, who are more accountable to their electors locally than Welsh Ministers.

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The sole purpose of national legislation should be to remove the present prohibitions. For that reason, we take no view on when it might be appropriate for a local authority to set up arms length or direct service operations. No safeguards are required to protect private operators.

Concessionary Fares

12. UNISON Cymru/Wales believes that the current concessionary arrangements should remain as they are. The current arrangement applies equally to both men and women, and provides everyone over the age of 60 with the possibility of free travel.

13. There are many people who use public transport to get to work past the age of 60, and the proposed age requirement of 68 would remove concessions for many of those people aged 60-67 who still participate in voluntary or part-time work for low or no remuneration, the large majority of whom are women, where the pass proves very economical.

14. UNISON Cymru/Wales also has concerns over the transition period if the new changes are brought in. We question whether there would be protections in place for those people currently in receipt of concessionary fares who currently meet the age requirements but who would not meet the proposed age requirement should the new requirements be established.

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Response by Bridgend County Borough Council on Welsh Government Consultation Document on Improving Public Transport

This report contains the responses and comments on the public transport issues raised in the consultation document and it represents the position of the local highways and transport authority for Bridgend. Part 1 of the document which asks 21 questions has been responded to by the local highway and transport authority. Part 2 of this report addresses the issues relating to regulatory standards and licensing of taxis and public hire vehicles. The questions constituting Part 2 therefore have been addressed by the licensing and regulatory authority.

Part 1 – Bus Services which deals with the 21 questions asked in the consultation document captures the setting up of:

- Joint Transport Authorities
- Enhanced quality partnerships
- Franchising
- Local authority bus services
- Mandatory concessionary fares
- Public transport information and monitoring

Q1 Do you agree that it is important for local authorities to work together with regard to local bus services? Yes/No? Please explain.

Response: Wherever the law or the regulatory regime permits, local authorities, particularly those that are geographically contiguous and other stakeholders must work together to ensure that the service that bus passengers receive represent value for money. Local authorities must also work together in common areas such as sharing of information, common procurement protocols especially where opportunities exist to reap economies of scale, and market intelligence to prevent collusion, abuse and fraud.

Already, local authorities in Wales work together on concessionary fare re-imbursements. Other areas of co-operation include consortium administration and apportionment of BSSG. Whilst co-operation, collaboration and regional partnerships and in some cases one local authority being the lead authority representing the interest of others, these governance arrangements should not be seen as a substitute for solving the underlying problems of the bus industry in particular in areas that have a low threshold for the commercial and operational viability of buses.

Q2 Please provide comments on the proposed organisational structures. Which is your preferred option and why?

Response: Section 5 of Transport (Wales) Act 2006 which provides the legal framework for the establishment of Joint Transport Authorities (JTAs) refers to two or more local authorities coming together to form a JTA to “discharge specified transport functions....” Although it is proposed in the consultation document to introduce a Bill of minor amendments to the current legislation on JTAs, clarity should be provided in the consultation document and reasons offered as to why only two types of JTAs are proposed. There are currently four regional consortia in Wales which form an automatic basis for future JTAs. Under the Section 5 of Transport (Wales) Act 2006, these meet the

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minimum number of local authorities to form a JTA. Abandoning this structure in favour of one of the two types proposed in the consultation document presupposes that the former structure as contained in the Act does not meet the requirements envisaged for a future JTA and therefore has been discarded. In our view, the case for economy and local content to address and understand local issues could not be achieved by either of the two structures proposed. Consequently, we would recommend that the current regional consortium model be explored and converted into JTAs of the future.

Q3 Is there any other organisational structure that we should consider? Please describe.

Response: We would recommend that the current regional transport consortium model be converted into JTAs with powers of issuing guidance and directions resting with the Welsh Government or Welsh Ministers.

Q4 Do you have any comments on the proposals that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

Response: Whatever structure that a future JTA adopts, Welsh Ministers should not sit on them. Provision for the membership of a JTA is made under Section 5 subsection 4a of Transport (Wales) Act 2006 which is clear as to where membership may be drawn from. Although the Act talks about appointment of members by the Assembly, it does not talk about the status of such members. The proposed reform must therefore clarify this position and remove the ambiguity that a member appointed by the Assembly would be a Welsh Minister. Welsh Ministers acting as members of a JTA present two principal problems: first a conflict of interest; and second a dilution of local democracy. On the matter of conflict of interest, we hold the view that it would not be proper for Welsh Ministers to “have the powers to issue guidance and directions” to a JTA and at the same time sit on a JTA to implement same guidance and directions.

Further complications may arise where a Welsh Minister sits as a member of a JTA and still wields the power “to intervene where a JTA is failing to exercise its functions effectively.” Secondly, JTAs are bodies set up to promote bus use and ‘regulate’ bus operations in Wales. But the bus market is not uniform across Wales and the market is riddled with imperfections. Any reform therefore must have strong local representation especially where the exercise of spending power is concerned. The presence of a Welsh Minister on a JTA would dilute debate and intimidate local representatives to act to please the Minister who has the powers to issue directions and guidance as well as the power of intervention. A situation such as this would dilute local democracy and compromise the whole idea of decentralisation.

If the proposed Bill is able to present the case for Welsh Ministers sitting as members of a JTA, we would seek the assurance that the roles and responsibilities of a Welsh Minister as a member are clearly defined in clear terms, including for example the consideration of a Minister sitting as an ex-officio member, or a Minister sitting as a member not having a vote, or a Minister not sitting in person but being represented by a representative.

Q5 Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and direction, and intervene where a JTA is failing to exercise its functions effectively?

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Response: It is appropriate that Welsh Ministers have the powers to issue guidance and direction. Such guidance would include: setting the public policy framework and the mechanisms to drive it, setting the financial parameters by which funding would be appropriated and the regulatory regime governing it, defining the public policy requirement to be met and other functions such as meeting environmental, equality and welfare standards. These functions must be exercised by Welsh Ministers who have the opportunity to engage with other departments to ensure that complementarity of various government policies is achieved. To delegate such functions to a third party would result in a fragmentation of the wider transportation and economy function. The power of intervention should be exercised by Welsh Ministers but such powers have to be defined to prevent politicisation and abuse of process.

Q6 Is the proposed division of national and regional functions appropriate?

Response: The distinction between national strategic functions and regional implementation functions seems appropriate but insofar as it supports the two types of JTA structure proposed. But our reservations about the two structures are still valid. It is our view still that the current regional consortium model provides a credible platform on which to structure future JTAs. Were this model to be retained, Welsh Ministers would exercise the national strategic function when exercising their “powers to issue guidance and direction.” The current regional consortia that would metamorphose into future JTAs would then carry out the regional implementation functions.

Q7 Should any other transport functions be transferred to a JTA? Please describe.

JTAs should not be constituted as replacements for local highways and transportation authorities. It is our view that it is the current state of the bus market, and the need for reform that has necessitated the proposals for the formation of JTAs as a policy response to the problem. Therefore JTAs should concern themselves with the bus problem and not assume the wider and more fundamental function of managing the integration of location of land-use development and comprehensive transportation planning functions. In some rare cases, as is envisaged in Section 5 subsection 1 of the Transport (Wales) Act 2006, the Assembly (and in this case we presume Welsh Ministers exercising executive powers) may direct a JTA “to discharge specified transport functions for an area or more specified local authorities in Wales.” An example of a *specified transport function* would be, for example, the development of a joint local transport plan. JTA functions should therefore be limited to bus transport along the lines of the Passenger Transport Authority/Passenger Transport Executive model in England.

Q8 Do you think that legislation is required to secure the benefits of enhanced partnership working? Yes/No? Please explain your answer to this question.

Yes. However, any partnership arrangement such as, for example, enhanced partnerships, quality partnerships (statutory or not), has to be defined in clear terms and the responsibility of parties to the contract or agreement defined in such a way that the terms meet all other rules, regulations and laws. In the past, quality partnerships failed or were not set up at all because they did not satisfy competition and markets rules and legislation. The reform Bill therefore has to present a case with reasoned justification and demonstrate the new conditions this time that would make future partnerships possible and successful.

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Q9 Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs? Yes/No? Please explain your answer to this question.

Two clear issues arise from this proposal. Firstly, the proposal sounds like a franchising scheme, and secondly there is no mention of a JTA as the authority to deliver an EQP? In its current form, the proposal is not clear as to the role of a JTA in setting up an EQP and the relationship between a local authority that sets up an EQP and a future JTA. Already some of the outcomes proposed for an EQP are carried out under contracted services paid for by local authorities for bus services that cannot be delivered on a commercial basis. If the EQP were to be applied to all bus routes and services irrespective of their commercial viability, then the issue of competition rules and regulations and legislation has to be made clear in order to remove any confusion and ambiguity.

Q10 Do you think that the proposed scheme provides a more workable option for the franchising of local bus services? Yes/No? Please explain your answer.

We are of the view that it is not every area of Wales or every service that would be capable of franchising. Therefore the proposals to franchise must identify these exemptions and make provision for them. For instance, a local authority or a JTA or any body authorised to be the franchisor would need an assurance that Welsh Ministers would make regulations to govern these exemptions. So far in the reform proposals, the consultation document has been silent on the role that Traffic Commissioners would play in the process of delivery partnerships as proposed in the document, and in the particular interest of franchising, the consultative arrangements between a franchising authority and the Competition and Markets Authority. Given that the bus market would remain deregulated, both future franchisees and franchisors should be given the confidence in how to ensure that medium and small sized operators are not disadvantaged in a franchising process in a Wales market dominated by a few big operators.

Q11 Do you think there should be a requirement for the assessment to be subject to an independent audit? Yes/No? Please explain your answer.

Yes. The items that a franchising authority includes in its assessment of a franchising scheme must be audited before it is put out for consultation. This process would ensure transparency and accountability. The items to be audited must be clearly set out and the functions and powers and liabilities of the independent auditor, who appoints them, and an adjudicator or an ombudsman who would act to resolve disagreements/discrepancy must all be clarified in the proposals.

Q12 Do you have any other comments on the proposed process for franchising?

We would seek clarity on issues relating to variation or revocation of a franchise and associated costs. In particular where a franchisee is not able to honour their obligations for whatever reason, which body becomes the 'operator of last resort', is it the local authority, the relevant JTA or the Welsh Government?

Q13 Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

In principle, franchising of this sort moves the competition from on road or in market to competing for the market and so elements of market contestability still remain. The robustness of a franchise

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agreement would be largely determined by the integrity of the franchising or bidding process, absence of information asymmetry and the institutional capabilities of a franchising authority. It is for this reason that we would recommend that the Welsh Government ensures that bus operators with market dominance and financial clout do not exploit a weak process and small operators. The franchising regulations should therefore be formulated in such a manner that precludes collusion, predatory behaviour and information asymmetry.

Q14 Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process? Yes/No? Please explain your answer.

Yes. The latter part of response to Q10 answers this question and offers the reason why small and medium sized operators be protected. The protection that small and medium sized operators would seek has been addressed in response to Q13.

Q15 What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

Response: In order to prepare the market and operators for impending change, franchising rules must provide a clear period of interregnum during which arrangements are put in place for operators who lose their franchise to dispose of assets, manage employee transfer rights, among other things. Some of the arrangements would address employee rights and how they are protected under a TUPE. Section 134 of the Transport Act 2000 addresses transitional arrangements, even though relating to quality contracts, may be adopted for franchising operations.

Q16 Do you think that local authorities should be able to run bus services directly (i.e. in-house services)? In what circumstances do you think this would be appropriate? What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no local authority has an unfair advantage in a deregulated market, and why?

Response: Bus patronage figures contained in page 11 of the consultation document show a downward trend in England, Wales and Gt. Britain. In most commentaries on the bus industry in the UK, London is often cited as an outlier in that it is the only region/market where bus use is on the increase. Many factors account for this, and often non deregulation is cited as the favoured reason. But even in this still regulated market run by a single authority, TfL, between 2014-15 and 2020-21, public transport operations and financing will register a deficit of between £530m and £630m. The case of the most successful bus/public transport market in the UK which is often cited as an exemplar is beset with financial shortage. The problem is worse in places like Wales and the change of a regulatory regime alone will not solve the bus problem in Wales. Where local authorities are not able to attract bus operators to run subsidised services, it is because the tender sum is too low and also passenger numbers are very low and patchy with little potential to grow the market. It would be difficult to see how a local authority can improve this situation without it costing more. A local authority that subsidise and underwrites the in-house company's losses may fall foul of state aid rules.

Q17 Do you think that local authorities should be able to set arms length companies to operate local bus services? In what circumstances do you think this would be appropriate? What, if any,

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safeguards do you think should be put in place with arms length bus companies to ensure that no local authority has an unfair advantage in a deregulated market, and why?

Response: Although the corporate governance arrangements for an in-house company and an arms-length company may differ, a local authority-owned company would still be competing in the market with other operators and therefore every operator must abide by the same competition rules. Where a local authority would set up an arms-length company to run bus services, the service must be operated on an authority-wide basis where the commercially viable services would be run together with the loss making routes. This would make room for cross-subsidisation. It may therefore not offer value for money to expect a local authority to set up a company solely to run just loss making routes.

It would be difficult to place constraints on a local authority with a 'long purse' for after all it wouldn't be competing with another local authority in the same market. The decision as to what fares to charge, how much to invest in the operations must be a matter for local consideration. It must be said, however, that common standards on corporate governance, remuneration and unfair market practices should be put in place to apply Wales-wide.

Q18 Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age? Please give reasons for your answer.

Response: We agree. In our response to the consultation on concessionary bus passes a year ago, we suggested the following which we re-produce below: We retain the same position.

The scheme in its current form is expensive, and as more people live longer, the financial sustainability of it has to be taken into consideration. It is futile having a free service that does not exist. Dwindling local authority budgets have led to a drastic reduction in bus services that were once subsidised by local authorities. Bridgend County Borough Council would suggest that a reasonable cut-off period be identified after which eligibility for the scheme would be brought in line with state retirement age.

The aim of the scheme should be re-established as a benefit for people on reduced incomes, which is pensioners, and people with reduced earning capacity, that is old people and disabled people. In its current form, the scheme is inequitable as some participants especially many between 60 years and the state retirement age who are still in work travel free of charge whilst young persons on much lower incomes pay to travel. The money saved from the suggested change should be used to subsidise bus services that cannot be run commercially and to subsidise fares for young persons on low incomes.

Overall, the availability of bus services is more important. In many instances in Bridgend and across the south-east Wales region, a free bus pass is of no use where bus services are not available. Free bus pass addresses the issue of affordability for certain sections of the population but greater attention must be paid to availability of bus services to benefit everybody.

Q19 Do you agree that an incremental change is the most appropriate method?

Response: We agree. A sudden withdrawal would sound mean-spirited and also give people close to the current age of entitlement too little or no time to adjust to the loss of something they would

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have been planning for. A graduated withdrawal based on birth dates would give people time to prepare for the change.

Q20 Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets? Yes/No? Please explain your answer.

Yes, we agree. If JTAs or local authorities and bus operators are going to operate in a new regime of transparency, information must be shared and therefore the current state of information asymmetry should be removed. Currently, any request from a local transport authority to a bus operator for bus patronage data on commercial services is met with the excuse of 'commercial confidentiality'. The non-availability of the full bus patronage data means that the formulation of some transport policies and analysis of the public transport profiles of development areas have been based on incomplete evidence base. Therefore, we would suggest further that information required should include operating costs particularly on fixed and variable costs; update and passenger forecasts and promotional and marketing plans. Such data, especially the data on patronage numbers would help local authorities to plan infrastructure improvements and assist also in carrying out the transport impact assessment of land-use development and support the basis for negotiating S106 Agreements.

Q21 Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of the tendering process? Yes/No? Please explain your answer.

This regime currently exists where bus operators have to inform the Traffic Commissioner about services that they wish to vary or withdraw on a 56-day notice. Local bus operators also inform local authorities on occasions when there is a disruption in service. Where realtime information infrastructure exists, such information is displayed at the bus stop. These current arrangements notwithstanding, we would suggest that bus operators be obliged to keep an up-to-date real time websites, and social media presence such as Facebook and Twitter, that would also carry information relating to service variation, diversion, disruption and withdrawal.

Part 2 Taxi and Private Hire vehicles

National Standards:

National standards would ensure that taxi services are administered consistently across Wales and deal with any perceptions of any unnecessary variation across Councils. This is consistent with the previous work undertaken between the Local Authority Licensing Expert Panel and Welsh Government lead on taxi reform in Wales during 2017/18. Consequently, the Council would support this proposal and in particular support the introduction of a vehicle emission standard. Other areas of harmonisation might be best prioritised through consultation with stakeholders to understand what aspects of licensing policies are deemed to cause most concern.

Enforcement

We believe that a change to the current enforcement regime is appropriate. We would advocate that revocation of a vehicle licence should be the sole responsibility of the "home" licensing authority. Having issued the licence, the authority will have invaluable local knowledge about the licence holder, the history of the vehicle and any complaints received. That said, it is considered

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appropriate that any duly authorised officer from any Licensing Authority area should have the power to suspend immediately a licence of any vehicle operating in their area (irrespective of where it was licensed) where there is an immediate public safety risk e.g. defective tyre, or potentially where the vehicle fails to meet the national standards e.g. missing door signs / back plates.

There is scope for other enforcement provisions to be introduced such as where a driver refuses a fare due to the short distance involved, or for cases of overcharging, and a power for officers to stop and issue direction orders to a driver and his vehicle where public safety is at risk.

Finally, while enhancing enforcement capacity is undoubtedly a positive development, the Welsh Government should revisit the provisions of Section 53 of the 1976 Act and expand the fee recovery regime to include enforcement against taxi drivers (currently this only extends to inspection of vehicles c/w Section 70). Failure to do so will only add to the pressures on the public purse.

Information Sharing

The establishment of a mandatory national database for licensed drivers would be an important addition to the current regime and should be expanded to include vehicles, operators, proprietors and dispatchers to support stronger enforcement. The current use of the National Anti-Fraud Network (NAFN) currently provides an online register of taxi and private hire drivers who have been refused or had their licence revoked. The database includes the reasons for any refusal or revocation, along with the relevant licensing authority details. This is not used by all councils at present, but is a clear way forward for more effective administration and public protection.

Joint Transport Authority (JTA)

The creation of a JTA (Option A) is the most controversial of the four proposals and one that the Council cannot support for the delivery of taxi licensing. The administration of the taxi industry is without doubt in need of reform, but it is not an administration in crisis, it simply needs reform and Councils have been asking for that reform for many years. The current delivery mechanism (Option B) through local authorities continues to be the best way to manage taxi licensing. Taken in conjunction with the first three proposals there will be an enhanced enforcement regime that will do away with much of the perceived inconsistency.

There is little detail contained within this white paper as to how the JTA would undertake the licensing function and therefore it is very difficult to provide a detailed response. What is clear is that the scope and complexity of the licensing system has not been understood fully by the Welsh Government. If there is a desire to reduce the number of licensing authorities, it may be possible to consider regional delivery models, such as our own Shared Regulatory Service, or a single council delivery model such as RentSmart Wales. However, a move to one of these models would take time to develop and deliver.

We would suggest the Welsh Government progress the first three proposals in this consultation document and reconsider the role of administering the system once these changes have become embedded into the taxi licensing regime.

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“Improving Public Transport in Wales” Response from the Liverpool City Region Combined Authority

1. The Liverpool City Region Combined Authority (LCRCA) is pleased to respond to the Welsh Government’s consultation on Improving Public Transport in Wales. The Transport Committee of the Combined Authority agreed for this response to the consultation to be submitted, and it has been shared and agreed with the Chair and Vice Chair of the Committee.
2. This response builds on a long history of close collaboration between the Combined Authority, its predecessor body and Merseytravel - the Passenger Transport Executive - as the Authority’s transport delivery body, on cross-boundary issues. This relationship recognises that the city region has a river boundary with Wales, together with the fundamental economic linkages between North Wales and North West England in terms of jobs, retail, tourism, education and healthcare. This necessitates safe, affordable and efficient cross-boundary, multi-modal east-to-west movements (and vice versa).
3. By way of an introduction, which is relevant in respect of the governance issues raised in the consultation document, the LCRCA is a statutory body covering the local authority districts of Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral. It has a collective population of 1.5 million. The LCRCA is responsible for strategic transport planning across the city region, together with other strategic policy areas such as economic development, housing and planning, and employment and skills.
4. Following the 2015 Devolution Deal, a Liverpool City Region Mayoral Combined Authority was established in 2017, headed by a directly Elected Mayor for the Liverpool City Region. This replaced an earlier Combined Authority model developed in 2014. The legislation that created this body also gave the Mayoral Combined Authority further powers over key priorities, including employment and skills, strategic housing and planning, transport and highways (including new powers over bus services contained in the Bus Services Act 2017), business growth, energy and environment, culture, finance, European funding, information sharing, constitutional and governance issues.
5. The creation of the Combined Authority led to the Merseyside Integrated Transport Authority’s powers being dissolved, and its rights, duties and liabilities being transferred to the Combined Authority. Halton Borough Council’s transport planning powers were also transferred to the Combined Authority, though the council retains responsibility for the delivery of transport services in the borough. This change resulted in strategic economic development, planning, transport and strategic highways coming together for the first time since the era of the Merseyside County Council (1974-1986).
6. Operationally, Merseytravel has responsibility for managing the devolved Merseyrail concession, developing public transport infrastructure, such as new bus and rail stations, operating the tolled Mersey Tunnels (on behalf of LCRCA) and delivering to the strategy established by LCRCA. It is also responsible for administering concessionary, pre-paid and ‘smart’ ticketing and providing travel information. One of the largest projects now in development concerns the £460 million replacement of the 40-year old Merseyrail rolling stock. The new fleet will be owned by the Liverpool City Region and leased to the train operating company.

REFERENCE WP116

7. Turning to the detailed consultation, many of these questions are very specific, and in the spirit of devolution, it is considered inappropriate for the Combined Authority to comment upon detailed issues of governance or powers that solely and directly affect Welsh interests.
8. However, as a point of principle, the enabling proposals that have the potential to give local authorities in Wales the full suite of tools they need to plan transport at the most appropriate functional level - as in the Liverpool City Region - are welcomed. This enables the best decisions on transport to be taken at the right strategic, geographic level.
9. Allied to this, the principle of bringing additional transport regulatory powers to Wales that are on a similar footing to those enjoyed across the border (e.g. the ability to franchise bus services) are welcomed. Indeed we believe all areas should be able to benefit from the ability to franchise buses to make local decisions in relation to their transport requirements, again, in the spirit of devolved decision-making. This has the potential to achieve greater parity and consistency between the transport powers and governance arrangements of Wales and those of the Liverpool City Region. Measures that enhance cross-boundary collaboration on transport issues are fully welcomed, as disparities between governance arrangements and associated powers can create practical differences when working on cross-boundary issues, and can pose barriers to achieving shared visions to enhance cross-boundary transport connectivity.
10. It will be important to ensure that new powers available help to improve levels of clarity on where responsibilities for specific issues lie, e.g. for taxi licensing, bus operations, highways, ticketing, funding or transport planning. This will be important to maximise collaboration and efficiency of delivery.
11. It would be beneficial for there to be a requirement for Welsh local authorities and the Welsh Government to consult with adjoining English local authority areas on the proposed use of the planned reforms and new governance models, to secure the best possible alignment across functional economic geographies.
12. Finally, the LCRCA and Merseytravel would be very pleased to assist the Welsh Government and the constituent local authorities in any governance reviews or on its experiences of governance reform or on the use of new transport powers.
13. I trust that this response is helpful and we would be happy to discuss any aspect in further depth. To this end, please don't hesitate to contact me via the details below.

Huw Jenkins | Lead Officer – Transport | Policy and Strategic Commissioning Directorate

Liverpool City Region Combined Authority | 1 Mann Island | PO Box 1976 | Liverpool | L69 3HN

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REFERENCE WP117

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	
No	

Please explain your answer.

N/A

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

N/A

Q3. Is there another organisational structure for JTAs that we should consider? Please explain your answer.

N/A

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

N/A

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

N/A

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

N/A

Q7. Should any other transport functions be transferred to a JTA? Please describe.

REFERENCE WP117

N/A

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	
No	

Please explain your answer.

N/A

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	
No	

Please explain your answer.

N/A

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	
No	

Please explain your answer.

N/A

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	
No	

Please explain your answer.

REFERENCE WP117

N/A

Q12. Do you have any other comments on the proposed process for franchising?

N/A

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

N/A

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	
No	

Please explain your answer.

N/A

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

N/A

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

N/A

Q16a. In what circumstances do you think this would be appropriate?

REFERENCE WP117

N/A

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

N/A

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

N/A

Q17a. In what circumstances do you think this would be appropriate?

N/A

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

N/A

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

N/A

Q19. Do you agree that an incremental change is the most appropriate method?

N/A

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	
No	

REFERENCE WP117

Please explain your answer.

N/A

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	
No	

Please explain your answer.

N/A

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	X
No	

Please explain your answer.

National minimum standards should apply to both vehicles and drivers (both HC and PHV). They should also apply to operators. It should be clearly specified as to who the standards apply to.

Drivers should all be required to undertake an enhanced DBS with all barred lists included. It should be the most robust test available.

Drivers should be required to undertake a range of tests and qualifications across the Country. There should be no easy option council for drivers to gravitate to

Q23. Are there any matters which you would like to see contained in any national standards?

Clearly defined and consistent DBS checks
Equality training
Disability training
Safeguarding training

REFERENCE WP117

Customer service training
Driving standards test
Literacy and numeracy standards
Medical standard for drivers. Group 2 Medical should be mandated.

Consistent vehicle identification standards (Top Box, plates, side panels, internal plates)
Consistent minimum emissions standard
Vehicle safety standards
Consistent inspection regime to include supplementary vehicle standards.

Clearly defined and consistent operator conditions

Q24. Are there any matters which you think should be excluded from any national standards?

Vehicle Age Policy - This should be left to local licensing authorities to set
WAV – This should be left to local licensing authorities to set

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Political will. Whilst the current legislation is at odds with modern technology, many licensing authorities will be concerned at the loss of control over local issues.

It may be difficult to get agreement in respect of common national standards across the country.

Standards should be clearly defined to avoid widely differing interpretations.

It will be important to clarify how the licensing authority taxi licensing function will be funded.

Q26. What would be the best approach for determining the content of national standards?

A full and comprehensive scoping and consultation exercise should be undertaken.

A national working group should be set up to steer the determination process and assist with drafting regulations.

REFERENCE WP117

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

N/A

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

A local licensing authority should be able to suspend but not revoke a licence. This should certainly be the case in relation to customer safety where it is apparent that immediate action should be taken to protect passengers. The powers under the current legislation could be widened to allow ALL licensing authorities to act upon relevant offences. Revocation should be the remit of the issuing authority as should the resolution of any matters which required the suspension of a licence. It should be the responsibility of the issuing authority to notify others.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

This should be somewhat easier if standard minimum conditions are applicable. The powers under the current legislation could be widened to allow ALL licensing authorities to act in matters where revocation or suspension is not the required solution.

Local Licensing Enforcement Officers should be empowered to issue Fixed Penalty Notices in respect of minor offences. Offences and sanctions to be set out in regulations.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

Clarity in definitions and regulations will be of paramount importance.

REFERENCE WP117

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	X
No	

Please explain your answer.

It is important that drivers, proprietors and operators are not allowed to apply elsewhere after being refused by a licensing authority without other licensing authorities being made aware of the fact. Customers are entitled to feel safe when travelling in HC/PH vehicles across the country.

There is a National database already in existence that records such information. This is National Anti-Fraud Network "Register of Revocations and Refusals." (NR3) which allows councils to record details of where a taxi or PHV licence been refused or revoked and allow local authorities to check new applicants against the register. Licensing authorities should be mandated to utilise it.

It is however important to ensure that only relevant information is recorded and managed.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

N/A

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	X

Please explain your answer.

It is important that licensing authorities are able to have local input into the licensing process.
Option B would enable licensing authorities to act where necessary

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

REFERENCE WP117

Yes	X
No	

Please explain your answer.

There are potentially a number of unintended consequences of removing local control of taxi licensing. Local licensing authorities have a wealth of knowledge relating to their areas which may impact upon licensing matters.

The existing framework should be retained and enhanced. Improving the licensing process by creating minimum standard conditions, supporting and enhancing the enforcement protocols and improving and mandating information sharing will support the local licensing authorities in delivering a licensing regime fit for the twenty first century and supporting customer and driver safety.

It is important that licensing staff are properly trained in such matters.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

N/A

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

N/A

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

N/A

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

N/A

REFERENCE WP117

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

N/A

**Part 1 – Bus services
Joint Transport Authorities (JTAs)**

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	*
No	

Please explain your answer.

Yes.

There are major benefits that accrue from a regional approach to managing and commissioning local bus services and Torfaen have worked effectively and closely with our partners in SE Wales on bus strategies. We are confident that the City Deal framework can only add value to this process.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

There is a strong case for regional working which is widely supported by local authorities and numerous stakeholders. Regional JTAs are supported by the CCRTA and therefore are supported by Torfaen.

It is recognised that over the years there have been different views on making JTA's statutory. Given the formality now existing under the Cardiff Capital Region City Deal we believe now is the appropriate time to make the JTAs formal.

Torfaen does not support the creation of a National Joint Transport Authority believing this to be a layer of bureaucracy that is not needed. Transport for Wales has already been created and Welsh Government also have a role. At the recent WLGA Transport Cabinet Members meeting it was proposed that local government can have a strategic relationship with WG and Transport for Wales through regular meetings of the Chairs of the Regional JTAs and the Minister with replica officer structures created underneath (indeed many of these officer groups are already in existence). With the right will and design there will not be the need to create more bureaucracy and structure than there needs to be.

The CCRTA would wish to work with Welsh Government, TfW, WLGA, other regions and operator representatives in developing the dedicated White Paper setting out future JTA arrangements. Torfaen would be happy to sit on any such national group if desired. Such collaboration would enable clarity on how a national JTA would operate in conjunction with LAs, regional JTAs, TfW, WG and transport operators.

It is critical that roles and responsibilities are clearly established so that;

- i. There is no duplication
- ii. Accountabilities are clear
- iii. Roles and Responsibilities are allocated to the body best placed for delivery
- iv. Governance is appropriate to the role
- v. The transport offer is seamless from a user perspective.

Q3. Is there another organisational structure for JTAs that we should consider?
Please explain your answer.

Please refer to the response at 2

In considering the role of a regional JTA, consideration must be given to the wider regional situation where City Deals and Growth Deals have catalysed activity towards a regional approach to Economic Growth through investment, upskilling and improved physical and digital connectivity.

Whilst not directly affecting Torfaen there was a clear consensus at the meeting of the 25th with Cabinet Members that Welsh Local Government supported the creation of 4 JTAs rather than the 3 proposed. We appreciate the Cabinet Secretary's intent to align to Economic Regions, of which they are three, but we were comforted to hear the Cabinet Secretary be open about the ambitions of mid-Wales and subject to a business case consideration could be given to the creation of a fourth region and therefore a fourth JTA.

The regional JTAs should therefore be the bodies that deliver the transport aspirations of these regional bodies to enable green growth aligned with the Wales Transport Strategy, National Transport Plan and the National Transport Finance Plan.

It is advocated that the Welsh Government should retain responsibility for publishing these plans informed by Transport for Wales and the regional JTAs and we welcomed the announcement that work was underway on both a new National Transport Strategy and Finance Plan.

Government decisions around programming and prioritisation of transport investment should involve the JTAs, with statutory Regional Transport Plans (RTPs) establishing regional priorities and eliminating the need for bidding for strategic transport projects.

Ongoing 5 year funding arrangements should be agreed for delivery of the RTPs as has been committed for Transport for Wales.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

Whilst the intent for inclusion and partnership working is appreciated it is not felt appropriate for there to be such a level of operational involvement. The Cabinet Secretary spoke clearly about working with, cooperation and collaboration. With this must come trust. The document makes it clear that intervention powers are being considered in light of failure and therefore there needs to be a decision on whether the Ministers want to be an integral part of an organisation or be slightly removed to allow for discussions of accountability and performance. Torfaen's preference would be for a mature relationship based on outcomes and performance with regional JTAs empowered and trusted to deliver their plans which align and support national aspirations. Partnership and dialogue structures

(as proposed above with regular meetings with the regional chairs) can be put in place to ensure Welsh Government is fully sighted without the need for representation at a local level.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

Local bus services across Wales are operated in areas with a wide range of different characteristics (economic, topographical, geographical, social etc.) and a variety of conditions and issues for local authorities and bus operators to address. It is important that a 'one size fits all' approach is not taken by Welsh Ministers in the event of being granted powers to issue guidance and directions.

With regards to Welsh Ministers being able to intervene in the event of a JTA failing to exercise its functions, the legislation will need to set out the circumstances under which this intervention will take place and its terms. Namely, who and how will it be determined that a JTA is failing to exercise its functions effectively, how will the intervention be applied and for how long etc? This is a matter that will need to be explored during formulation of the detailed white paper and needs to be consistent with other Intervention measures applied to local government in other service areas

It is also important that the measures of success are developed together with a balance being struck between aspiration and ambition and performance, targets and monitoring. We want the JTAs to be ambitious and innovative. Therefore risk needs to be allowed. Transport projects have a long lead in time and can be complicated and complex. Regional JTAs performance should only be judged on the areas for which they have control and influence and would need to be clearly articulated and defined in any performance regime. If local government is to be judged on the performance of a JTA, then local government must have the ability to control the decision making process and have at least 80% of the voting rights of a JTA. In addition, it is advocated that decision making should also require greater unity than a simple majority vote and the example of Transport for the North, where a "super majority" operates, should be considered.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

The responses to questions 1-5 cover this matter.
Co-production of the detailed white paper will clarify further.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

The areas that should initially be transferred are those that align with the title of the White Paper; Improving Public Transport. Taxi licensing will also need to be considered for a regional JTA given our position on a national JTA. Consequently all public transport functions and resources should be pooled, together with those associated with educational and community services transport, as they predominantly tend to be combined under Integrated Transport Units within individual LAs. The JTA would effectively operate as transport commissioners

and transport contract managers under Service Level Agreements (SLAs) with the individual (client and budget holding) LAs.
Staff involved with Transportation Planning should also be part of the regional JTA, responsible for developing Regional Transport Plans, with technical support (land-use and transport modelling, etc) from Transport for Wales.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	
No	*

Please explain your answer.

Please see the CCRTA response.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	
No	*

Please explain your answer.

Please see the CCRTA response.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	
No	*

Please explain your answer.

Please see the CCRTA response.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	*
No	

Please explain your answer.

It is necessary to scrutinise and be satisfied that the procedures and assessments undertaken by a LA or regional JTA, and the decisions taken, are robust and ensure compliance with the relevant legislation, but also to resolve disputes that might arise between the different parties and ensure that the consumer interest is protected.

The Traffic Commissioner covering North East England performed this role in determining (the ultimately unsuccessful) proposals submitted by Nexus for a proposed Quality Contract Scheme in Tyne and Wear. It is suggested that the Traffic Commissioner for the Welsh Traffic Area could perform a similar role in

determining any franchising proposals being prepared by a LA or regional JTA in Wales.

Q12. Do you have any other comments on the proposed process for franchising?

Please see CCRTA response.

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

Please see the CCRTA response.

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	*
No	

Please explain your answer.

Please see the CCRTA response.

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

Please see the CCRTA response.

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

Please see the CCRTA response.

Q16a. In what circumstances do you think this would be appropriate?

Please see the CCRTA response.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

Please see the CCRTA response.

Q17. Do you think that local authorities should be able to set up arm's length companies to operate local bus services?

Please see the CCRTA response.

Q17a. In what circumstances do you think this would be appropriate?

Please see the CCRTA response.

Q17b. What, if any, safeguards do you think should be put in place with arm's length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

Please see the CCRTA response.

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

Please see the CCRTA response.

Q19. Do you agree that an incremental change is the most appropriate method?

Please see the CCRTA response.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	*
No	

Please explain your answer.

Please see the CCRTA response.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	*
No	

Please explain your answer.

Please see the CCRTA response.

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	*
No	

Please explain your answer.

National standards would ensure that taxi services are delivered consistently across Wales, and help deal with any perceptions of inconsistency between Authorities. Notwithstanding the above, every local authority policy has taken into account the views of local customers, local residents and the local taxi trade, and the perceived inconsistencies across Wales often, therefore, arise from the inconsistencies in what local people and taxi businesses need across Wales. Some form of local determination would help ensure that local needs continue to be met within any national framework, although this local determination would need to be proportionate, evidence based and/or within agreed parameters.

Q23. Are there any matters which you would like to see contained in any national standards?

Existing standards should be taken into account when developing any National Standards, such as the Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010).
Any National Standards developed should be consistent with criteria implemented in England to reduce variations in driver, vehicle and operator requirements, especially around the border areas.
Any National Standards should include local knowledge tests, so that customers using local taxis can reasonably assume that the taxi will be able to take them to their destination, and language standards so that customers can reasonably expect their requirements will be understood.

Q24. Are there any matters which you think should be excluded from any national standards?

There are no matters that should be excluded, although National Standards should not duplicate other legislation.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Common National Standards should be achievable, particularly if some local determination is allowed so that differing local needs can be taken into account. However, there are challenges that need to be overcome, and these include that:-

- 1 The communities served by the taxi trade differ widely, covering both large cities and very rural areas. These communities may have different needs depending on the type of community and the availability of other forms of transport.
- 2 The economic picture for the taxi trade varies greatly across Wales, with a vibrant taxi trade in some areas but reporting difficulties in continuing to offer services in poorer or more rural communities.
- 3 The nature of the taxi trade delivering services to these different communities is not uniform. Some areas have a high proportion of taxi services delivered by large Private Hire companies, whilst others are dominated by single proprietors that own and drive their own vehicles
- 4 The adoption of a national standard could effectively decrease standards in some areas of Wales that currently meet a higher standard, whilst the adoption of a higher standard could affect the ability of the taxi trade to continue to offer a service, particularly in poorer communities with limited opportunities to charge higher fares to recoup costs

Any National Standard will need to find consistency across both urban and rural areas, and the adoption of agreed parameters within which local decisions could influence local standards would assist this process. Transitional arrangements and grandfather rights will also be required.

Q26. What would be the best approach for determining the content of national standards?

The Welsh Government must work in partnership with local authority licensing officers, who have experience of developing workable standards that protect public safety. We would suggest that the most appropriate body to assist with the development of national standards would be the All Wales Licensing Expert Panel. This Panel consists of licensing officers with extensive knowledge and experience in taxi licensing, and answers through the Welsh Heads of Environmental Health to the Directors of Public Health Wales and the Welsh Government Directorate for Public Health.

The Welsh Government would also need to engage with passenger safety groups and operator representatives and this could, for example, be included within the Licencing Expert Panel on a task and finish basis. A similar methodology was recently used by Defra to develop new legislation and guidance.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

The previous Welsh Government consultation on Taxi and Private Hire Vehicle Licensing in Wales referred to National Standards for all taxis and private hire vehicles, with the power for local licensing authorities to set additional conditions where it is appropriate to do so.

The view of Members is that powers to set some local standards are important in ensuring that local trade and customer needs are met, although it is accepted that these need to be within pre-defined parameters and evidence based.

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

Members believe that the revocation of a vehicle licence should be the responsibility of the home Licensing Authority. The Licensing Authority that issued the licence will have invaluable local knowledge and the historical records about the licence holder, and is responsible for recovering any fees associated with taking enforcement action.

Members agree that it is appropriate for any authorised officer to have the power to immediately suspend a licence of any vehicle operating in their area (irrespective of where it was licensed) where there is an immediate public safety risk e.g. a defective tyre. That suspension would then need to be reported to the appropriate Licensing Authority for them to consider whether to lift the suspension or take further action.

A process where a local authority in whose area a contravention occurs can request/ require a review of a licence by the licensing authority would negate the need for that authority to carry out the review of the licence themselves. In practice, this Authority has not experienced issues where another authority has not taken action on evidence presented to them, or officers of another authority have failed to support enforcement action taken by this Authority.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

A wider range of enforcement remedies would be clearly beneficial, and in particular would

- 1 Benefit the taxi trade, by allowing enforcement action other than a licence review that risks their licence and livelihood,
- 2 Protect public safety by allowing prompter action in respect of contraventions
- 3 Be more efficient and effective for local authorities by reducing costly licence reviews
- 4 Be useful in supporting licence reviews and prosecutions, in that they can show that a licence holder has been given an opportunity to remedy a contravention but has failed to do so.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

The following additional provisions should be considered

- 1 Powers for local authority officers to stop and direct taxi and PHVs, regardless of where that vehicle was licensed.
- 2 The ability to impose conditions on licences in addition to the National Standards, particularly where additional controls are regarded as necessary in order to allow an applicant to obtain a licence
- 3 Mandating training for all individuals involved in the licensing decision-making process, with defined content and standards for that training as appropriate.

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	
No	

Please explain your answer.

The establishment of a mandatory national database of all licensed drivers is critical, but should be expanded to include vehicle owners, Private Hire operators and dispatchers. Any national database must be able to link to any equivalent database in England to avoid duplication of data entry and ensure public safety, particularly around the border

areas. This authority has previously had a number of drivers from the Bristol and other areas, some of whom remain licenced with the authority.

Members have noted the consultation launched by the Department of Transport on the 12th February 2019 entitled “Taxi and private hire vehicle licensing: protecting users”. This introduces draft statutory guidance for Licensing Authorities that will apply in England and Wales, until and unless legislation is introduced in Wales, and seeks to address a number of issues of concern that are referred to in this Welsh consultation. This places England ahead of Wales in developing guidance and highlights the need for English and Welsh legislators to work together in addressing these issues. Unless there is a clearly perceived need for separate Welsh standards, joint standards should be adopted wherever possible.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

It is vital that information held by other enforcement bodies and agencies is effectively shared with Licensing Authorities. At present, there is a risk that a Licensing Authority may not be made aware of a taxi driver known to the Police in connection with a crime that may render them not a “fit and proper person” to drive.

To resolve this, the Common Law Police Disclosure provisions need to be reviewed to ensure that all relevant information held by the Police regarding crimes and conduct by taxi and private hire drivers, including arrest, charge and conviction information, is shared with licensing authority immediately. A similar arrangement is required with Safeguarding Boards

Mini-buses seating more than 8 passengers are not covered by taxi licensing legislation, and taxi drivers who have had their licence refused or revoked by a local authority have been found to be driving these larger vehicles. This needs to be addressed to ensure that bus customers receive the same level of protection as taxi customers.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	

Please explain your answer.

Members have very clear concern about this proposal, and in particular the potential loss of local enforcement knowledge. There are some clear dis-benefits to this proposal, whilst many of the advantages can be easily achieved in other ways.

There is no detail contained within this white paper as to how the JTA would undertake the licensing function and therefore it is very difficult to be able to answer this question. However, Members would make the following points

1 An effective taxi trade depends on local knowledge, and the ability of the taxi driver to take customers to their chosen destination. It is unclear how a JTA would deliver this within a single licensing scheme that allows drivers to operate over a wider area.

2 Taxi drivers will, quite understandably, work where it is most economically advantageous for them to do so. It is unclear how a JTA will, within a single licensing regime, ensure that all areas of Wales receive a service and, in particular, smaller, poorer and more rural areas. In particular, it is unclear how taxi ranks will be managed and how Hackney Carriage's using these will be controlled.

3 Welsh Authorities have experienced an influx of drivers from English Authorities who wish to avoid more stringent licensing regimes whilst still driving in those English Authority areas, and Intended Use policies have been adopted by many Welsh Authorities to address this. It is unclear, however, whether and how a JTA would address this, or how any such policy could be enforced.

4 Effective enforcement and the protection of public safety depends on local knowledge, local contacts and local partnership working. It is unclear how a national JTA will retain local knowledge and local relationships.

5 The consultation makes reference to the wider economic aspects of the taxi trade, and this raises the issue of whether there is a potential conflict of interest and, more importantly, whether public safety issues will be subsumed into the wider focus on transport needs

6 The proposal does not outline how existing partnership working in respect of wider transport services, and in particular with the planning, highways and school/social service transport functions of each local authority, will be maintained within a JTA structure.

7 A JTA based single all-Wales licencing regime would particularly benefit larger companies wishing to trade across borders, such as Uber, but would be of little or no benefit to the majority of taxi businesses and, indeed, could leave them open to competition that drives them out of business.

8 The synergies between the bus and taxi trades are not laid out in the consultation, and journeys involving both would be unusual. If it is envisaged that taxis and mini-buses could be contracted to replace buses on some routes, this could be achieved at a local as well as a national level. Furthermore

a. Disabled access taxis and mini-buses will rarely, if ever, offer the level of easy access that a bus can provide

b. An arrangement along these lines would benefit larger businesses able to source additional vehicles and drivers, but would not benefit the significant number of individuals owning and driving just one vehicle.

c. The use of contract taxis and mini-buses on some routes could reduce income for other taxi businesses operating in these areas.

d. Larger mini-buses (over 8 seats) are licenced as busses, and drivers are not subject to the same scrutiny as taxi drivers.

9 Whilst larger App based companies such as Uber could benefit millennials who are able and used to accessing services in this way, this proposal has not outlined how vulnerable and low income groups would be protected to ensure that they can continue to access the services they need. Areas with limited mobile coverage could also be adversely affected.

10 A single JTA may necessitate taxi businesses making applications etc. on-line or through the post. Our experience is that some of the trade would struggle with this, and that on-line processes are not well used where a face to face service is available. There would also be a lost opportunity for face-to-face contact between licence applicants and officers which can highlight issues that need to be taken further and, on occasion, have led to the refusal or revocation of licences. Access to advice for the trade could also reduce, particularly locally based advice.

11 For Local Authorities, the loss of the taxi licensing function and fees would mean a loss of staff, and this would have major implications in terms of service resilience for other licensing functions, particularly in smaller authorities.

12 The loss of the taxi licensing function will not reduce the underpinning costs of the wider licensing functions of the authority on a pro-rata basis, making service delivery more expensive for other licence holders and leaving local authorities with costs that cannot be fully recouped.

13 The proposal does not outline how other taxi related service delivery falling to local authorities, and in particular taxi rank provision and fare setting, will be delivered and financed.

14 Improvements to the current policies and procedures that protect public safety, such as National Standards, can be rapidly achieved and adopted within the existing delivery framework. The need to deliver these within a new legislative and JTA structure will delay this important work

15 Many cost savings inherent in setting up a JTA, such as developing just one policy instead of 22 across Wales etc., can be achieved within the existing delivery framework.

16 It is not stated how democratic oversight of the JTA will be delivered, but Members have a significant concern that the needs of small authorities and communities will not be given precedence and that local voices will be lost.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	
No	

Please explain your answer.

Members are strongly in favour of retaining local responsibility, particularly in respect of enforcement, taking the view that the loss of local knowledge could seriously affect the safety of taxi customers.

There is scope for a Joint Transport Authority to have a strategic overview of taxi transport provision, whilst Local Authorities continue the delivery and enforcement of taxi licensing and safety functions. For example, the Gambling Commission sets strategy and the framework within which gambling licence administration and enforcement by Local Authorities is delivered. A Joint Transport Authority could, in the same way, look at wider strategic matters whilst working with and supporting existing joint working arrangements in Wales, sharing knowledge and best practice and delivering standardisation and uniformity where appropriate

A Joint Transport Authority could have a valuable role in the strategic delivery of taxi transport services, focusing on issues important to Welsh communities and taxi users.

This could include, for example,

- 1 A more focussed (and funded) approach to the provision of disabled access taxis,
- 2 Taking steps to help support and ensure the economic vibrancy of the taxi trade in poorer and rural communities, perhaps through grant funding to create a level playing field with trains and busses.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

The existing legislation is archaic and would benefit from fundamental reform with new primary legislation. In particular, local residents often do not understand the difference between hackney and private hire vehicles, and Members would encourage and support new legislation that removes this differentiation.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

Members have no comment on this

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Members have no comment on this

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Whilst the power to set local Welsh Standards in respect of taxis is welcome, there is a clear need to have legislation and policies that achieve a similar level to that found in England, and any Welsh determination should therefore bear the proposed changes in England in mind.

Welsh Government White Paper;

Improving Public Transport

Response of the Cardiff Capital Region Transport Authority (CCRTA)

This response is being submitted by the Cardiff Capital Region Transport Authority (CCRTA), whose objectives are to connect communities, business, jobs, facilities and services across south east Wales and includes the local authority areas of Blaenau Gwent, Bridgend, Caerphilly, Cardiff, Merthyr, Monmouthshire, Newport, Rhondda Cynon Taf, Torfaen and Vale of Glamorgan. The CCRTA is a sub-committee of the Cardiff Capital Region (CCR) City Deal Regional Cabinet and has been established to facilitate the City Deal by coordinating transport planning and investment, to enable economic growth, social cohesion, and improve quality of life across the Region. The Cardiff Capital Region City Deal (CCRCD) aims to achieve two mutually supportive objectives of boosting competitiveness and tackling inequalities to deliver sustainable and inclusive growth. Key targets include:

- Creation of 25,000 new jobs
- £4bn of private sector investment
- 5% increase in GVA

The CCRTA is chaired by the Leader of Bridgend County Borough Council, Cllr Huw David, with Cllr Andrew Morgan, Leader of Rhondda Cynon Taf as vice chair. The committee is comprised of the executive member for each council with responsibility for transportation. The CCRTA plays a key role in advising the CCR Cabinet on recommended strategies to achieve transport objectives within the region. It works closely with, and supports local authorities in any transport-related collaboration and imparts transport expertise when needed.

In responding to this White Paper, the CCRTA is heartened by the steps that the Welsh Government is taking to support bus as the cornerstone of a viable and sustainable public transport offer. Like the Welsh Government, the CCRTA recognises the huge benefits that bus services provide to local communities and to the economy of Wales, enabling around 100 million passenger trips in Wales each year.

Whilst the evolving proposals may deliver a more efficient, effective and integrated public transport offer, they should not divert attention from the fact that public transport in Wales will only be transformed by significant increases in both capital and revenue funding.

Q1) Do you agree that it is important for local authorities to work together with regard to local bus services? Yes/No? Please explain your answer to this question.

The CCRTA supports the principles of collaborative working, and the development of regional Joint Transport Authorities (JTAs), asserting that a single JTA should be established for south east Wales, comprised of the ten local authorities (LAs) that combine under the Cardiff Capital Region City Deal and the CCRTA.

There are major benefits that accrue from a regional approach to managing and commissioning local bus services. Many local bus services operate across LA boundaries. The ability to provide consistency of provision over a wider area will therefore simplify the offer to the travelling public, and provide opportunities to achieve economies of scale in the procurement of bus related infrastructure and / or services, with associated financial benefits.

In order for any regional collaboration to be successful, local governance and accountability is critical. Any future set up needs to be well constituted, with sufficient funding and organisational resources to undertake the relevant work.

Whilst LAs have existing powers to collaborate on elements of bus provision including Statutory Bus Quality Partnerships and joint ticketing arrangements, to date, these have been difficult to implement due to limited funding horizons. The current funding arrangements (annual settlements) do not reflect the minimum timescales for statutory Bus Quality Partnerships (5 years).

Q2) Please provide comments on the proposed organisational structures. Which is your preferred option and why?

There is a strong case for regional working, which is widely supported by LAs and numerous stakeholders. Regional JTAs are supported by the CCRTA. Current legislation includes reference to the need for an authority to be accountable to the communities that it serves. The creation of appropriate regional organisations could achieve this requirement.

Making regional working statutory under JTA arrangements would give regional JTAs a permanent footing which would endure beyond political cycles.

It is imperative that adequate resources are available to establish JTAs and that sustainable long term funding is identified and secured for JTAs in order to enable the role to be effectively delivered.

The case for, and the role of, a national JTA is unclear beyond the current arrangements, where Welsh Government effectively sets Transport Policy and commits funding to its transport priorities, with its wholly owned delivery body, Transport for Wales (TfW), having an evolving role in providing transport services, programme/project delivery and technical advice to Government and others.

In any future scenario, it is critical that roles and responsibilities are clearly established so that;

- vi. There is no duplication
- vii. Accountabilities are clear
- viii. Roles and Responsibilities are allocated to the body best placed for delivery
- ix. Governance is appropriate to the role
- x. The transport offer is seamless from a user perspective.
- xi. Strong regional and national coordination and collaboration, especially related to policy development, funding and prioritisation.

The CCRTA would wish to work with Welsh Government, TfW, other regions and operator representatives in developing the dedicated White Paper setting out future arrangements for regional JTAs.

Co-production of the detailed White Paper would enable clarity on optimising how a regional JTA would operate in conjunction with LAs, TfW, WG and transport operators, together with the details of;

- i. Footprint of regional JTAs
- ii. Funding streams (including clarity on potential precept)
- iii. Make-up of the JTA Board including voting rights
- iv. Extent of functions to be undertaken
- v. Resources (Staff implications for JTAs and residual staffing for LAs to deliver functions not covered by a JTA)
- vi. Potential for phased and continued transition of LA functions to regional JTAs
- vii. The role of JTAs in supporting Regional Cabinets to deliver economic growth.

Q3) Is there another organisational structure for Joint Transport Authorities that we should consider? Please describe.

Please refer to the response at 2

In considering the role of a regional JTA, consideration must be given to the wider regional situation where City Deals and Growth Deals, jointly agreed between Central, Welsh and Local Government, have catalysed activity towards a regional approach to Economic Growth through investment, upskilling and improved physical and digital connectivity.

The regional JTAs should therefore be the bodies that deliver the transport aspirations of these regional bodies to enable green growth aligned with the Wales Transport Strategy, National Transport Plan and the National Transport Finance Plan.

It is advocated that the Welsh Government should retain responsibility for publishing these national plans, informed by TfW and the regional JTAs.

Government decisions around programming and prioritisation of transport investment should involve the JTAs, with statutory Regional Transport Plans (RTPs) establishing regional priorities and eliminating the need for bidding for strategic transport projects.

Ongoing 5 year funding arrangements should be agreed for delivery of the RTPs.

Q4) Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

The consultation document sets out the reasons why it is considered necessary for Welsh Government Ministers to be represented on a JTA or any committee of a JTA. These reasons are acknowledged. Further discussion will be needed to clarify and justify the need for Welsh Government Ministers to sit as members of a future JTA. The CCRTA presents the view that this model or composition of JTA memberships should not be promoted as it would blur the relationship between Welsh Government and local government, diluting local democracy.

The first breach is the potential conflict of interest where the Minister is represented on the JTA but also has powers to step in where a JTA is failing.

Whilst a JTA first has to clear the public perception of additional bureaucracy and the costs that may come with it, Ministerial membership could pose a barrier to the effectiveness of a JTA due to conflicting roles. The White Paper proposes that “Welsh Ministers be given new powers to issue guidance and directions to JTAs in relation to their functions, and have intervention powers in respect of all functions discharged by the JTAs.”

Where such a model of JTAs exist, it would be especially difficult to see where a Minister stands in cases where the addressing of local circumstances, demands or needs is at variance with Welsh Government priorities and policy imperatives.

JTAs should not be seen as an extension of the Welsh Government. The Welsh Government must limit itself to the role of setting policy directions and strategic guidance, whilst JTAs must be given the democratic freedom to find local solutions to local public transport problems within the context of local circumstances, which can differ from one LA area to another and from region to region.

A JTA needs the assurance that where conflicts arise between a JTA and the Welsh Government, a Minister should not be placed in the awkward position of wearing two caps, firstly as the issuer and enforcer of guidance and secondly, and also as, the implementer of guidance by virtue of a Minister being a member of a JTA. Local democratic accountability should not be sacrificed for a JTA.

Where the Welsh Government is able to provide a compelling case for Welsh Ministers sitting as members of a JTA, the RTA would need to be able to have a full and frank discussion how to limit ministerial membership to ex-officio non-voting membership. Framed in this way, it is acknowledged that the representation of Welsh Ministers on a JTA could assist two-way discussions with stakeholders to develop appropriate, sustainable standards.

Whilst current dialogue is good, historically the ability to have a meaningful discussion with policy officials to achieve sustainable progress has on occasions been

challenging; therefore, opportunities to promote mutual understanding between stakeholders is welcomed.

Q5) Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

Local bus services across Wales are operated in areas with a wide range of different characteristics (economic, topographical, geographical, social etc.) and a variety of conditions and issues for LAs and bus operators to address. It is important that a 'one size fits all' approach is not taken by Welsh Ministers in the event of being granted powers to issue guidance and directions.

The ability of Ministers to direct JTAs through guidance could potentially assist to achieve a consistent approach, for example a suite of common standards for infrastructure provision (reflecting urban and rural differences, but with a common corporate regional identity).

However, with regards to Welsh Ministers being able to intervene in the event of a JTA failing to exercise its functions, the legislation will need to set out the terms and circumstances under which this intervention will take place. For example, how will it be determined that a JTA is failing to exercise its functions effectively, how will the intervention be applied and for how long? This is a matter that will need to be explored during formulation of the detailed White Paper.

If local government is to be judged on the performance of a JTA, then local government must have the ability to control the decision making process.

Whilst the CCRTA fully support aspirations to raise the quality of service, this must be achieved in a financially sustainable way.

Q6) Is the proposed division of national and regional functions appropriate?

The responses to questions 1-5 cover this matter. Co-production of the detailed White Paper will clarify further.

Q7) Should any other transport functions be transferred to a JTA? Please describe.

The areas that should initially be transferred are those that align with the title of the White Paper; Improving Public Transport. It is therefore appropriate to assume all public transport functions and resources would be pooled under a JTA.

There is a tension between public transport functions and residual responsibilities of LAs that will need to be resolved.

For example, consideration needs to be given to;

- those functions associated with educational and adult care transport, as they predominantly tend to be combined under Integrated Transport Units within individual LAs.

- Transportation Planning staff responsible for Regional Transport Plans, who receive technical support (land-use and transport modelling, etc) from Transport for Wales.
- whether Traffic Regulatory powers, which are fundamental to efficient bus operations, should be available to JTAs or subject to agreement with LAs?

A phased approach may be appropriate and this is one of the primary areas for detailed consideration and agreement to inform the formulation of a subsequent White Paper.

Q8) Do you think that legislation is required to secure the benefits of enhanced partnership working? Yes / No? Please explain your answer to this question.

No. Enhanced Partnership working, with a focus on meeting passenger aspirations is favoured.

The Transport Act 2000 laid down the original legislation for a LA to establish a Partnership Scheme, with the Local Transport Act 2008 making it easier to implement. The CCRTA supports the move towards enhanced partnership working, with a genuine alliance between bus operators, LAs (working through a regional JTA) and other partners to work together to deliver high levels of passenger satisfaction, with key deliverables being to shape the bus network, promote sustainable transport, contribute to economic growth and job creation, connect communities and reduce pollution.

Q9) Do you agree with our proposals for Enhanced Quality Partnerships, in particular the proposed process for developing and making EQPs? Yes/No? Please explain your answer to this question.

No. Whilst an EQP may work effectively on the strongest commercial corridors, it would not be appropriate for marginal services and smaller bus operators who operate a high proportion of services throughout Wales.

The key ingredients of successful partnership working between parties is trust and an understanding of what each party can effectively deliver.

The CCRTA believe that a move towards a Bus Alliance model / Quality Partnership Agreement between operator, LAs (working through a regional JTA) and other stakeholders is the most cost effective and practical way in which the necessary improvements in local bus service provision, sought by passengers and potential passengers, can be achieved.

Such an Alliance could be developed on a regional basis, with confirmed outputs and targets, with local partnership agreements tailored to meet local passenger needs. They should encompass;

- bus priority through pinch point locations
- cover the enforcement of bus lanes, parking, the mitigation of the impact of utility works, and maintenance of bus access to town and city centres
- provide modern, quality vehicles that are clean and well maintained
- simplify the fares and ticketing structure

- improve service frequencies during the daytime (with services operating 7 days a week from early morning to late evening)
- provide Equality Act compliant raised kerbs to facilitate access to buses, well maintained shelters and information displays at bus stops and targets to reduce emissions.

There is no need for any new legislation to establish a Quality Partnership Agreement in Wales. The Transport Act 2000 provided the original legislation for a LA to establish a Quality Partnership Scheme, with the Local Transport Act 2008 making it easier to implement. The Welsh Government and Transport for Wales, working through regional JTAs, simply need to be more proactive and supportive of their introduction.

The Welsh Government's Voluntary Welsh Bus Quality Standard", built upon and largely replicated the ground breaking south east Wales scheme and recognised that the key benefits of such an approach would be to ensure;

- (i) a consistent minimum standard across Wales, which also enables LAs to respond to local needs;
- (ii) similar flexibility to adjust the percentage split between essential and enhanced standards;
- (iii) the ability to add or remove standards over time in order to continually drive-up standards.

These standards must evolve and act as an incentive to deliver tangible improvements for passengers. The Welsh Government should set the parameters but not 'micro manage' the determination of the actual 'quality standards', which should be able to reflect local market conditions. At the same time, they should be fair and attainable for operators and deliver a balanced outcome that is inclusive and does not impact on the bus services that operate on the margin of sustainability. Whilst the protection of the BSSG funding line by Welsh Government over the last 6 years is welcomed in the current financial climate, it has resulted in a real term cut. Simply adding additional requirements within the same budget envelope is not sustainable, with a risk there will be a lower number of routes albeit with higher quality provision than currently in operation.

Q10) Do you think that the proposed scheme provides a more workable option for the franchising of local bus services? Yes / No? Please explain your answer.

Franchising would not address traffic congestion, which is one of the main issues affecting the reliability of local bus service operations in the urban areas of south east Wales and requires additional resources to be committed to maintain service frequencies as journey times increase.

Perhaps more fundamentally, the implications of continuing to fund the entire bus network under a franchise regime needs to be considered. Since 2011/12, as public bodies have strived to maintain core services against a background of continued austerity measures, the Welsh Government and most LAs have cut their revenue support for bus services. The combined reduction in revenue support for subsidised services in the region, following reductions in BSSG (formally LTSG) from the Welsh Government and the LA's own revenue support grant is significant and the tough

financial settlements predicted in future financial years will put further pressure on budgets.

Franchising could be a consideration when the commercial bus network is unresponsive to local transport needs, and may be influenced by factors other than demographics and population density. For example, many operators have failed due to cut throat tendering and first past the post tendering, encouraged by LAs seeking to balance funding against delivery without any regard for quality or sustainable supplier safeguards. In essence the 1985 Transport Act is still fit for purpose so long as operators are still viable and LAs (working through a regional JTA) are funded to set appropriate standards of quality.

The extent of a bus network in any given area is defined by the revenue generated. This is made up of fares paid by passengers, revenue support (through service subsidy and BSSG / kilometre support), concessionary fare reimbursement and revenue from season tickets (e.g. for school / college transport), whilst factors such as cost / productivity, vehicle speed, highway conditions and bus priority measures determine if it is possible to serve communities in a cost effective manner. Any changes in this mix of revenues will have a direct impact on the cost of providing bus services and therefore the level of service provided.

In a commercial market, operators direct their resources to those services that generate the highest levels of patronage and therefore income. As with any business, operators need to generate profit to replace assets, pay interest on borrowings, repay loans and reward shareholders of their business for their investment / risk. In one of the presentations at the Bus Summit in Wrexham in January 2017, the TAS Partnership highlighted that a return of 10% to 13% was necessary to sustain a robust local bus operation, but highlighted that a 10% profit level had not been achieved in a single year collectively across Wales over the past 24 years.

Franchising perhaps has a role in areas where the balance of the network is biased towards subsidised routes, rather than towards commercial provision. However, for the majority of urban areas in south east Wales, there is concern that franchising will lead to higher overall costs for the funding authority, particularly if franchising reduces interest in the bus market and leads to reduced competition of provision.

To put this in context, growth on many of the most successful routes has been achieved through improving frequencies – often to a level of ‘turn up and go’, where services run at least every 10 minutes along corridors and additional demand is generated to sustain this level of service. However, this level of service is often contrasted with other corridors where the demand for travel can only sustain much lower frequencies of provision, or where support has to be used to provide links between places or at times that are unlikely to generate sufficient demand to be commercially sustainable.

In a franchise environment, decisions would need to be made on where resources are targeted. With limited or no additional funding, frequencies would need to be reduced to release resources to improve service levels on other parts of the network. By definition, this will reduce the amount of revenue generated in a given network, as the strongest revenue earning routes will be less attractive and revenue will decline, whilst

the 'new' elements of the network will not generate sufficient revenue to make up for the decline. Alternatively, if frequencies on the core network are maintained, additional resources would be required to meet other network aspirations. Either way would require additional revenue support at some stage to repair a potentially damaged or distorted network.

Network strategies would also become a political decision, with local politicians deciding on service frequencies, and not the customer. The business risk for commercial operation therefore moves from the operator to the LAs or a regional JTA and their politicians, who have to answer for the success or otherwise of a franchised network to the electorate. Furthermore, operators will get paid, regardless of whether their services are attracting sufficient passengers to cover costs, as they would have no commercial incentive for growing the market. Any losses will have to be met from the public purse.

The role of LAs as defined by the 1985 Transport Act is based on filling gaps / maintaining services that are not met by the commercial bus market. In most of urban south east Wales, the bus network is provided by a mix of operators that cover small, medium and large independent / family owned businesses, two significant LA operations run at arms-length by Cardiff and Newport City Councils and two subsidiaries of the major UK bus Groups (First and Stagecoach). Community Transport, operated under Section 19 or 22 Permit, supplements the established bus network, particularly in the most rural areas (Monmouthshire and the Vale of Glamorgan) and in those communities in the urban areas, which are remote from the main public transport networks.

The London model of franchising is often used as an exemplar of provision, but there are some significant differences when compared with the provision in south east Wales. Buses are far more efficient serving areas of high population density, which in London is 5,523 per km². In south east Wales, the average is 748 per km², ranging from 109 to 2,535 per km² across the region. The proportion of households without a car in London 41%. In south east Wales it is 24.7%. Public funding per head of population in London (excluding concessionary fare reimbursement) at just over £76 is around 7.5 times higher than in Wales. In south east Wales, direct revenue support for bus services (including the LA and kilometre support elements of BSSG) is just over £10 per head of population. Concessionary travel reimbursement in London is reimbursed at over 90% of the average adult single fare. In Wales it is 69.18%.

There have been significant policy decisions in London that support bus provision, including the adoption of 'Red Routes', the introduction and increase of the congestion charge, high cost and limited car parking, significant investment in new, bespoke and more environmentally efficient buses, staff and network management, including the enforcement of moving traffic offences. This has enabled seamless and integrated ticketing to be delivered across all modes, a stable and integrated public transport network, consistent and high quality infrastructure and information, innovative technologies and many other tangible passenger benefits. However, to achieve this model in Wales, with much lower population densities, higher levels of car ownership and far wider and diverse travel patterns would have huge resource implications for the Welsh Government and the LAs (working through a regional JTA). Furthermore,

it is notable that even against these significant differences, bus patronage in London has still declined by 2.3% in the year to March 2017.

The administration and monitoring duties associated with a proposed bus franchising scheme could be both bureaucratic and expensive and it is questionable whether the expertise is currently available to deliver this provision. Other issues could arise, including the long term employment security for bus company staff in the event of a franchise being lost, and how quickly could a franchisee respond to changes in passenger needs. It should be noted that there is limited protection for pensions and that in London, wages have declined in real terms, along with poorer terms and conditions for staff, as operators cut margins to maintain franchised contracts. In common with any industry that loses its business as a result of government policy, the bus industry in Wales is likely to seek compensation should such a loss occur as a result of the creation of a franchising scheme. Finally, the finance model for operators in a franchise model is quite different, with vehicles on operating leases, rather than outright purchase through capital or loans. This model is predicted to increase the costs of operation and operators will take this into account in their pricing.

Perhaps more fundamentally, the funding of an entire bus network under a franchise regime is flawed, particularly in the current economic environment, where public bodies are striving to maintain core services against a background of significant funding cuts from Central Government. This does not lend itself to franchising and could do irreparable damage to a network.

A regional partnership approach, based on the West Midlands Bus Alliance model, where clear outputs are defined and agreed by operators, LAs (working through a regional JTA) and other stakeholders that commit to delivering some of the positive outputs of the London model, as outlined above would be a more appropriate solution. To achieve a step change, particularly in the provision of information ticketing and infrastructure, it is inevitable that additional revenue and longer term funding commitments are required.

Aligning this with policies that support bus priority will improve network efficiencies, and promote passenger growth and an environment where bus networks can develop organically. A Bus Partnership Alliance could address wasteful competition, perhaps through voluntary partnerships and promote more co-ordinated resources that offer new journey opportunities for passengers. The threat of franchising as a last resort, would encourage reluctant operators to take a more positive and proactive approach to such partnership working.

Q11) Do you think there should be a requirement for the assessment to be subject to an independent audit? Yes / No? Please explain your answer.

Yes. It is necessary to scrutinise and be satisfied that the procedures and assessments undertaken by a LA or regional JTA, and the decisions taken, are robust and ensure compliance with the relevant legislation, but also to resolve disputes that might arise between the different parties and ensure that the consumer interest is protected.

The Traffic Commissioner covering North East England performed this role in determining (the ultimately unsuccessful) proposals submitted by Nexus for a proposed Quality Contract Scheme in Tyne and Wear. It is suggested that the Traffic Commissioner for the Welsh Traffic Area could perform a similar role in determining any franchising proposals being prepared by a LA or regional JTA in Wales.

Q12) Do you have any other comments on the proposed process for franchising?

Prior to the 1985 Transport Act which introduced 'deregulation' of local bus services, the trend in bus passenger usage was showing an almost continuous decline which, to a certain extent, has not been reversed since the Act came into force. It has also led to a reduced perception in the quality of bus services provided. This decline is not a consequence of the regulatory framework governing local bus service operation. Instead, it is driven more by various social and economic factors, such as rising car ownership and use; planning and land use policies; the decline of large industrial employers with set shift patterns; and the growth of internet shopping, with the related decline in the town centre retail offer.

The North East of England spent 2 years developing the business case for franchising, only to have it rejected as an option as it was financially unviable. Transport for Greater Manchester is currently spending £11.5m on a feasibility study to explore franchising, which will potentially have the same outcome as the North East of England.

Q13) Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

The Consultation document does not set out the terms and conditions of the permit and its duration etc., which would be determined by the franchising authority. This situation could result in inconsistencies and differences arising between neighbouring franchising authorities and create potential difficulties for bus operator(s), which serve these adjacent areas, leading to fragmented networks. If franchising arrangements are introduced, then it would be sensible to have a national framework and guidance in place to promote consistency.

Q14) Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process? Yes/No? Please explain your answer.

Yes. Local bus services in Wales are provided by a variety of operators ranging from small, independently owned family businesses to LA owned companies and subsidiaries of the major publicly owned bus groups.

Franchise contracts should reflect the characteristics of the area being served in terms of its geography, highway network and transport provision.

The London style franchising model ensures that small, medium and large scale operators are not disadvantaged in this process with invitations to let both individual bus routes as well as a network of bus routes being covered by the franchises. As a

consequence, bus operators with small and medium size fleets can become involved in the franchising process without incurring any significant resource implications.

Q15) What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

This scenario is most likely to arise if an incumbent commercial operator is unsuccessful in becoming the operator of the franchised bus service(s) and decides to discontinue operating its existing commercial bus services and disposes of / transfers its assets such as depots and vehicles.

To ensure that the franchising authority does not act unlawfully against a commercial decision taken by a private company, an option could be to extend the period required to register the withdrawal of those bus services that are to be taken over under the franchising process. This requirement would provide a new franchised bus operator with sufficient time in which to take over the existing operations or set up new operations.

To facilitate a transfer of operations (or establish new operations), work carried out during the initial stages of the franchising process (such as research and planning) would need to be thorough and detailed, so that the operational and resource implications of the new local bus service franchise could be identified.

Q16) Do you think that local authorities should be able to run bus services directly i.e. in-house services? In what circumstances do you think this would be appropriate? What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no local authority has an unfair advantage in a deregulated market, and why?

In the provision of local bus services, it could be argued that the lack of commercial bus operations along a strategic urban route or during the tendering of a local bus service contract could be examples of a market 'failure'. However, as previously highlighted, it could also be argued that commercial local bus services are competing in the market place for passengers against the car and train. Generating an increased interest in tendering for local bus service contracts could be achieved through more targeted funding, better timetabling, scheduling and vehicle utilisation, and encouraging diversification amongst those bus companies not currently involved in local bus service operation.

If LAs or regional JTAs can demonstrate that they have robustly but unsuccessfully explored these options, then only under this scenario should a LA or regional JTA contemplate operating bus services directly in-house. Alternatively, if local needs can be met by flexible and innovative services, combined with home to school and / or adult care transport needs on a more cost effective basis than the private sector, then this may be more appropriate with an Operator's licence, rather than the currently restricted Community Permit system.

Q17) Do you think that local authorities should be able to set up arms-length bus companies to operate local bus services? In what circumstances do you

think this would be appropriate? What, if any, safeguards do you think should be put in place with arms-length bus companies to ensure that no local authority has an unfair advantage in a deregulated market, and why?

Yes, but the LA or regional JTA should demonstrate how it can achieve better value for money for the public sector, offer a potential solution towards improving local bus service provision within its area, as well as meeting the goals of the Well-being of Future Generations (Wales) Act 2015. In this case, the expectation would be an abject failure of the commercial sector to meet the passenger transport needs of the LA or regional JTA, or in a niche / flexible transport solution that could be delivered more cost effectively 'in house' than by the commercial market (such as Caerphilly CBC's Connect2).

Several local Councils in Wales have had previous experience of running their own bus companies. Since 1986 all but two of these have sold to other operators or ceased trading. Cardiff Bus and Newport Bus have survived as they serve densely populated urban areas with loyal markets and strong networks. The collapse of the major former nationalised company in South Wales helped to strengthen these two companies in the early years of deregulation, but despite this, neither company has enjoyed a strong trading position in recent years, particularly when faced with local competition.

Under no circumstances should arms-length bus companies be used in a way that undermines the operation of commercial local bus services.

Q18) Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age? Please give reasons for your answer.

Yes. It is important that the travel scheme reflects the wider demographic changes that are taking place across Wales and in particular, an ageing population and an older workforce. This proposal would appear to take account of these changes and is in line with changes already made in the English scheme.

The impact of any change to the age criteria will need to be fully assessed, especially with regards to any unintended consequences, bearing in mind that there are significant health and (healthy) life expectancy inequalities in some areas, especially our more deprived communities. For many, including some in their early sixties this scheme may be relied upon, and we must be mindful of the huge issue of loneliness and social isolation for Older People. It may also be worth considering that less people on buses may well equal fewer buses and bus services, and the potential impacts of this.

Q19) Do you agree that an incremental change is the most appropriate method?

Yes. This will protect existing card holders and allow a gradual transition.

Q20) Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets? Yes/No? Please explain your answer to this question.

Yes, but the requirements placed on bus operators should not become onerous in terms of the ongoing resource commitments, as this will have a negative impact on their commercial viability.

Data on timekeeping and reliability would assist the LAs or regional JTAs in carrying out their strategic role overseeing the highway infrastructure.

This should be a collaborative approach on a regional level – for example through a regional traffic control system that makes better use of existing data and expanding data feeds covering traffic delays, journey times and parking availability system.

Q21) Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are cancelled or varied, and where appropriate, disclose this information as part of the tendering process? Yes/No? Please explain your answer to this question.

Yes. The role of the LA (working through the regional JTA) is to maintain a comprehensive local bus network within the resources it has available, and to react to withdrawal of services or journeys within a network. The LA or regional JTA needs timely information on passenger usage as soon as the change is made, to enable alternative cost effective solutions to be found. This exists in many LAs, where close relationships have been developed with the bus operators and changes to services that will negatively impact on passengers are shared in commercial confidence with officers before the changes are registered. Where these relationships don't exist, having the power to obtain information that will inform the tender process will help the LA or regional JTA to achieve the most cost effective solution.

REFERENCE WP119



Llywodraeth Cymru
Welsh Government

Number: WG36240

A Welsh Government White Paper on proposals to legislate for reforming the planning and delivery of local bus services and licensing of taxis and private hire vehicles

Date of issue: 10 December 2018

Action required: Responses by 27 March 2019

Mae'r ddogfen yma hefyd ar gael yn
This document is also available

Welsh Government
Consultation Document

Improving public transport

Overview

The purpose of this consultation is to seek views on the Welsh Government legislative proposals for reforming the planning and delivery of local bus services in Wales, together with the licensing of taxis and other private hire vehicles

How to respond

The document is available on the internet at:

Please respond by:

- Completing the consultation response form at Annex A; or
- Emailing or posting your response to the contact details below.

Further information and related Large print, Braille, audio CD and alternative language versions of this document can be made available on **documents** request.

Contact details

For further information:

PublicTransport.Engagement2019@gov.wales

Public Transport Engagement Team
Transport, Welsh Government
Cathays Park
Cardiff
CF10 3NQ

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data holds about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below: Data Protection Officer:
Welsh Government
Cathays Park

CARDIFF
CF10 3NQ

e-mail:
Data.ProtectionOfficer@gov.wales
The contact details for the Information Commissioner's Office are:
Wycliffe House
Water Lane

Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

The Foreword

Our transport network underpins our daily lives, connecting people and communities to jobs, health services and education opportunities as well as leisure activities. It connects businesses to markets; facilitating trade, exchange and travel.

A modern public transport system should be accessible, affordable and integrated across the whole of Wales, providing choice and opportunity as a viable alternative to the private motor car.

I see the integration of our transport network as a key priority going forward. We all want a world-class and sustainable integrated transport system in Wales – one that can drive forward our economy and our communities to greater prosperity.

The question is how do we achieve this?

As the Welsh Government has been taking on more responsibility for rail and buses, we have started to address some of the structural problems with which transport in Wales has been faced for many years.

We have introduced the Active Travel (Wales) Act 2013 to put in place infrastructure and information-provision measures to influence and encourage the culture of walking and cycling, which is important given the role of walking and cycling in accessing public transport.

We have awarded the new Wales and Borders rail franchise and have committed to investing almost £5 billion over the next fifteen years to transform the rail network and greatly improve the quality of services to passengers.

To complement these steps, we are now turning to bus services and the licensing of taxis and private hire vehicles.

Using the new powers we acquired in the Wales Act 2017, we want to take action that will begin to address the fundamental weaknesses in the deregulated bus market that has been in place since the 1980s. This is a key moment for devolution.

Local scheduled bus services are, and will continue to be, the foundation of our public transport system; allowing people across Wales to get to work, to hospital appointments, to education and to leisure activities.

Although we have witnessed a downward trend in the number of passenger journeys made on local bus services over the past decade, buses continue to account for about 100 million passenger journeys each year. This is significantly more than the number of journeys undertaken on our rail network.

Our long-term commitment to deliver a more effective network of buses is clear. We want to achieve a bus network that works for the people of Wales and is sustainable in the long term. That means it must be more attractive to encourage a shift away from private cars.

Taxis and private hire vehicles also provide a vital public service, connecting people to places when alternative public transport services are not available or viable. The contribution that the sector makes to the night-time and tourism economy in many of our communities cannot be under-estimated and the industry is a vital component in our ambitions for public transport in Wales.

Despite the importance of this sector to our public transport ambitions, the industry remains governed by laws made when horse-drawn hackneys were a common feature on our streets and before the arrival of the Internet, mobile 'phones and smartphone technology.

I am keen to introduce measures in Wales to ensure that taxis and private hire vehicles continue to contribute to our ambitions for a connected and sustainable society.

It is clear that action is needed to achieve the desired improvements and there is considerable work underway to consider how we can do this. However, one thing that is very clear is the improvements can only be achieved through collaboration – both across government and in partnership with local authorities and the private sector.

To support this collaborative approach, we need to put in place the right legislative tools to provide the opportunity to respond flexibly to local community needs, tailoring the approach to different circumstances and challenges.

We also need to put in place the right standards, to ensure a level of consistency across Wales.

The legislative proposals outlined in this paper, which form part of a larger reform programme, are intended to put in place those tools and standards to help us realise our ambition for an integrated public transport system which provides the right transport solution that best meets the needs of the travelling public.

Our proposals are grounded in our ambition to work seamlessly with our plans for rail, road, active travel and strategic park and ride in order to create a high quality, low carbon, integrated public transport system across the country.

This is not without its challenges – but I want these proposals to be the start of a major, national conversation about bus transport that we can use to develop a high quality system across Wales.

Your participation and input is very important as we work together to put in place the very best transport network that we can possibly have here in Wales. I look forward to hearing your views.

Ken Skates AC/AM Cabinet Secretary for Economy and Infrastructure

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Introduction

Purpose

- The purpose of this White Paper is to set out the Welsh Government’s proposals for improving the legislative framework in Wales for how local bus services are planned and delivered, together with reform of the licensing regime for taxis and private hire vehicles (PHVs).
- We have listened to feedback from passengers, local authorities, bus operators, taxi and PHV drivers and interest groups about the current provision of public transport and taxi and PHV services in Wales. Everyone agrees that change is needed.

Vision for integrated transport

- Our ambition is to provide an integrated public transport network that is safe, reliable, punctual, environmentally sustainable and accessible, and that meets the needs of the travelling public.

- Our aim is to increase the number of people using public transport by encouraging travellers to switch to it from private car use, thereby reducing pollution and congestion. We want to see more people using public transport to get them where they need and want to be, quickly and on time.
- To achieve this, we need public transport to operate as one seamless service that is accessible to all.
- Access to and from the public transport network often requires the use of an active travel mode, such as walking and cycling. In 2013, we introduced the Active Travel (Wales) Act 2013 to put in place infrastructure and information-provision measures to influence the culture of walking and cycling and help to promote it as a way of getting about.
- In October 2018 we awarded the new Wales and Borders rail franchise and have committed to investing almost £5 billion over the next fifteen years to transform the rail network. Our investment in the new franchise will ensure that our plans for rail and the south and north Wales metro schemes will greatly improve the quality of rail services to passengers.
- To complement these steps, we are now turning to buses, taxis and PHVs. Our aim is for our bus services to be designed to meet the specific needs of each locality, stimulating passenger-demand, connecting more people and reducing reliance on private cars. Our aim is for our taxi and PHV services to be safer and more standardised across Wales.

Consultations

- In 2017 and 2018 we undertook a number of consultations about how we could improve local bus services, options to improve access to and use of free bus travel in Wales, views on proposals to encourage younger people to take the bus and views on the framework for licensing taxis and PHVs.
- The previous consultations can be accessed through the following links:

<https://beta.gov.wales/proposals-improve-local-bus-services-wales>

<https://beta.gov.wales/mandatory-concessionary-fares-scheme-wales>

<https://beta.gov.wales/discounted-bus-travel-younger-people-wales>

<https://beta.gov.wales/taxi-and-private-hire-vehicle-licensing-wales>

- Following on from these consultations, we have been considering what measures we need to take and have developed a number of legislative proposals.
- These legislative proposals however, are only one element of a wider process of reform that we are undertaking, particularly in relation to the delivery of bus services.

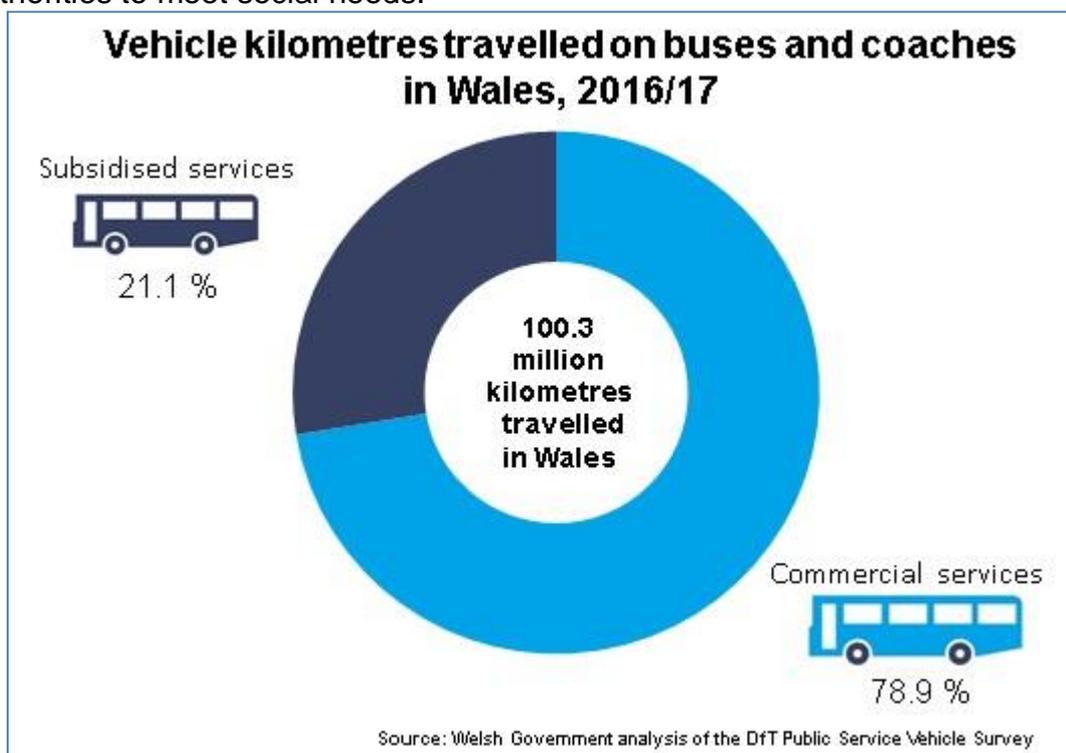
Legislative Proposals

- The legislative proposals presented in this paper are aimed at providing the tools we consider are needed to facilitate better planning and solutions for delivery of integrated and coordinated public transport, with passengers and local communities at the heart of the decision-making.
- The intention of the proposals is to improve the legislative framework to:
 - Provide the flexibility to better respond to local public transport needs; and
 - Ensure consistency and coordination of bus services delivery and a more modern approach to taxi/PHV licencing.
- This paper seeks to set out the current situation, explain why we believe change is needed and explain the legislative changes we are proposing to support our ambitions.
- The legislative proposals outlined in this paper alone will not significantly change public transport provision or the licensing of taxis and PHVs, but will provide the Welsh Government and local authorities with the tools needed to drive change.
- We want to hear your views on the proposals and invite you to respond to the consultation questions. Please do not feel that you need to respond to every question, but we would welcome your thoughts and feedback on any areas on which you wish to respond.
- We will be publishing the draft Regulatory Impact Assessment (RIA) in January, which will seek to identify the likely costs, impacts and benefits of the proposed legislative changes. Careful consideration will need to be given to the affordability and value for money of the proposals to inform decisions, particularly in light of the current financial climate and challenges that local authorities face. The RIA should be considered alongside the White Paper and through this consultation we want to hear your views on where you think the problems are around how local bus services are planned and delivered, together with reform of the licensing regime for taxis and private hire vehicles (PHVs) and what impacts you think our proposals for addressing those problems would have. It is important that we have reliable data to inform decisions.
- We will also be holding stakeholder events during this consultation period to welcome views.

Part 1 – Bus services

Introduction

- Bus services across Wales provide important access to education, training, work, healthcare and the opportunity to simply enjoy a day out and about. They provide that vital link between our communities and are an important supporting tool in ensuring a vibrant economy.
- Local bus services account for 3 out of 4 journeys made by public transport. In 2016/17, 100 million 'in service' vehicle kilometres were travelled, of which 79% were on routes determined by bus operators' commercial imperatives. The remaining 21% were operated on routes contracted or otherwise subsidised by local authorities to meet social needs.



What are the issues?

Declining services

- Despite bus services being an essential part of the public transport network in Wales, they are in decline with passenger numbers falling steadily for many years on most routes in Wales. This decline is consistent with what we are seeing across the UK.
- The table below highlights the decline in passenger journeys over the last five recorded years:

Year	Wales		England		Great Britain	
	Journeys	% change	Journeys	% change	Journeys	% change
2011-12	115.7m	-	4,640.1m	-	5,191.5m	-
2012-13	108.8m	↓ 6.0	4,570.2m	↓ 1.5	5,099.4m	↓ 1.8
2013-14	107.2m	↓ 1.5	4,672.4m	↑ 2.2	5,201.0m	↑ 2.0
2014-15	101.1m	↓ 5.6	4,627.4m	↓ 1.0	5,142.9m	↓ 1.1
2015-16	101.3m	↑ 0.2	4,507.8m	↓ 2.6	5,016.5m	↓ 2.5
2016-17	99.6m	↓ 1.7	4,438.2m	↓ 1.5	4931.0m	↓ 1.7

Source: WG analysis of DfT Public Service Vehicle Survey, TfL

- Falling passenger numbers means that there is greater pressure on fare paying passengers and the public purse to sustain the network which, despite significant investment from public and private sources, has seen a reduction in the number of services operated, with a consequential further reduction in patronage. This in turn exacerbates the pressure on local authorities as they identify and subsidise socially necessary services for local communities.
- If we don't take action, services and passenger numbers will continue to decline, which will prevent us from realising our ambitions for an integrated transport system. That is not to say that these long-standing trends will be easy to resolve, even with the legislative measures we are proposing.

Need for better integration and collaboration

- Wales' bus network accounts for about 100 million passenger journeys each year compared with approximately 30 million annual rail journeys. To deliver a truly integrated transport system in Wales, we need to ensure that bus services in Wales meet the needs of passengers and are integrated with rail and other transport services.
- The delivery of local bus services and infrastructure is the responsibility of a number of stakeholders including bus operators, local authorities and Welsh Government. This highlights the complexity of the bus delivery structure and the need for the stakeholders to work together more consistently to achieve a more integrated and sustainable local bus service for communities in Wales.
- There are transport planning, administrative and procurement based tasks that are inefficient for each local authority to perform individually. Operating in this way contributes to the fragmentation of the Welsh bus service, and we believe there is a need for organisational and structural change. Such change would help provide

greater efficiencies, common standards, opportunities for working in partnership, economies of scale and consistency of offer. We also believe that providing some central support could help local authorities free up resource to perform more planning and coordination for bus services.

- Public funding for bus services is considerable, with over £220 million of Welsh Government support provided each year, covering non-emergency health transport, school transport, the TrawsCymru bus service, bus grants and reimbursement for the Mandatory Concessionary Fares scheme. Despite this considerable funding, we are not achieving the service we want to see and communities do not have the public transport connectivity that they need.
- Better integration between local bus services and services such as learner transport, social care, community, health and demand responsive services has the potential to deliver a more comprehensive bus service for local communities.
- The following table summarises the challenges and issues around the current provision of bus services in Wales:

All Wales	
<ul style="list-style-type: none"> • De-regulated industry with over 80 bus operators in Wales. • Lack of co-ordination – between routes, ticketing, rail and active travel networks. This can be confusing for passengers. • Routes need to respond to changing passenger needs – away from short/ based journeys to longer quality and • Declining passenger numbers. • Variable standards – branding, vehicles, infrastructure. • Bus drivers ageing – potential lack of skilled workforce in future. • Real-time travel information improvements needed. • Improvement of fleet to deliver air retail decarbonisation targets journeys. 	
<p>Urban / Commercial Services</p> <p>Bus operators choosing routes on commercial basis supported by mandatory concessionary fare reimbursement and Bus Services Support Grant.</p>	<p>Rural / Non-commercial Services</p> <p>Local authorities contracting for routes with top-up subsidy in addition to mandatory concessionary fare reimbursement and Bus Services Support Grant.</p>

<ul style="list-style-type: none">• Need for more network planning to optimize local bus provision and integration with other public transport.• Poor air quality.• Unreliable timetables caused by congestion.• Multiple operators and noninteroperable tickets can be confusing for passengers.• Evening and weekend services often needing additional subsidy.	<ul style="list-style-type: none">• Variable quality with subsidized services.• Reducing commercial services resulting in increased pressure on local authority to support “socially necessary” services.• Marginal services switching between commercial and non-commercial over time.
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However, the **TrawsCymru services** provide a useful example of how bus operators, local authorities and Welsh Government can work together to deliver a strategic coordinated bus service that meets the needs of local communities. TrawsCymru has a number of commercially provided services (including the X2, X3 and X4 in South Wales). In addition, the Welsh Government funds a network of long distance services across Wales under the TrawsCymru® brand. These typically serve key strategic corridors which do not have a rail service. Whilst there may be opportunities for more efficient management of this service, our ambition is that this coordinated approach can be applied across the bus network in Wales. The following map shows the TrawsCymru Network across Wales in 2017:



- We need to put in place new arrangements that will enable greater integration of the local bus market.

Need for improved passenger experience

- Clear, high quality and up-to-date information is essential for members of the public (both bus users and non-users) who seek to understand the services available to them. People have far greater expectations about the kind of information that should

- be open to them than even a few years ago, and consumers expect to be able to make informed choices based on easily available data

We believe that in order to increase bus patronage it is essential that we work towards improving the passenger experience. An area we are interested in exploring is making improvements not only to the information available to passengers, to include ticketing information, but also to ticketing systems. Currently, tickets are often not transferable across operators or modes of transport, and we believe this limits the attractiveness of bus as a means of travel.

Concessionary Pass Holders

- The Welsh Government was the first Government in the United Kingdom to introduce universal free bus travel for older and disabled people, with the aim of radically improving access to key services and facilities. We remain committed to the principles that have underpinned the scheme in Wales for more than a decade.
- As part of our consideration of how the scheme is operating and how we can make improvements to ensure that it continues to deliver sustainable benefits to the people of Wales, a consultation was undertaken between October 2017 and January 2018. This consultation asked about a number of different aspects of the scheme, including whether the age for entitlement for elderly persons should be changed. It is this element of the scheme to which we are giving further consideration in this White Paper, whilst retaining the following fundamental principles:
 - Universal entitlement – pass holders can catch any bus any time in Wales;
 - No current pass holder to have their eligibility removed; and
 - All people of state pensionable age will be eligible for free bus travel.
- Alongside the older and disabled person bus pass, the Welsh Government has a one-third discounted offer for young people that began in 2015 for all 16, 17 and 18 year-olds. This scheme has recently been increased up to the age of 21 (for the 2018/19 financial year) and will not only help young people in training or apprenticeships and during the transition into work, but will hopefully also encourage more to use the bus for more of their journeys. This way, they will be helping to tackle congestion and air quality in our towns and cities.
- This is an example of collaborative working between bus operators, who have agreed to this voluntary scheme and the Welsh Government who pay.

Conclusion

- The pressures placed on local authorities to make financial savings have resulted in difficult decisions having to be made as to what service areas resources should be

- targeted at. This challenge over a number of years, compiled with a reduction in passenger numbers, has placed bus services in a vulnerable position. The efforts to safeguard the present service provision is a credit to the way local authorities have attempted to manage their budgets and demonstrates their acknowledgement of the important role public transport plays in connecting communities and people to services.

In view of the challenges faced by local authorities, it is vital that Welsh Government, local government and transport operators take stock of how services are planned and delivered. The proposals detailed in this White Paper provide an opportunity to work collaboratively to refocus on how we can better use current funding and at the same time, improve services for passengers.

- Most people travelling by road use private car or van (over 95%), and, with road traffic continuing to increase over time in most places, this is the major cause of congestion. The nature of road use is evolving: delivery vans delivering packages ordered online are a significant part of urban and rural traffic and ride sharing/ondemand private hire services have experienced a rapid increase in popularity. The implications for future bus use are highly uncertain at present.
- We believe that the legislative framework currently governing bus services in Wales does not provide the flexibility that Welsh Government and local authorities need to help shape and influence the provision of bus services in order to ensure that they meet the needs of individuals and communities, or to address the core areas for change that have been identified.
- We recognise that, due to the complexity and diversity of the factors which influence whether people travel by bus,, legislation alone will not reverse long term trends in bus usage. However, we believe that by improving the legislative framework, we can give local authorities the tools and flexibility to tailor their approach and target limited resources more effectively to meet those local needs and circumstances.

Proposals

Joint Transport Authorities

The Welsh Government's is proposing establishing a Joint Transport Authority

A Joint Transport Authority would be able to develop a distinctive regional approach in a broader national context towards transport planning and implementation. It could have responsibility for the full range of public transport functions, as well as certain traffic management functions (for example, the ability to make Traffic Regulation Orders for bus priority measures).

Background

- This section of the White Paper sets out our initial proposals for establishing Joint Transport Authorities (JTAs). We have carried out early stakeholder engagement with the Welsh Local Government Association on these proposals, and further consultation with key stakeholders will be undertaken during the White Paper consultation period.

Current Legislative position

- Section 5 of the Transport (Wales) Act 2006 (the 2006 Act) enables the Welsh Ministers to make an Order establishing JTAs. That Order can make provision about, amongst other things, the membership of the authority.
- The purpose of a JTA is to discharge specified transport functions for the area it relates to, and the Order establishing a JTA can make provision for the discharge of those functions by committees of the authority.

Case for change and desired outcomes

- Local authorities are responsible for local transport planning and for ensuring that the public receive the local bus services that they need. However, in the face of budget pressures, local government has decreased its discretionary spending on local bus services considerably, and has significantly reduced the teams responsible for bus planning and coordination. There is also evidence that skills and knowledge available within local authorities to effectively discharge their transport functions successfully is diminishing.

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- This pressure on skilled transport management workforce is exacerbated by the multiple tasks which each local authority must perform individually. There are many support tasks, often administrative or procurement-based, which are inefficient for each local authority to perform individually and contribute to fragmentation of the Welsh bus service.
- For example, bus stops are often the first interface with the bus network for existing and potential users. Therefore, bus stop quality is a key influence on the perception of the level of service that can be expected. Bus infrastructure is generally procured by each local authority under its relevant standing orders and supplier frameworks. Current funding horizons, with annual budgets allied with requirements to demonstrate the most economically advantageous tender price have led to considerable variation in terms of bus stop provision, both within and between local authorities. As a result, there is a lack of consistency in the bus stop infrastructure provided, which raises the following issues:
 - A lack of coherent offer / brand to existing and potential users;
 - Reduced opportunities to realise economies of scale / purchasing power; and
 - A requirement to carry greater range of spare stock (e.g. glazing panels), with risk of taking wrong part to site.
- The development of an all Wales approach to bus stop procurement, delivered through a JTA structure, could provide an opportunity to address these issues in the long run, through, for example, the phasing in of standard modular designs (reflecting urban, semi-urban and rural variations). A similar approach was utilised to renew over 500 Electronic Ticket Machines, required to administer the concessionary fare scheme. In that instance, the use of a pan Wales order enabled the placement of a significant order that qualified for a discounted unit price, with dedicated, prioritised service management.
- Letting the current inefficiencies and pressures on local authorities continue would be detrimental to achieving the Welsh Government's ambitions for public transport provision.
- A JTA structure could also provide an opportunity for standardised and improved bus quality standards to be introduced and consistently applied across Wales.
- A JTA structure also provides the opportunity for a centralised regime for taxi and PHV licencing. Our detailed proposals on that are covered in pages 47 - 48 of this document.

Establishing Joint Transport Authorities

- In order to address the challenges faced by local authorities it is proposed that Welsh Ministers use their existing powers in the 2006 Act to form JTAs.

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- The purpose of a JTA is to pool the existing transport functions and powers of two or more local authorities. The Order(s) establishing the JTAs would specify the functions that are to be exercised by the JTA.
- JTAs would be established by secondary legislation which requires a dedicated formal consultation which, depending on the outcome of this consultation, we intend to issue in autumn 2019. However, given the importance of the JTA proposals, particularly in connection with the delivery of the wider bus reform work, initial views are sought on the proposal to establish JTAs through this consultation process. The Welsh Government's initial proposals for the possible structure of JTAs are set out below.
- Whilst any JTA would be established by secondary legislation it is proposed that a Bill would be needed to make some minor changes to the existing provisions within the 2006 Act. In order to ensure consistency in terms of bus services delivery across Wales, it is proposed that the Welsh Ministers should have guidance and direction making powers in connection with the discharge of functions by the JTAs. The Welsh Ministers could use these powers to, for example, issue guidance in relation to bus quality standards, including emissions, and branding, and to provide standardised/consistent contractual terms to be issued for the provision of socially necessary services that are contracted and delivered in accordance with section 63 of the Transport Act 1985.
- Given the level of financial support the Welsh Government provides in connection with bus services, and its ambition to achieve a fully integrated public transport system for Wales, it will be important that the Welsh Ministers are able to intervene should a JTA fail to discharge its functions effectively. Therefore, it is also proposed that the Welsh Ministers be provided with intervention powers.

Proposed Structure of JTAs

- It is proposed that the functions to be transferred to the JTA should be exercised on either a national/strategic basis or on a regional/implementation basis, based on the nature of the function being discharged. It is intended that the Order(s) establishing the JTAs will facilitate this.
- To enable functions to be exercised on this basis, it is considered that there are 2 potential options for the organisational structure of JTAs:
 1. A single JTA for the whole of Wales with regional delivery boards (i.e. committees of the national JTA). The JTA would be responsible for discharging all functions specified in the establishing Order, and would be enabled/required to make arrangements for the discharge of certain functions, such as regional or locally specific functions, by committees of the authority (i.e. regional delivery boards); or

- - 2. A national JTA that would be required to discharge specified national/ strategic functions, and three separate regional JTAs that would be required to discharge specified regional/implementation functions (i.e. 4 JTAs in total).
- Depending on the preferred structure for the JTAs, the establishing Order(s) may need to make specific provision requiring the formation of committees for the discharge of functions. It may also be necessary to, for example, prevent the delegation of certain functions to committees of a JTA.
 - In terms of membership of the JTAs, it is proposed that under either of the structural options the Welsh Ministers will be represented on the authority and any committee of the authority. This reflects the Welsh Ministers' substantial commitment to the delivery of bus services in Wales, both in terms of annual spend and their ambition to secure the delivery of an integrated public transport system across Wales.

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services? Yes.

Please explain your answer.

Public transport is a vital resource for individuals and provides access to social, work, education, training and health/social care opportunities. Many individuals access these opportunities in neighbouring towns and counties, therefore, it is vital that LA's work together to ensure consistent services are delivered regionally and nationally. Furthermore, pooling resources and budgets across LA's will reduce costs in an already constrained financial environment. NHS services are the largest mover of people and any new arrangements need to ensure that the requirement for access to NHS care and services is explicitly factored in.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

Our preferred option for the JTA is Option 1. Regional delivery boards will align with allow local regions to feed into any national strategic decision making process, while ensuring that local environmental, infrastructure and community needs are taken into consideration when planning transport services. The Regional Delivery Boards must work together to ensure seamless services across boundaries.

Q3. Is there another organisational structure for JTAs that we should consider? Please describe.

No Option 1 and 2 are sufficient JTA structures to choose from.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

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Representation of the Welsh Minister would be appropriate to ensure that there is clear commitment to service integration and an understanding of the difficulties facing the vital work required to integrate transport.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

It is important that Welsh Ministers can gain assurance that the JTA is acting on guidance on areas such as quality and emissions and intervention powers with clear escalation and governance procedures are consistent with gaining this assurance.

Proposed JTA Functions in relation to buses

- We have listed below the types of functions in relation to buses that we would propose are discharged by JTAs, and indicated whether we consider those functions should be discharged at a national or regional level. The following 5 sections of the White Paper set out the legislative changes that are proposed to the powers that local authorities currently have in connection with the delivery of bus services in Wales. It is anticipated that should the proposal for JTAs proceed, these powers will be exercisable by the JTAs.
- National / Strategic functions:
 - Oversight and support for bus network planning;
 - The setting of national quality standards for infrastructure, services, vehicles, branding and ticketing where services are delivered via contractual arrangements, partnership working and franchising;
 - Keeping any national quality standards under review and overseeing compliance with such standards;
 - Standardising contractual arrangements used in connection with tendered services (under section 63 of the Transport Act 1985); franchising contracts (if applicable) and integrated demand responsive travel services;
 - Standardising the approach to partnership working with bus operators, thereby ensuring consistent quality standards;
 - Procurement of physical infrastructure such as bus stops and interchanges; and software solutions such as a ticketing platform and information systems;
 - Procuring and managing the long distance bus routes, i.e., TrawsCymru.
 - Responsibility for back office functions, such as concessionary fares reimbursement, grant payments, Traveline and customer surveys, inspectors,

- integrated demand responsive travel system implementation and management; and
- Establishing common branding guidelines.
- Regional / Implementation Functions:
 - Local and regional network planning;
 - Entering into contracts with bus operators for the provision of section 63 Transport Act 1985 services, franchising (if applicable) and integrated demand responsive travel services;
 - Implementation and management of partnership arrangements with bus operators under Quality Partnerships and Enhanced Quality Partnerships;
 - Procurement and maintenance of regional/local infrastructure in accordance with national standards; and
 - Creation and oversight/operation of local authority bus companies.

Q6. Is the proposed division of national and regional functions appropriate?

Yes the division of functions seems appropriate. It is important that regions maintain local contractual and infrastructure management, while national functions can oversee the standardisation of approaches across the region.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

No other functions should be transferred at present, however the option to include other transport functions at a later date should not be ruled out and it would be appropriate to keep this under review.

Proposed Legislative Change

- Whilst JTAs would be established by way of secondary legislation using existing powers (i.e. section 5 of the 2006 Act), it is proposed that a Bill would be required to make minor amendments to those enabling powers. In particular it is proposed that the provisions on membership of the authorities be amended to ensure the Welsh Ministers can be represented on the JTAs and any committees of the JTAs. In addition, amendments are proposed to enable any establishing Orders to require the JTAs to set up committees for the discharge of functions, and to address the delegation of functions to those committees.
- Given the importance of the discharge of functions by the JTAs to the Welsh Government's ambitions, in particular our vision for the future delivery of an integrated public transport network in Wales, together with the level of Welsh

- Government funding of bus services, it is proposed that the Welsh Ministers be given new powers to issue guidance and directions to JTAs in relation to the exercise by them of their functions, and have intervention powers in respect of all functions discharged by the JTAs.

Enhanced Quality Partnerships

The Welsh Government is proposing to introduce new powers to enable local authorities to make Enhanced Quality Partnerships.

An Enhanced Quality Partnership is collaborative partnership working between local authorities and bus operators to develop agreed plans and schemes for the delivery of improved bus services in an area.

Current legislative position – Quality Partnership Schemes

- A Quality Partnership Scheme (QPS) is essentially a formal agreement between a local authority and one or more bus operators whereby the authority provides particular facilities along bus routes such as bus lanes, or access to high-quality shelters with real-time passenger information, and operators who wish to use those facilities agree to provide services of a particular standard, for example, new green vehicles.
- Local authorities in Wales are currently enabled to establish voluntary and statutory QPSs. The statutory schemes are provided for within sections 114 to 123 of the Transport Act 2000 (the 2000 Act). QPSs give local authorities the scope for influencing bus quality and provide operators with the confidence to invest and decide about service provision and innovation.
- The service standards that can be covered as part of a statutory QPS include vehicle standards, timetabling and fares. Local authorities may also set restrictions on the registration of further local services once a scheme is in place.
- A local authority seeking to make a statutory QPS must follow the consultation process set out in the 2000 Act, and compliance with the quality standards in a statutory scheme is enforced through the bus registration system, which is overseen by the Traffic Commissioner who has powers to impose financial penalties and restrictions on an operator's licence.

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Case for Change and desired outcomes

- To date, only limited QPSs have been established in Wales, for example, on some sections of the TrawsCymru routes and on a section of the A55 in Conwy. The schemes that have been established have been set up on a voluntary basis only.
- In discussion with local authorities it would appear that the requirement for local authorities to provide facilities as part of a statutory scheme has been a limiting factor, alongside wider organisational capacity (resources and/or skills), financial restrictions or structural realignment of strategic objectives.
- It is recognised that much can still be achieved within the current statutory QPS regime, and we therefore intend to retain that regime. However, we also wish to provide local authorities and operators with the opportunity to work more collaboratively to develop enhanced partnership arrangements for the delivery of services. As such we propose to take the opportunity to consider a Bill to introduce Enhanced Quality Partnerships (EQPs). These EQPs would provide local authorities with a further potential model for the delivery of bus services in their area.
- In developing proposals to provide for enhanced partnership working we have taken account of the provision that has been made for England in this regard in the Bus Services Act 2017, and the similar provision that has been proposed for Scotland in the Transport (Scotland) Bill. We propose that the model for enhanced partnership working that should be adopted in Wales should be similar in nature as this will be beneficial to the operators who will be integral to the development of any schemes, and many of whom operate across the UK.
- EQPs will be an agreement between a local authority and bus operators to work together to improve local bus services.

Proposed Legislative change

- It is proposed that a Bill would include new provisions designed to facilitate collaborative working arrangements between local authorities and bus operators with the aim of delivering improved bus services. The proposals for those provisions are set out below.

What will be the main differences between EQPs and the current system of QPSs?

- EQPs will require stronger partnership working between local authorities and bus operators, by requiring the authorities and operators to work together to develop a plan for the delivery of improved bus services, and determine how the improvements identified in that plan will be delivered in practice. This will include bus operators sharing information with the local authorities on matters such as the routes they operate in an area.

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- There will however, be no requirement for local authorities to invest in infrastructure, which is considered a limiting factor for the scope of statutory QPSs, though they would be able to do so as part of any partnership plan if they considered that appropriate.
- Because an EQP is to be developed in collaboration between the local authorities and operators, the range of service standards that could be placed on operators via an EQP would be much broader than is currently possible under statutory QPSs. It is proposed that the services standards could cover matters such as:
 - The frequency and timing of services;
 - The vehicles being used to provide services, for example, requirements about emissions;
 - The ticketing arrangements that are to be in place;
 - The provision of information about local services;
 - The publicising of local services, fares or ticketing arrangements;
 - The appearance of tickets and the vehicles to be used to provide services; and
 - The dates upon which operators may change the timing of services.

How would EQPs be developed?

- It is proposed that EQPs would be based on a joint review of the local bus service network, undertaken by the local authorities and those operators whose bus services run through the area. The review would require the local authority and operators to analyse the network with a view to establishing whether it is delivering and meeting local needs.
- Based on this review, the local authority will develop a clear vision for the improvements in service delivery that are desired, which will be set out in an EQP Plan. The EQP Plan will be accompanied by one or more EQP Schemes which will detail the actions that are to be taken, by both the operators and the local authorities, to achieve those improvements. This will include any commitments that will be made by the local authority or service standards to be met by bus operators
- We have set out below the matters which we consider should be addressed within the EQP Plan and Schemes. It is also proposed that the Welsh Ministers will prepare detailed guidance to assist bus operators and local authorities in the development of EQPs.

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EQP plans

- It is proposed that new legislation would be required, making provision for the EQP Plan to address the following matters:
 - The geographical area covered by the plan;
 - The period to which the plan relates;
 - Whether the plan is to be reviewed and, if so, how and when that is to happen;
 - An analysis of local bus services in the area to which the plan relates;
 - The objectives of the plan, in terms of how it will improve the quality and effectiveness of local bus services in the EQP area;
 - What policies regarding local bus services will be pursued in the EQP area;
 - How the related EQP scheme(s) are intended to assist in implementing the policies and achieving the objectives set out in the plan;
 - The intended effect of the EQP scheme(s) on neighbouring areas that are outside the plan area; and
 - The authority's plans for consulting passenger groups on how well the plan and scheme(s) are working.
- These are all high-level requirements and can be interpreted in the plan as widely as the partnership (i.e. the local authority and operators) considers necessary. For example, it could include:
 - Targets for bus usage, journey times, or connectivity;
 - The strategic issues that, in the opinion of the EQP stakeholders, are relevant to the future provision of local bus services (such as the retail, business and housing developments that are likely to change the flow of people and their transport demands over the life of the plan, local economic growth objectives or air quality challenges);
 - The local and central government investment that is likely, or has the potential to be, available. This can include funding which is specifically available to improve or support bus services, as well as wider funding such as that for new housing (including developer contributions) or transport infrastructure; and
 - The aspirations of local transport providers – how they would wish to see the local bus market develop over time and how an EQP can contribute to that.

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EQP schemes

- Whilst the EQP Plan will set out the vision, it is proposed that an EQP scheme will set out the requirements to be met by the bus operators, and any actions to be taken by the local authority, to deliver all or part of the objectives in the Plan.
- It is proposed that an EQP Scheme would be required to include the following matters:
 - The area to which it relates;
 - The requirements imposed on local bus services under it;
 - Whether the local authority is to provide any facilities or take any particular measures under it;
 - Whether the operation of a scheme is to be reviewed and if so how and by which dates; ○ The date on which it is to come into operation; and ○ The period for which it is to remain in operation.
- It is also proposed that new legislation would be required to make it a condition that an EQP scheme can only be made if the local authority is satisfied that it will:
 - Contribute to the implementation of the policies set out in the EQP plan;
 - Bring benefits to persons using the services in the area by improving quality and effectiveness of services; or
 - Reduce or limit traffic congestion, noise or air pollution.

Consultation and ensuring Partnership Working

- In order to ensure that an EQP is developed collaboratively it is considered essential that the elements of the EQP Plan and Schemes are formally agreed by both the authority (who decide whether to 'make' the scheme) and the majority of bus operators. This way, neither side can impose the requirements unilaterally.
- To facilitate this it is proposed that once the Plan and the Scheme(s) are drafted the bus operators within the proposed EQP area are to be given the opportunity to formally express a view on them. This will take the form of a voting mechanism which will require a sufficient number of operators to vote in favour of the proposal. Only if there is sufficient support from the operators will a local authority be permitted to initiate a public consultation exercise on the proposed EQP.
- Any subsequent consultation would be the responsibility of the local authority and would ensure that passengers' views are at the heart of the partnership. Consultees

- could include all affected operators, bus passengers and passenger representatives, the Competition and Markets Authority and other local authorities.
- Following consultation, the final version of the EQP Plan and Scheme would need to be formally 'made' by the transport authority. Before that happens, if the local authority proposes any modifications to the EQP Plan and Scheme initially proposed and consulted upon, the affected operators would be given a further chance to express a view. Again, in the absence of sufficient support from operators the modified plan or scheme could not be made.

Effect of making an EQP

- Unlike QPSs, once an EQP is in place all operators providing services in the area covered by it will be required to comply with the service standards set out in it. To ensure that EQPs are implemented it is proposed that, like QPSs, they will be enforced through the bus registration system, and operators who fail to comply with the requirements of an EQP could have their registration refused or revoked.

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working? Please explain your answer to this question.

Yes. An Enhanced Quality Partnership would provide LA's and transport operators with a blueprint for partnership working through a mandate which would ensure compliance.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs? Please explain your answer to this question.

Yes. Enhanced Quality Partnerships will lead to the development of shared standards and enhance data sharing etc. With clear escalation and governance arrangements to underpin the integrity of the partnership and manage interdependencies.

Franchising

The Welsh Government is proposing to revise current legislation to make franchising a useable tool for Welsh local authorities.

Franchising is a system where the local authority awards the exclusive right to run a bus route or routes to the most competitive bidder.

Current Legislative Position – Quality Contracts

- Under franchising arrangements a local authority specifies what bus services are to be provided including routes, vehicle standards, timetables (including hours of operation), fares, branding, passenger information and ticketing. The services themselves are operated under contract by private companies through a competitive tendering process, and other operators are prevented from registering other routes within the franchised area, providing exclusivity for the winning bidder.
- Subject to the Welsh Ministers commencing the relevant legislative provisions, local authorities in Wales could enter into Quality Contracts Schemes (“QCSs”) (sections 124 to 134B of the Transport Act 2000). QCSs are a form of franchising which enable local authorities to dictate what bus services are to be provided in an area and to let contracts for the provision of those services via competitive tendering. The tendering process is competition *for* the market rather than competition *in* the market.
- Making a QCS is subject to the local authority satisfying itself that the statutory criteria are met. These criteria are:
 - That the proposed scheme will result in an increase in the use of bus services in the area to which it relates;
 - That the proposed scheme will bring benefits to the persons using local services in the area to which it relates, by improving the quality of those services;
 - That the proposed scheme will contribute to the implementation of the local transport policies of the authority;
 - The proposed scheme will contribute to the implementation of those policies in a way which is economic, efficient and effective; and
 - Any adverse effect of the proposed scheme on operators will be proportionate to the improvement in the well-being of persons living or working in the area to which the proposed scheme relates.
- A QCS also needs the approval of the Welsh Ministers who must be satisfied that the scheme would be in the public interest.

Case for change and desired outcomes

- Our intention is that local authorities should determine the most appropriate model for delivering bus services in their area. This is likely to depend on the nature of the bus market in the area, the priorities for the authority and their approach to the management of risk. We believe that a viable form of franchising should be one of the delivery options available.
- The feedback is that the current QCS process is overly complex and resource intensive. No QCS has ever been developed in Wales and only one QCS scheme has been attempted in England using the provisions in the 2000 Act (Nexus Tyne and Wear). The Nexus scheme failed to obtain approval from the relevant QCS board, led by the Traffic Commissioner, and the process was costly, taking around two years.
- We therefore wish to take the opportunity to consider a Bill to introduce an improved franchising option which is suitable for Welsh circumstances.

Proposed Legislative change

- When considering a new legislative approach to franchising we have taken account of the market conditions in Wales, the franchising arrangements that have been made available in England, and those proposed for Scotland. The changes that we are proposing would bring about a rebalancing of the decision-making process in order that franchising becomes more practically achievable.
- All franchising proposals must take account of the following core principles:
 - They must be passenger focussed – how will franchising improve the service for passengers?;
 - They must respond to local transport needs and give due consideration to the wider bus network – regionally and nationally;
 - Those taking the decision to franchise should be responsible and accountable for ensuring that the franchising proposal is affordable and achievable, and that it will be financially sustainable in the longer-term; and
 - Decisions must be transparent with sufficient public scrutiny of any franchising plans so that operators, passenger representatives and other affected people are able to discuss and influence the proposals with the local authority.

Proposed Decision-making process for franchising

- We want to ensure that these key principles are considered as part of any new franchising process. We also wish to ensure that the process is open and transparent and that it is clear where the decision-making authority lies, whilst allowing the authority the freedom to pursue franchising where it is in the wider interests of passengers and local people.

- We have noted that the franchising process that has been introduced in relation to England via the Bus Services Act 2017, and which is proposed for Scotland in the Transport (Scotland) Bill, is based on HMT’s guidance for public sector bodies (HMT green book and 5 case business model guidance)¹. This sets out the principles by which government policies should be assessed to promote the public interest.
- The 5 Case Business Model guidance emphasises the need to take account of the wider social costs and benefits of proposals, and the need to ensure the proper use of public resources. This is achieved through:
 - Identifying other possible approaches which may achieve similar results;
 - Wherever feasible, attributing monetary values to all impacts of any proposed policy, project and programme; and
 - Performing an assessment of the costs and benefits for relevant options.
- We consider that this approach forms a suitable framework for the making of franchising decisions by local authorities in Wales.
- It is therefore proposed that the new franchising process will require the local authority to undertake an assessment of any proposal to franchise local services in its area. This assessment will need to demonstrate that the authority has thought through the impacts, risks and practical implications of its proposal, to include consideration of the effects of the proposal and a comparison of other options for the delivery of bus services in the area.
- It is proposed that new legislation would set out the matters that an authority must take into consideration when preparing its assessment of the proposed scheme, and to record these considerations as part of the assessment document. The matters will include:
 - The likely effects of the proposed scheme;
 - A comparison of the proposed scheme with other delivery options;
 - Whether, and the extent to which, the proposed scheme would contribute to the implementation of the authority’s local transport plans;
 - Whether the scheme represents value for money. (This would focus not only on the transport impacts of the proposed scheme but would also assess the economic, social and environmental costs and benefits of the proposed scheme);
 - How the authority would make and operate the proposed scheme;

¹ The guidance can be accessed through the following link:
<https://www.gov.uk/government/publications/thegreen-book-appraisal-and-evaluation-in-central-government>

- Whether the authority would be able to afford to make and operate the proposed scheme; and
 - The extent to which the authority is likely to be able to secure contracts to operate the services under the proposed scheme.
- It is considered essential that the local authority consults on any proposal to franchise local services to allow for public scrutiny of the proposal. The requirement to consult, which will include a requirement to publish the assessment of the proposed scheme, would therefore be a formal requirement set out in legislation. Once the authority has publicly consulted it will need to weigh up the views given on the proposal before deciding whether to exercise the power to franchise.
 - We consider that this proposed franchising process, although less prescriptive than the current QCS process, would provide clarity around the basis upon which a decision to franchise services will be taken, and will give operators and other stakeholders a chance to scrutinise the proposals.
 - It is intended that legislation would provide the Welsh Ministers with the power to issue guidance on the franchising process. Guidance could, for example, provide more detail on the analysis and development of the assessment by the authorities.

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services? Yes/No? Please explain your answer?

Yes. The proposed EQP schemes are more workable as joint sign off ensures that LA's and operators are on the same page when it comes to the final product. The majority sign off element ensures fairness in the decision making process.

Q11. Do you think there should be a requirement for the assessment to be subject to an independent audit? Yes/No? Please explain your answer.

Yes. Given that there will be a legislative requirement for operators to comply with the legislation and the possibility of a license refusal/revoke if they do, the option for an independent audit would ensure transparency and accountability for all sides.

Q12. Do you have any other comments on the proposed process for franchising?

No other comments.

Franchising in practice and Permits

- As with a QCS, where franchising is in place, it is proposed that the deregulated market will be replaced in the franchised area and all 'local services'² will either have to be operated as part of a franchise contract or operated under a permit issued by the authority. It will be for the franchising authority to determine how they

² As defined in section 2 of the Transport Act 1985

contract for the franchised services bearing in mind the funding available to them, and their objectives.

- It is proposed that legislation would allow a franchising authority to issue permits to allow commercial services to operate in a franchised area. It is anticipated that these are most likely to be issued in connection with bus services that need to enter a franchising area but which are not 'local services' and which do not form part of any franchise contract, for example, TrawsCymru routes. The issuing of permits would not however, be limited to such situations, and an operator could also apply for a permit to provide services which a franchised network does not cover. It would be up to the franchising authority to determine whether the permit should be issued.
- In order for the permit system to operate fairly and effectively it is proposed that legislation would require a franchising authority to issue a permit where the application demonstrates that the proposed service would benefit passengers and not adversely impact on any services operated under the franchise contracts.

Legislation would enable the franchising authority to determine the application process for a permit, including the information that an applicant has to provide, and to charge a fee. Legislation would also allow a franchising authority to attach conditions to permits, and it is proposed that the conditions could relate to matters such as ticketing and the standard of service.

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

No comments contrary to what has been proposed.

Impacts of franchising on small and medium sized bus operators (SMEs)

- We are mindful that small and medium sized bus operators make up a significant element of bus operators in Wales. As part of any franchising arrangements we believe that the franchising authority should be required to consider how these SMEs can be involved in the process of tendering for franchise contracts so that they are able to compete effectively to run services under a franchised system. This could be achieved by including a specific requirement to this effect within legislation,, or it could be addressed in guidance issued in relation to franchising.

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process? Yes/No? Please explain your answer.

Yes. It is important that any procurement makes consideration for local SME transport operators. Smaller operators should be given the opportunity to tender competitively alongside large organisations. Many rural locations in Wales depend on small local bus companies to provide community transport to healthcare appointments etc. it is vital that we try to maintain these integral links going forward.

Transition Arrangements

- In order that bus services are not compromised whilst authorities are preparing to franchise, it is recognised that there may need to be transitional arrangements put in place.

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

A detailed staged implementation and transition plan will need to be developed alongside LA's and operators, specific to regions/areas. Both will need to commit to maintaining the status quo until the new franchise arrangements come into effect. Relevant and up to date information will need to be communicated to the public throughout.

Local authority bus services

The Welsh Government is proposing to revise current legislation so that local authorities can run their own bus services.

Current legislative position

- The Transport Act 1985 made substantial changes to the model for bus service delivery across the UK by deregulating bus service provision. The market was opened up to commercial operators and existing local authority bus services were transferred into bus companies owned by the local authority. Currently, the Transport Act 1985 prohibits local authorities from running their own bus companies, except where:
 - A local authority was already operating a bus company when the prohibition came into force³;
 - A local authority only runs a small operation and has applied to the Welsh Ministers for an exemption from the general restriction⁴; and
 - A bus operator has failed to run a service as contracted under a Quality Contracts Scheme or a franchising scheme and the local authority has had to step in.⁵

³ Cardiff Bus and Newport Bus operate under this exception.

⁴ The number of vehicles permitted under this exception is currently 10.

⁵ The law permitting quality contract schemes is not yet in force in Wales.

- The Transport Act 1985 provides local authorities with power to enter into contractual arrangements with bus operators to operate local bus services where such services would not otherwise be provided. These services attract public subsidy.

Case for Change and desired outcomes

- There are instances where local authorities receive no tenders for these subsidised services, or for other community transport, that the local authority either deem to be socially necessary or which they are required to provide under a statutory duty⁶. There are other instances in which very few tenders are received. In both these cases, as there is little or no competition, there is less constraint on the tender cost. This potentially results in local authorities paying considerably more for these services than they would otherwise have done.
- The exceptions to the general prohibition on local authorities running bus services (listed above), do not provide for situations where local authorities receive few or no tenders for local bus services in their area. In order to address this situation, it is the Welsh Government's view that local authorities ought to be given the power to run local services.
- We are considering the options of local authorities running buses directly and also via an arms length company established for this purpose. An arms-length bus company would manage bus services as an independent commercial organisation with its own management board. The main shareholder of the company would be the local authority but that authority would not be involved in the day-to-day running of the bus services
- Giving local authorities power to run local bus services has the potential to reduce the level of public funding required for a service or to reinstate a service that the local authority has been otherwise unable to secure, even with the offer of subsidy.

Proposed legislative change

- The changes that we are proposing would provide local authorities with the legislative tools to ensure that bus services within their area will meet the needs of the people they serve.
- It is proposed that local authorities have the broadest scope to determine the best business model for running bus services that meets the needs of people in their area. Therefore this could be via in-house services where the local authority owns and operates its own fleet, or via an arms length company. Over time, the local authority may decide to move from one model to the other for reasons of commercial expediency.
- With regards to setting up an arms length company, the local authority would be expected to ensure that checks are in place regarding affordability, appropriateness

⁶ For example, learner travel (other than contracted learner transport).

and an identifiable decision making process. A 5 case business model which takes account of the wider social costs and benefits of proposals (see HMT green book and 5 case business model guidance)⁷ should form part of any process before any decision on pursuing establishment of a bus company. Local authorities would also be expected to comply with competition law requirements as regards operating within a commercial market, taking steps to ensure that they do not have an unfair operating advantage over other operators.

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

Yes, in particular circumstances.

In what circumstances do you think this would be appropriate?

It would be favourable for LAs to operate in-house bus services where particular client groups would benefit from the specific skills they bring, such as day service transport, school disability transport, and evening groups such as older people's activities/youth clubs; and potentially where the LA can provide them more cost effectively than subsidised private routes.

What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no local authority has an unfair advantage in a deregulated market, and why?

LAs would need to be transparent in the provision of any in house operated bus service and comply with EU procurement regulations etc. Decisions would need to be made by cabinet and within the public domain.

Q17. Do you think that local authorities should be able to set up arm's length companies to operate local bus services?

Yes in certain circumstances.

In what circumstances do you think this would be appropriate?

This would be dependent on the particular LA and their circumstances. If there is no local provision to tender for transport etc then the setting up of an arm's length company could ensure continuity of service provision.

What, if any, safeguards do you think should be put in place with arm's length bus companies to ensure that no local authority has an unfair advantage in a deregulated market, and why?

No further comments

⁷ The guidance can be accessed through the following link:

<https://www.gov.uk/government/publications/thegreen-book-appraisal-and-evaluation-in-central-government>

Eligibility age for the mandatory concessionary fares

The Welsh Government is proposing to increase the eligibility age of the mandatory concessionary fares scheme to bring it in line with a woman's pensionable age.

Current legislative position

- The law governing the mandatory concessionary fares scheme⁸ currently states that an “elderly person” who is entitled to a pass is “someone who has attained the age of sixty years.”
- Details of the pensionable ages of men and women are set out in law. A person's “pensionable age” will depend upon their date of birth. Equality of “pensionable age” between men and women will not be achieved until 2020.

Case for change and desired outcomes

- The Welsh Government was the first Government in the United Kingdom to introduce universal free bus travel for older and disabled people, with the aim of radically improving access to key services and facilities. The Welsh Government remains committed to the principles that have underpinned the scheme in Wales for more than a decade - providing older and disabled people, and more recently some veterans, universal access to free bus travel anywhere in Wales on local scheduled bus services.
- The success of the mandatory concessionary fares scheme in Wales has resulted in a number of unforeseen consequences, however. Whilst the overall number of bus passengers carried in Wales is in decline, the number of mandatory concessionary passengers has increased since the introduction of the scheme in 2002. Currently, mandatory concessionary fares passholders represent around 47% of total bus journeys. There are currently around 730,000 passes in circulation. It is expected the number of older people eligible for free travel by 2021 will be 880,000 and over a million by 2030. Operators are reimbursed on a “no better, no worse off” basis, and as such payments are characterised as compensation rather than subsidy.
- In practice, any service can be registered by an operator, who will then receive compensation from the scheme, regardless of whether the service registered adequately serves the needs of the wider travelling public.

⁸ Section 146 Transport Act 2000.

- Furthermore, the reimbursement formula is currently predicated on the adult single fare, which does not incentivise operators to keep these fares low. As a result, bus travel is relatively expensive for ad-hoc users or those unable to financially commit to the purchase of cheaper period tickets.
- All these factors, taken together, mean that the cost to the public purse of the mandatory concessionary fares scheme is rising and Welsh Government needs to consider ways of managing the rising costs without affecting the eligibility of those persons currently entitled to a concessionary pass.

Proposed legislative change

- It is proposed to increase the age of entitlement to a concessionary pass so as to align with a woman's pensionable age. Alignment with a woman's pensionable age aims to maintain equality between the sexes in terms of entitlement, as equality of pensionable age between men and women will not be achieved until 2020.
- It is proposed to introduce this change using incremental increases, rather than introduce a one-off change to eligibility. Welsh Ministers consider this to be a more equitable approach, allowing the public to benefit from a more gradual adjustment to eligibility.
- It is also proposed to use the power to amend entitlement in the same way for any discretionary schemes operated by local authorities within their area.
- In making these amendments, Welsh Ministers will ensure that the following fundamental principles will be protected:
 - Universal entitlement to be retained – pass holders can catch any bus at any time in Wales with no charge; and
 - Any person who holds a concessionary pass at the time the changes to the law are made will not lose their entitlement to that pass.

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age? Please give reasons for your answer.

Yes. I agree with that the mandatory concessionary pass should be aligned with a woman's pensionable age as this will maintain equality among the sexes.

Q19. Do you agree that an incremental change is the most appropriate method?

Yes a gradual adjustment is better.

Public transport information and monitoring

The Welsh Government is proposing to put in place new information monitoring and sharing arrangements.

Current legislative position

- Local authorities currently have a limited power to require bus operators to provide information in relation to local services (section 143 of the Transport Act 2000). Using this power, local authorities can request information about the total number of journeys undertaken by any passengers on the local services; the structure of fares for the journeys; and the total distance covered by the vehicles used by the operator in operating those services (i.e. total bus mileage).
- In addition, local authorities themselves are under a duty to ensure that certain information is made available to the public (sections 139 to 141 of the 2000 Act). The type of information to be made available includes information about the routes and timetabling of local services to, from and within an authority's area, and information about fares and journeys on such services. It is for the local authorities to determine what information is to be made available, and how, and to seek to arrange with operators for its provision.

Case for Change and desired outcomes

- Clear, high quality and up-to-date information is essential for the smooth running of bus services. Today people have far greater expectations about the kind of information that should be available to them than even a few years ago, and consumers expect to be able to make informed choices based on easily available data.
- Alongside members of the public (both bus users and non-users) who seek to understand the services available to them, accurate information is important to inform bodies such as local authorities in supporting their local bus services.
- Access to clear and accurate information about bus services is also important for software developers seeking to create services such as smartphone apps and journey planning systems. Whilst bus journey planning websites such as Traveline Cymru are already available, unlike some other public transport modes, the information on fares and punctuality is not always easily accessible. For example, the National Rail Enquiries website provides journey planning and fares information on rail journeys, with punctuality data on the Office of Rail and Road and Network Rail websites.
- We want to ensure that people using, or looking to use, bus services in Wales have access to the same levels of information as passengers on other modes of

transport. This will make bus services more accessible and a more attractive travel option. To do this we propose establishing a comprehensive open data set for the

bus industry. We will achieve this by requiring bus operators, local authorities and the Traffic Commissioner to provide information on routes (to include proposals for changes to routes), timetables, fares and tickets for public access.

- In 2011 the Competition Commission's Local Bus Services Market investigation recommended that local authorities should be enabled to obtain, and where appropriate disclose, information about the revenue and patronage of bus services that are being registered⁹. The intention behind this proposal was to enable local authorities to better manage tenders for supported services. We propose to take the opportunity to consider a Bill to implement this recommendation.

Proposed legislative change

Information for the public

- We would create a new power for Welsh Ministers to make regulations requiring bus operators and other bodies, such as the Traffic Commissioner and local authorities, to provide information about local bus services. The information to be disclosed will relate to routes, timetables, fares and tickets for local services. Creating this disclosure requirement by way of regulations would offer the Welsh Ministers the ability to adapt the requirement to future advances in technology as they occur.

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets? Yes/No? Please explain your answer.

Yes. More and more people are using technology as a means of finding out information. Open data would allow for information sharing across a variety of IT platforms and widen the delivery of the information.

Information about registered services

- We would also provide the Welsh Ministers with a power, by regulations, to enable a local authority to require bus operators to provide service information in circumstances where operators are proposing to vary or cancel registered services. The regulations would also enable local authorities, in appropriate circumstances, to disclose this information as part of any process to tender to replace those services.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process? Yes/No? Please explain your answer.

⁹ https://webarchive.nationalarchives.gov.uk/20140403001219/http://www.competition-commission.org.uk/assets/competitioncommission/docs/pdf/inquiry/ref2010/localbus/pdf/00_sections_1_1_5.pdf

Yes. It would be beneficial for LA's to be able to disclose this information during the tendering process as it would ensure transparency to prospective bidders in terms of why the route were varied/cancelled. Where possible this would allow for the further decisions on operations within these routes.

Part 2 – Taxis and private hire vehicles (PHV)

Introduction

- Taxi and PHVs are an essential aspect of the Welsh transport network. Taxis and PHVs operate, often in rural or remote areas, where delivering rail or scheduled bus services may be problematic, either because of local geography or because there isn't enough local demand to support regular scheduled services. Their point-to-point services can facilitate social inclusion for disabled people, and be a lifeline for those who do not own their own car. Even where an area is well-served by rail or bus during the day, taxis and PHVs may be the only form of transport available to the public during the night.
- As at 25 October 2018, there were approximately 5,000 taxis and 4,900 PHVs in Wales, and 12,000 licensed taxi and PHV drivers¹⁰. In 2011, Wales had the highest proportion of people (75.2%) outside of London commuting to work by car, taxi or motorcycle¹¹.
- However, the legislative framework which governs taxis and PHVs does not reflect the industry as it is today.
- Taxi and PHV definitions:
 - **Taxis** – traditionally known as hackney carriages, can pick up passengers from ranks and be hailed from the street. They can also undertake pre-booked work (by telephone, in person or via technology); and
 - **PHVs** can only undertake pre-booked work (by telephone, in person and increasingly via technology).
- Taxis and PHVs are a regulated but decentralised industry in Wales. A taxi cannot operate unless both the vehicle and its driver are licensed by a local authority under the Town Police Clauses Act 1847 (TPCA 1847). PHV vehicles, drivers and operators cannot operate without licences granted under the Local Government

¹⁰ <https://www.gov.uk/government/statistical-data-sets/taxi01-taxis-private-hire-vehilces-and-their-drivers> (last visited 12 November 2018).

¹¹ http://www.ons.gov.uk/ons/dcp171766_299766.pdf (last visited 13 November 2018).

(Miscellaneous Provisions) Act 1976 (LGMPA 1976). These two Acts are the main pieces of legislation in this area.

- Following on from consultations undertaken by the Law Commission from 2011/2014, and a Welsh Government consultation in 2017, work has been underway to consider how we might reform the taxi and PHV licensing system in Wales. We have listened to feedback from passengers, local authorities, taxi drivers and interest groups about the current provision of services. It is common ground that the law is outdated and that change is needed.

What are the issues?

- The legislative framework which governs taxis and PHVs is based on a localised system (services being licensed to be provided within local authority borders), but that is at odds with modern technology and taxi and PHV working practices. When the legislation was enacted in 1847 and 1976, taxis were horse-drawn carriages and radio signals for PHVs were unlikely to reach beyond the licensing authority borders. The legislation envisaged people going to their local PHV office, or telephoning it by landline, in order to pre-book a car. In 2018, with the internet, mobile 'phones and smartphone apps, the picture is clearly very different. In practice, taxis and PHVs undertake pre-booked work outside of their licensing area. The legislation did not envisage this; it provided for standard-setting, enforcement, and safeguarding to take place only within a local authority's borders. The mismatch between the legislation and modern practice is evident in the following problems:
 - **Inconsistent standards** – where local authorities have different licencing standards resulting in different costs for operators and variable safety and quality standards for passengers;
 - **Enforcement** – there is no statutory mechanism for enforcement against vehicles licensed in a different local authority area from where an infringement has occurred; and
 - **Safeguarding** – the ability to obtain a licence in one authority and work in another presents a risk when local authorities do not have the means to share safeguarding information.
- For these reasons, there is a need for reform to develop a licensing framework that reflects current working practices.

What we want to achieve

- We consider that there are three areas that could be improved, to align the licensing system with the technological reality. We are not proposing to alter the current position on out-of-area working. Our proposals tackle the following three areas:
 - Proposal 1: the variation in taxi and PHV standards between the twenty two local authorities in Wales;

- Proposal 2: the inability to take enforcement action against vehicles which are operating “out-of-area”; and
- Proposal 3: the difficulty in sharing relevant safeguarding information.
- Our view is that the best way of underpinning improvement in all three areas is to centralise the licensing regime.
- Proposal 4: that the existing taxi and PHV licensing functions of the twenty two Welsh local authorities should be redirected to a single national licensing authority. That national authority would be the joint transport authority (JTA), which we have referred to previously in the context of our proposals for bus reform in pages 16 – 20 of this paper. The purpose of the JTA in relation to taxis and PHVs would be to create a standardised licensing area encompassing all of Wales, and to streamline enforcement and information-sharing.
- Our preferred option constitutes implementation of proposals 1 to 3 alongside proposal 4 – Option A.
- We are also considering Option B: implementation of proposals 1 to 3 without proposal 4 i.e. without using a JTA as the delivery vehicle. This would involve creating national standards that the local authorities must follow; extend the existing enforcement powers of local authorities; and creating a mechanism by which local authorities can share relevant information. The sections below set out the proposals in more detail and seek your comments.

Proposals

National standards

The Welsh Government is proposing to set national standards for taxi and private hire vehicle licensing.

All taxis and PHVs in Wales would have to meet these standards in order to obtain a licence. These standards would subsequently be set by regulations and so there will be further consultation on their content.

Current legislative position

- Taxis and PHVs are a regulated but decentralised industry in Wales. A taxi cannot operate unless both the vehicle and its driver are licensed by a local authority under the Town Police Clauses Act 1847 (TPCA 1847). PHV vehicles, drivers and operators cannot operate without licences granted under the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976).
- Licencing Criteria - Local authorities are allowed a wide discretion when licensing vehicles, drivers and operators which is summarised as follows:
 - **Taxis** of any kind or description can be licensed and licence conditions can be imposed by the local authority¹². The MOT is the only common vehicle requirement¹³;
 - **PHVs** – to be licensed a local authority must be satisfied that the vehicle is suitable for usage as a PHV, that its mechanical condition is suitable, that it is safe and comfortable, and that it has valid insurance¹⁴. Other than the common standard of MOT requirements, these terms are not legally defined. Local authorities are guided in relation to vehicles by Best Practice guidance issued by the Department for Transport¹⁴; and
 - **Drivers and Operators** - A “fit and proper person” test is applied to taxi drivers¹⁶, PHV drivers¹⁵ and PHV operators¹⁶. However, there is no legal definition of what is meant by a “fit and proper person”. This is left to local

¹² Section 37 TPCA 1847 and section 47 LGMPA 1976 respectively.

¹³ This is contained in the Road Traffic Act 1988.

¹⁴ Section 48 LGMPA 1976.

¹⁴

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf ¹⁶ Section 51 LGMPA 1976.

¹⁵ Section 59 LGMPA 1976.

¹⁶ Section 55 LGMPA 1976.

authorities to determine, with the assistance of the Best Practice guidance¹⁷. Taxi and PHV driver licence applicants are required to disclose spent and unspent convictions¹⁸, however there is variation in the way in which local authorities deal with criminal records. Some local authorities carry out an Enhanced Disclosure and Barring Service (DBS) check (which records spent and unspent convictions, cautions, reprimands, warnings and any relevant nonconviction information held on the Police National Computer) and a check of the barred list (which lists those legally prevented from working with children or vulnerable groups). In addition, the Law Commission noted that there is considerable variation in England and Wales as to how the outcome of those checks is interpreted against the “fit and proper person” criteria¹⁹. In Wales, sixteen local authorities conduct both checks and six conduct only an Enhanced DBS check²². Similar discrepancies arise in relation to medical fitness checks²⁰.

Case for change and desired outcomes

- Variation in local standards can become an issue when services are provided across local authority borders (i.e. “out-of-area”). Taxis may undertake pre-booked work in any area, and PHVs may also be provided that the “triple licensing requirement”²⁴ is met.
- There are twenty two local authorities in Wales, and therefore twenty two different approaches to vehicular suitability (beyond the basic MOT requirements) and to what “fit and proper” means. That has led to, sometimes considerable, variation in standards and a number of problems flow from that.
- As a taxi or PHV can undertake pre-booked work outside of the area in which it is licensed, applicants may be incentivised to apply in an area where standards are lower and then operate in an area whose standards they do not meet (and where enforcement action cannot be taken against them). This exposes passengers in different parts of Wales to different standards and levels of risk, which is difficult to justify. It also undermines local authorities that have taken steps to ensure that their residents can enjoy higher standards, and may irritate both drivers licensed in that area who have made an effort to meet those standards, and those who are unable to obtain a licence in that area because they do not meet the higher standards. Varying standards also mean that drivers across Wales bear different costs when carrying on their trade, which again is difficult to justify.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

¹⁸ Regulation 4(1) of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

¹⁹ Local Government Regulation, Taxi and PHV licensing criminal convictions policy (September 2010).²² <https://www.gov.uk/government/statistical-data-sets/taxi01-taxis-private-hire-vehicles-and-their-drivers> (last accessed 13 November 2018).

²⁰ Local Government Regulation, Taxi and PHV licensing criminal convictions policy (September 2010).

²⁴ The requirement that the vehicle, driver and place of booking all fall within the same licensing authority area.

- We believe that the people of Wales are all entitled to minimum standards, regardless of where they live. National standards would represent a minimum threshold, with higher standards permitted if desired.
- The Welsh Government has committed its aim in the Prosperity for All: economic plan²¹ that all taxis in Wales will have a zero carbon footprint within 10 years. This is because of the environmental and public health impacts of vehicular emissions, which are now well-understood²². We believe that a national standard should apply which specifies requirements for the vehicular emissions of taxis and PHVs.

Proposed legislative change

- We are proposing to confer a power on the Welsh Ministers to create national standards, which the JTA or local authority will have to have regard to when issuing licences. This will mean that all taxis and PHVs in Wales would need to meet the standards in order to obtain a licence. These standards would subsequently be set by regulations and so there will need to be further consultation on their content if the proposal is agreed.

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales? Yes/No? Please explain your answer.

Yes. National standards across taxis and PHV's would put in place a set of consistent common practices irrespective of LA boundaries.

Q23. Are there any matters which you would like to see contained in any national standards?

In view of recent events it would seem appropriate to require an Enhanced DBS set a minimum requirement at national level.

Q24. Are there any matters which you think should be excluded from any national standards?

Further consultation will be required on the proposed minimum standards when they are agreed.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

No comments.

Q26. What would be the best approach for determining the content of national standards?

²¹ <https://gov.wales/topics/businessandconomy/economic-action-plan/?lang=en>

²² <http://www.euro.who.int/en/health-topics/environment-and-health/Transport-and-health/data-andstatistics/air-pollution-and-climate-change2> (last visited 13 November 2018).

The national standards should be developed by Welsh Ministers in discussion with LAs, bus operators and other interested stakeholders and then hold a public consultation on the draft standards.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

Nothing further to add that has not been included in the above.

Enforcement

The Welsh Government is proposing to allow a licensing authority to take enforcement action against any vehicle operating in its area.

Current legislative position

- Local authorities have the power to suspend, revoke or refuse to renew a hackney carriage or PHV vehicle licence²³, a hackney carriage or PHV driver's licence²⁴, and a PHV operator's licence²⁵. These sections of the 1976 legislation are very broad. They allow suspension, revocation or refusal to renew on the following grounds:
 - The vehicle is unfit for use (vehicles only);
 - An offence is committed under TPCA 1847 or LGMPA 1976 (vehicles, drivers and operators);
 - Non-compliance with TPCA 1847 or LGMPA 1976 (vehicles, drivers and operators);
 - Conviction of an offence involving dishonesty, indecency or violence (drivers);
 - Conviction of an immigration offence or requirement to pay an immigration penalty (drivers and operators);

²³ Section 60 LGMPA 1976.

²⁴ Section 61 LGMPA 1976.

²⁵ Section 62 LGMPA 1976.

- Conduct which appears to render a person unfit to be an operator (operators only);
 - Material changes in the operator's circumstances (operators only); or
 - Any other reasonable cause (vehicles, drivers and operators).
- The effect of suspension or revocation is not immediate. It takes effect only after twenty one days has elapsed, and that period is extended if an appeal is lodged within that time²⁶. There is one exception. A driver's licence may be immediately suspended or revoked where this is in the interests of public safety³¹.
 - Where there has been a breach of licensing requirements that is not sufficiently serious to justify suspension or revocation of the licence, the local authority that issued the licence may issue a sanction. This process is not dictated by legislation.

Case for change and desired outcomes

- The law currently only allows local authorities to suspend, revoke or refuse to renew a licence that they have issued. **Licensing officers cannot undertake enforcement against vehicles, drivers or operators licensed in another area.** The local authority which finds itself in that position can only rely on its ability to bring a prosecution under section 222 of the Local Government Act 1972; but this will not be appropriate where no criminal offence has taken place. Additionally, local authorities currently have the discretion to set their own policies on lesser sanctions, and in practice only issue sanctions in relation to licences that they have issued. This limits enforcement to local authority borders, when in practice those borders have been eroded by technological advancement. There is no good reason why a local authority should not be able to take action against any taxi or PHV operating in its area.

Proposed legislative change

- We are proposing to amend sections 60-62 LGMPA 1976 to allow a local authority or a JTA to suspend or revoke a licence relating to **any** vehicle operating in its area. We propose to retain the provisions about immediacy i.e. that any decision will only take effect after twenty one days, unless an appeal has been lodged or there are grounds for immediate suspension or revocation.
- We are proposing to enable a local authority or JTA to issue a lesser sanction to **any** vehicle operating in its area.

Q28. Should a local authority be able to revoke or suspend a licence relating to **any** vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer.

²⁶ Section 77 LGMPA 1976 read alongside section 300 Public Health Act 1936.

³¹ Section 61(2B) LGMPA 1976.

Yes because this would allow LAs to deal with offenders operating in their locality who obtained their license from another region, otherwise offenders could disregard any LA regulations on cross boundary journeys. .

Q29. Should a local authority be able to issue a lesser sanction in relation to **any** vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer.

Yes. LA's should have the right to prosecute an offence committed within their boundaries irrespective of where the license was obtained.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

Nothing to add contrary to what has been included in the above.

Information-sharing

The Welsh Government is proposing to allow the creation of a mechanism by which relevant information can be shared, for the purposes of safeguarding.

Current position

- There is currently no legal requirement for local authorities to share information with one another which might assist them in their decision-making. For example, if a driver is refused a licence or has his licence suspended or revoked by one local authority, it can be difficult for the remaining twenty one local authorities to obtain that information.

Case for change and desired outcomes

- In exercising their day-to-day licensing functions, individual local authorities access and manage data which could be extremely relevant for safeguarding purposes. That there is currently no legal requirement or formal mechanism for that information to be shared with other local authorities creates a risk to the general public.
- We recognise that the vast majority of people involved in the taxi and PHV trades abide by the rules and work hard to provide a good, safe and reliable service to the public. We believe that information should be accessible to allow decision-makers to

identify the small minority that do not. All people in Wales are entitled to be safe when using taxi and PHV services.

Proposed legislative change

- We are proposing to create a duty on the Welsh Ministers to create a database, or make other information-sharing arrangements, to ensure that relevant information can be shared for the purposes of safeguarding.

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared? Yes/No? Please explain your answer.

Yes. It is important that there is a national approach to the sharing of information for safeguarding purposes. There is currently no legal requirement for this but under the proposed guidance this would come into force and would reduce the risk of incident and harm to the public.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

No further comments to add.

Joint Transport Authority

The Welsh Government is proposing to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority, a JTA.

This would include licencing, fee- and fare-setting, enforcement, hearing appeals arising from licensing decisions, prosecutions and deciding matters such as whether to apply quantity controls to taxis.

Current position

- Taxi and PHV licensing functions belonging to a local authority are contained in a number of pieces of primary and secondary legislation, which are too numerous to list in full here.
- The mechanism for establishing JTAs is contained in the Transport (Wales) Act 2006. For more information on our initial proposals to establish JTAs, please refer to pages 14 - 18 of this paper.

Case for change and desired outcomes

- We have highlighted above that there are problems with the existing localised approach to taxi and PHV licensing. These are: the discretion allowed to the twenty two Welsh local authorities in making licensing decisions; their inability to enforce across their borders; and the difficulty that they face in communicating information to one another. Our view is that these problems are best solved by centralising the regime. We propose to do this by creating a JTA, which would act as the national licensing authority for Wales. We propose that all of the existing taxi and PHV licensing functions of the twenty two Welsh local authorities would be redirected to the JTA. This means that rather than having twenty two local authority areas and their associated borders, there would be one licensing area encompassing all of Wales. We are calling this Option A.
- We do however recognise the scale of Option A, and acknowledge that it could produce unintended consequences. We are therefore also considering an alternative Option B: create national standards that the local authorities must follow; extend the existing enforcement powers of local authorities; and create a mechanism by which local authorities can share relevant information. We are especially keen to hear your thoughts on whether a JTA is the appropriate delivery vehicle for a standardised taxi and PHV licensing regime with streamlined enforcement and information-sharing ability (Option A), or whether the existing framework should be retained and improvements made to standardisation, enforcement and information-sharing (Option B).

Proposed legislative change

- We are proposing to redirect all of the existing taxi and PHV licensing functions which exist in law (including licencing, fee- and fare-setting, enforcement, hearing appeals arising from licensing decisions, prosecutions and deciding matters such as whether to apply quantity controls to taxis) away from local authorities and into a national licensing authority, a JTA (Option A). This will be done via the Transport (Wales) Act 2006.
- The alternative to Option A is Option B; allowing local authorities to continue to have responsibility for taxi and PHV licensing. This would be done by amending the existing legislation, and would not involve using the Transport (Wales) Act 2006.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)? Yes/No? Please explain your answer.

Yes. Redirecting all licensing functions to a central authority is in line with the earlier options. This will ensure consistency across all county boundaries.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)? Yes/No? Please explain your answer.

No. As above centralising this would enable common standards to be set and adhered to.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

No comments to add to the contrary.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

The standards set for these services could ensure that Welsh language standards are incorporated.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

As above.

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

As above.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here: N/A.

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	✓
No	

Please explain your answer.

We believe that it is important for local authorities to work together with regard to local bus services. Furthermore, we deem that the Welsh Government, local authorities and health boards across Wales must seek to develop effective, co-ordinated transport links to enable older people to access vital health services.

One of the key findings of Age Cymru’s research in 2013¹ about older people’s experience of bus services in Wales, was that getting to and from hospital is a major problem for many older people, the heaviest users of secondary care services, even in urban areas.

In June 2018, Age Cymru wrote to the Welsh Government about the experiences of older people in Wales travelling to hospital. Some people using public bus services reported problems, with many saying that routes often bypass hospitals, causing them to make up to two or three bus changes to reach their appointment.

In a recent survey by Age Cymru (2018/19; publication in preparation) some older people raised the issue of travelling by bus to hospital:

“It would be most helpful if there was a bus to the hospital once a day” (Anglesey)

“No direct bus service to Neville Hall Hospital in Abergavenny” (Blaenau Gwent)

“We need a better bus service to the Prince Charles Hospital” (Merthyr Tydfil).

¹ Age Cymru (2013) Buses – a lifeline for older people. Older people’s experience of bus services in Wales. A report by the Bevan Foundation for Age Cymru. <https://www.ageuk.org.uk/globalassets/age-cymru/documents/policy/buses---a-lifeline-for-older-people/buses---a-lifeline-for-older-people.pdf>

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

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REFERENCE WP120

Q3. Is there another organisational structure for JTAs that we should consider?
Please explain your answer.

REFERENCE WP120

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

Q7. Should any other transport functions be transferred to a JTA? Please describe.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	
No	

Please explain your answer.

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Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	
No	

Please explain your answer.

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Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	
No	

Please explain your answer.

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REFERENCE WP120

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Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	
No	

Please explain your answer.

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Q12. Do you have any other comments on the proposed process for franchising?

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Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

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Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	
No	

Please explain your answer.

Franchising Transition Arrangements

Q15.What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

Q16a. In what circumstances do you think this would be appropriate?

REFERENCE WP120

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

Q17a. In what circumstances do you think this would be appropriate?

Q17b. What, if any, safeguards to you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

REFERENCE WP120

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

Age Cymru believes that continued access by older people to concessionary travel is essential. The free bus travel scheme has been invaluable in helping older people in Wales to retain their independence and remain active, and in providing a vital connection to services and amenities and facilitating social inclusion. It is vital that this scheme continues to be supported by the Welsh Government.

Older people we consulted with wished to convey how important the concessionary pass is to them, and how much they value the scheme. They highlighted its importance in terms of health and wellbeing and social contact, enabling older people to keep in touch with the local community which can help to overcome loneliness and isolation. They said that the bus journey itself provides an opportunity to meet people and have a chat. They also mentioned the ripple effect of the scheme in terms of the contribution that older people can make to the local community, helping to keep the community alive and benefitting the local economy.

Those older people that we have consulted with felt that it was not unreasonable to raise the age of entitlement to match the state retirement age for new applicants to the scheme, as they felt that this would be in line with the original objectives of the scheme which was for the benefit of pensioners.

Whereas Age Cymru would not generally be in favour of the diminishing of entitlements for older people, in this instance we feel that if an increase in the age of entitlement means that the scheme is retained and is sustainable for the future, then increasing the age of eligibility to align with a woman's pensionable age may be a reasonable compromise.

However, we do have concerns regarding the impact on those older people such as carers, and older people with ill health or disability who are likely to find it more difficult to continue working up to state pension age. According to an independent review by Cridland,² these groups, along with the self-employed, black, Asian and minority ethnic people and women, are likely to have lower private pension savings which may reduce their ability to cope with state pension age changes and the loss of related entitlements.

² Cridland J (2017) Independent Review of the State Pension Age - Smoothing the Transition.

Q19. Do you agree that an incremental change is the most appropriate method?

Should any changes be made to increase the age of entitlement, we would agree that an incremental change is the most appropriate method. We deem that any such changes should be gradual, as some older people who would have expected to receive their bus pass and have access to free travel might have to wait until several

REFERENCE WP120

years later to do so. Any changes must be considered in light of the benefits that concessionary travel has with reference to access to services, health and wellbeing, social interaction and involvement in communities and wider society.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please explain your answer.

It is important that passengers can plan their journey from home to destination in advance, so it is essential that older people can easily access information about public transport services.

Age Cymru research in 2013³ about older people's experience of bus services in Wales highlighted that accessing information about bus services, especially when several operators provide services on the same route, can be very difficult.

Our research also highlighted problems with the readability of timetable information at bus stops for anyone with slight eyesight impairments. Even if timetable information was available, it was often in small print which was difficult or impossible for older people to read. The siting of timetable information very high up or low down on a notice board made reading it even more difficult as well as requiring bending down. We believe that all local authorities must ensure that accessible bus timetable information is provided at all bus stops.

We welcome the publication of the Welsh Government's accessible and inclusive public transport objectives that states 'Transport information enabling passengers to plan and undertake their journeys will be available in accessible formats – at bus stops, stations, transport interchanges, on vehicles and in electronic/printed media.'⁴

It is essential that information about public transport services is easily accessible in various formats; many older people are not able to use, or do not have access to the internet, and therefore may not be able to access such information if it is provided online only.

Technology can offer a vital portal to information and advice for older people but access and take-up remains low amongst older age groups, and hence many older people would be unable to use smart devices to access required information. As more information and services are made available mainly or exclusively online, there are real risks of increasing exclusion amongst older people.

REFERENCE WP120

We believe that older people must be supported and encouraged to get online, if they are able to and can afford to do so. Those who cannot or do not want to should continue to be able to access services and support in a way that best suits them. Service providers must ensure that vital services are accessible, irrespective of whether or not someone is online. Services provided online need to be high quality and easy to use, whilst offline services should be of equal quality and fully accessible. Service providers must ensure that the provision of online information is not to the detriment of the provision of information in other formats.

³ Age Cymru (2013) Buses – a lifeline for older people. Older people’s experience of bus services in Wales. A report by the Bevan Foundation for Age Cymru. <https://www.ageuk.org.uk/globalassets/age-cymru/documents/policy/buses---a-lifeline-for-older-people/buses---a-lifeline-for-older-people.pdf>

⁴ Welsh Government (2017) Policy Statement – Accessible and Inclusive Public Transport Objectives.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	
No	

Please explain your answer.

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Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	
No	

Please explain your answer.

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REFERENCE WP120

Q23. Are there any matters which you would like to see contained in any national standards?

Q24. Are there any matters which you think should be excluded from any national standards?

REFERENCE WP120

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Q26. What would be the best approach for determining the content of national standards?

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

REFERENCE WP120

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

REFERENCE WP120

Please explain your answer.

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Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	
No	

Please explain your answer.

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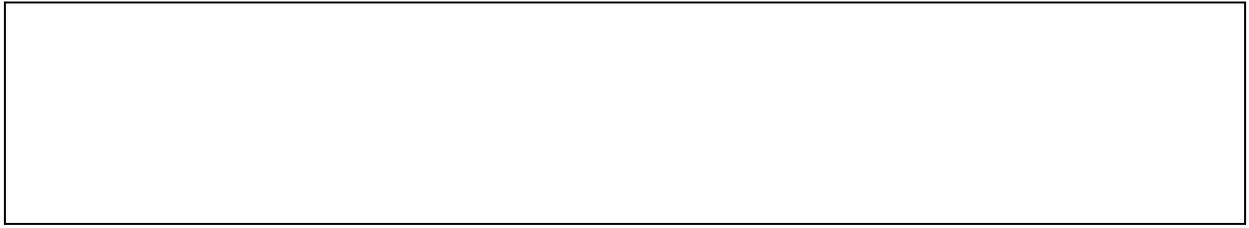
Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

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Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

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REFERENCE WP120



REFERENCE WP120

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	X
No	

Please explain your answer.

The four Councils in South West Wales have a long and well established history of collaboration in the provision of transport planning and services. The four Councils, Carmarthenshire County Council, Neath Port Talbot County Borough Council, Pembrokeshire County Council and the City & County of Swansea were formerly constituted to work together as the South West Wales Integrated Transport Authority (SWWITCH). This consortium was unfortunately dissolved by the Welsh Government, thereby ending joint regional working. Nevertheless, such was the value of the relationships and collaborative services, the four Local Authorities have continued to work together in the past few years, albeit in a more informal fashion.

Transport services are often cross boundary and to ensure provision and quality of service for the travelling public and it is therefore important that local authorities work together. The four Local Authorities in South West Wales operate under a Joint Local Transport plan for the region, which was published in 2015. The Councils similarly work together on the management and administration of the Bus Services Support Grant.

The relatively recent formation of the Swansea Bay City Deal Board has further endorsed the value of regional working in the promotion of the economic development ambitions for the region.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

A national JTA with 4 regional JTAs would be the preferred structure. This would be more effective in helping to achieve fully integrated public transport across Wales. This should assist in ensuring that local knowledge is not lost and networks are planned effectively.

This would provide consistency of approach at a national level with regional JTAs, aligned to the City Deals and Economic Partnerships, providing an understanding of local service and infrastructure requirements. It will be important to establish clear Governance for both the National and Regional JTAs, the links between the two tiers, funding, and how the democratic interface will work.

Q3. Is there another organisational structure for JTAs that we should consider?
Please explain your answer.

The four Councils in South West Wales would prefer a slight revision to option two, requesting that the Regional JTAs are split into four rather than three, allowing South West Wales to continue to operate in the established grouping which has been so well consolidated in recent years.

The Councils have a long history of working together and these relationships would be invaluable in providing the footing and context for the development and implementation of transport in the region.

Transport would be best provided along lines to conform to the city regions in order to promote consonance between the aims of the economic development and transportation strategies.

It will be important that the JTA structure is aligned and feeds into the Swansea Bay City Deal Board to complement its aims.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

Agree and that they should be represented on the National JTAs. It will be important for the Welsh Government to consider how JTAs are implemented without diluting local democracy. The Councils in South West Wales would therefore welcome greater clarity on how local decision makers, i.e. Council Cabinet Members can be integrated to the JTA model in order to ensure local accountability.

It may be therefore appropriate for Welsh Government Ministers to be involved in the National JTA but that Welsh Government Officers are incorporated to represent at a regional level.

Whilst the primary concern for the Council is to ensure that local democracy is not curtailed by the proposal for JTAs, it is also acknowledged that there is need for third party accountability to ensure that decisions are made in the best interests of the region.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

Ministers should be able to issue guidance and directions to JTAs and to intervene where JTAs are failing to deliver. Local authorities should still be responsible for determining the regional priorities and overseeing programme delivery.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

The division of the functions is sensible but there is some overlap between the roles. Clarification is needed on some of the responsibilities before a more definite assessment could be made.

Where there are nationally applied schemes, such as vehicle quality standards, concessionary travel and grant payments, then it is sensible for these to be administered centrally. However regional and local differences need to be considered for example when applying vehicle standards as expectations are different between urban and rural areas. There may also be adverse impacts on local economies where functions such as bus shelter provision and maintenance are centralised.

Whilst contractual arrangements for bus services could be standardised and carried out nationally, the planning and implementation of bus services is best done at a regional and local level due to the importance of the knowledge of local government officers and also to ensure that democratically accountable local councillor views are taken into account.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

The South West Wales Region has considered a number of areas for expanded collaboration over recent years. If the JTA is also to be responsible for Quality Partnership schemes which could involve infrastructure provision and management of traffic along bus routes to give bus priority, functions such as Traffic Management and Civil Parking Enforcement may also need to be considered.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	X
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Please explain your answer.

Enhanced Quality Partnerships will provide passengers with improved quality and effectiveness. We work with operators to achieve similar objectives under informal working partnerships. The EQP does have the distinct advantage over QBS.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	X
No	

Please explain your answer.

The development of an EQP plan and schemes through collaboration with bus companies is more likely to be successful than which bus companies may perceive as being imposed upon them.

Extensive consultation on the establishment of EQP schemes would be required and this is presumed to be a responsibility which would fall to Local Authorities. This would need to be properly funded and supported.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	X
No	

Please explain your answer.

The use of a franchising model, whilst potentially granting greater control of public transport planning, will require a significant back office resource and ongoing planning to deliver it. It is not entirely clear or certain whether this would deliver benefits which are greater than that of the current de-regularised bus model.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	x
No	

Please explain your answer.

Yes. The use of independent audit will be important to ensure that the delivery mechanisms are operating properly a delivering best value and service for the public.

Q12. Do you have any other comments on the proposed process for franchising?

Franchising of public transport in Wales may offer benefits over the conventional model, but will require a radical change to funding to support such a move. Such a model would require a significant amount of upfront revenue support for the transitional period, as well as for the establishment of teams to undertake all of the necessary planning.

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

No, the proposal seems logical as long as permits and franchised routes operate to the same standards.

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	X
No	

Please explain your answer.

SMEs provide essential services, particularly in those areas which are poorly served by larger commercial operators. However, these same SMEs are often not set up administratively to deal with complex procurement processes. Therefore,

significant support will be required to ensure that these operators are engaged fully with the process.

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

Public Transport Bus Services must not be compromised by the transition to franchise system, if that is determined to be a more favourable model. There is a potential risk that if a franchise model was to be announced, that public transport providers may choose to withdraw their services before alternative systems are in place. This would have a significant impact upon those who rely upon public transport services to access employment opportunities and key services.

The Welsh Government may therefore need to consider how short term contracts can ably and flexibly be put in place in order to ensure an orderly transition to an alternative model.

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

There is some concern that whilst Local Authorities will certainly bring significant understand of the local context and pressures, that there is insufficient resource within Local Government to practically take on the responsibilities of running bus services in-house. Local Authorities will largely face the same challenges as the commercial sector and without significant revenue investment from the Welsh Government it is unlikely that the Government can be certain that this change will deliver the improvements that are being sought.

Outside of the urban conurbations, there is little or no competition due to the relatively low scale of these markets. The rural areas can also struggle to attract a sustainable supply of drivers for public transport vehicles. This is a pressure which will be faced regardless of the delivery model.

The Councils of South West Wales would appreciate greater consideration to alternative delivery models which make the most of the invaluable knowledge and democratic accountability held by Local Authorities, but match this with an appropriate resource to ensure a significant change for the provision of public transport. An arm's length company or JTA delivery organisation may provide the framework to allow Local Authorities to provide advice and input whilst centralising the operational resources across a number of local authorities.

Q16a. In what circumstances do you think this would be appropriate?

Where there is little or no competition or when prices are inflated unreasonably where there is only one tenderer. This would be where residents have limited access to services and have no other travel options.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

Standards should be at least equal to commercial services. Care must be taken not to “cherry-pick” profitable commercial routes and it is therefore suggested that in house provision might be better suited to financially supported services.

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

Yes.

Q17a. In what circumstances do you think this would be appropriate?

Where there is a lack of commercial operations, SME bus operators are often happy providing school and private coach provision. Public transport provision is often considered onerous due to administrative burden, ticket machines, 6 day operation and the relative scarcity of drivers.

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

If the company is an arm’s length company, this levels the playing field and would allow the company to make profits. Therefore, there should be no additional safeguards.

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

Yes.

Q19. Do you agree that an incremental change is the most appropriate method?

Yes.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	X
No	

Please explain your answer.

Mandatory data sharing agreements are believed to provide a good means to determine demand and travel patterns across our region. The benefits of data sharing are expected to be broad.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	X
No	

Please explain your answer.

Without this knowledge, maintaining accurate roadside information and RTI, where appropriate, would be impractical. Fare revenue, boarding and stop data are also required in order for the potential contractor to evaluate the viability of the route.

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	
No	

Please explain your answer.

Q23. Are there any matters which you would like to see contained in any national standards?

Q24. Are there any matters which you think should be excluded from any national standards?

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Q26. What would be the best approach for determining the content of national standards?

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

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Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

--

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

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Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	
No	

Please explain your answer.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	

Please explain your answer.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	
No	

Please explain your answer.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Welsh Government Consultation – Improving Public Transport
Wrexham Council Borough Council Response

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services? Yes/No? Please explain your answer to this question.

Wrexham Council is supportive in principle of establishing a JTA because of the need for transport networks to be managed and delivered on a regional basis. Over the past year the Cabinet Members with responsibility for transport have been meeting informally with a view to establishing a Regional Transport Body within the governance structure of the North Wales Economic Ambition Board.

There is a political commitment to working collaboratively across the region to deliver strategic transport planning and services. The advantages from such a collaboration are significant and Members are keen to ensure that any such approach has the ability to be able to make meaningful change to transport networks.

On this basis, the principle of being able to work jointly within a Joint Transport Authority (JTA) has support. It is, however, essential that any such arrangement is accountable back to individual Local Authorities and that local governance is respected.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

Although it is recognised that there are some critical issues that need to be managed on a national basis, the governance arrangements for a single JTA would be complex. Membership requirements would be large if all authorities were adequately represented on a national JTA. Presumably each Local Authority would want to be represented in some shape or form.

On balance WCBC would support the establishment of a regional JTA in North Wales subject to further clarity over membership, powers, resource implications and budgets.

It is recognised that the current White Paper makes high-level proposals, with further details to follow on some key aspects of the future role and membership of JTA. It is essential that Welsh Government, Local Authorities and other partners work together to shape proposals for the management and discharge of functions at the appropriate level.

Q3. Is there another organisational structure for Joint Transport Authorities that we should consider? Please describe.

WCBC are aware that the NWEAB is currently proposing to establish a Regional Transport Body as a sub-committee of the NWEAB. The NWEAB is constituted as a Joint Committee under the 1974 Local Government Act. Given that the NWEAB is working on a Growth Deal with a significant transport component, having effective working partnership with other regional delivery structures is essential. The proposed Regional Transport Body would be in a position to achieve this effective working relationship.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

There is a case for ensuring that a strong partnership approach between Welsh Government and local government exists, so that transport network delivery can be effectively co-ordinated. There are, however, potential issues of conflict where such an approach could cause difficulties. In particular the powers the Minister would have of direction could be a conflict of interest for representatives on the JTA. WCBC would in principal support a proposal where the Minister and the JTA were able to work in partnership to agree priorities for transport intervention and delivery in the region.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

The proposal that Ministers should provide guidance to the JTA is reasonable. In order to achieve consistent standards of service and delivery across Wales, clear guidance by Welsh Government would be beneficial.

In the event that a JTA is failing to deliver its responsibilities or to manage its budget effectively, there should be a mechanism to resolve such failings. This should, however, be balanced by appropriate and effective scrutiny through local government. Intervention by the Minister should be a mechanism of last resort.

Q6. Is the proposed division of national and regional functions appropriate?

Further discussion and agreement on the proposed division of activity is required. This response proposes that joint development of the detailed proposals between Welsh Government and local government, in consultation with bus industry and users is required.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

The White Paper proposes a transfer of functions sufficient to support the delivery of better public transport. Pooled resources within a JTA model is needed to deliver this approach. Capacity and expertise for delivery is increasingly limited in local authorities following continued budget reductions. A JTA or other regional delivery model can help resolve this lack of capacity.

Some services that will be retained within local government in the current proposals are essential to the successful delivery of passenger transport. In particular, school and college transport and adult social care services are often linked with the delivery of other passenger transport services. Detailed arrangements will need to be evolved as part of the design of the JTA structures.

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working? Yes / No? Please explain your answer to this question.

Few effective quality partnerships have been agreed in the past few years this suggests that revised approaches are needed to increase the number of such schemes. Legislation to simplify processes and to give a degree of incentive to operators would be beneficial. At present, there is very little incentive for commercial bus operators to enter into such agreements.

Q9. Do you agree with our proposals for Enhanced Quality Partnerships, in particular the proposed process for developing and making EQPs? Yes/No? Please explain your answer to this question.

The proposals for EQP would appear to have some merit. The removal of the explicit link to the provision of enhanced infrastructure contained in the existing mechanisms is welcomed. An agreement to work together will still however be required. Having more flexible legislative powers does not necessarily lead to an agreement being possible.

Q.10 Do you think that the proposed scheme provides a more workable option for the franchising of local bus services? Yes / No? Please explain your answer.

Franchising is one option that could provide a high degree of control over the management and provision of services on the network. It is, however, unlikely to be supported by some bus operators and implementation will be contentious as a result. There is some merit in the proposal, but we have some significant concerns about the impact of franchising and how it would be delivered in practice.

The key issues revolve around the cost and complexity of introducing a franchised network. A fully franchised network would be beyond the capabilities of current budget availability. There are also significant limitations on the capacity and capability at the local level to be able to design and implement such a network.

WCBC consider that there is merit in having provision for franchising in legislation, if only as a mechanism of last resort where partnership relationships are not possible.

Q11. Do you think there should be a requirement for the assessment to be subject to an independent audit? Yes / No? Please explain your answer.

It is necessary to scrutinise and be satisfied that the procedures and assessments undertaken by a LA or regional JTA, and the decisions taken, are robust and ensure compliance with the relevant legislation.

Q12. Do you have any other comments on the proposed process for franchising?

As noted above, implementation of a franchised network would be costly and administratively difficult. There is, however, merit in powers to franchise being available, as a mechanism of last resort where alternative partnership arrangements have proven to be impossible to implement. Given the lack of operators in the region, care should be taken to ensure that franchising does not restrict the transport supplier market even further.

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

The consultation document does not set out the terms and conditions of the permit and its duration etc, which would be determined by the franchising authority. This situation could result in inconsistencies and differences arising between neighbouring franchising authorities and create potential difficulties for bus operator(s), which serve these adjacent areas, leading to fragmented networks. If franchising arrangements are introduced, then it would be sensible to have a national framework and guidance in place to promote consistency.

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process? Yes/No? Please explain your answer.

WCBC's network is reliant on smaller operators for the provision of supported services. Any franchise system entered into should enable smaller operators to participate. It is understandable that where arrangements exist in other areas that appropriate mechanisms are in place to ensure a level playing field for smaller operators. Such mechanisms would be supported.

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

WCBC consider that there could be circumstances where existing operators could either withdraw or reduce the quality of provision of services during the period between the announcement of a planned franchise and implementation. It may be appropriate to consider an extended period of notice to change services during the transitional stage.

Q16. Do you think that local authorities should be able to run bus services directly i.e. in-house services? In what circumstances do you think this would be appropriate? What, if any, safeguards do you feel ought to be put in place with in- house services to ensure that no local authority has an unfair advantage in a deregulated market, and why?

The perception amongst the general public is that Local Authorities already do run bus services. WCBC supports the principle of Local Authorities being able to run bus services. The rationale for this is that in some areas there is evidence of market failure within the bus industry. In recent years, Wrexham's local network has been decimated by the loss of a number of operators leaving some areas with little or no provision. The lack of competition has resulted in increased tendering costs.

WCBC consider that where it can be demonstrated that Local Authorities have been unable to procure services at reasonable cost and that other marketing approaches have not been successful, directly run services should be an option available, albeit, the lack of expertise, capacity and resource within the Local Authority would be a concern. It is considered important however that such proposals are designed to work alongside commercial and other services rather than in competition with other operators.

Q17. Do you think that Local Authorities should be able to set up arms length companies to operate local bus services.

Yes, but the Local Authority or regional JTA should demonstrate how it can achieve better value for money for the public sector, offer a potential solution toward improving local bus service provision within its area. The expectation would be an abject failure of the commercial sector to meet the passenger transport needs.

WCBC is aware of a number of Councils that have had previous experience of running their own bus companies, all but two have either folded or sold to other operators. Neither of these companies has enjoyed a strong trading position in recent years when faced with competition. WCBC would consider it inappropriate for any arms-length

bus companies to be used in a way that undermines the core commercial network.

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age? Please give reasons for your answer.

Yes. It is important that the travel scheme reflects the wider demographic changes that are taking place across Wales and in particular, an ageing population and an older workforce. This proposal would appear to take account of these changes and is in line with changes already made in the English scheme. The impact of any change to the age criteria will need to be fully assessed, especially with regards to any unintended consequences. It may also be worth considering that less people on buses may result in fewer buses and bus services, and the potential impacts of this.

Q19. Do you agree that an incremental change is the most appropriate method?

Yes. This will ensure that there is no impact on existing pass holders and mitigate any negative impacts on existing network operations.

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets? Yes/No? Please explain your answer to this question.

This is a reasonable proposal and one that WCBC would support. The proposal would enable better co-design of services and networks and also help highways authorities to identify areas for improvement in support of services.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are cancelled or varied, and where appropriate, disclose this information as part of the tendering process? Yes/No? Please explain your answer to this question.

Yes. Frequent changes to timetabled services where no or limited notice is given has resulted in significant problems for this Council. Decisions taken by commercial operators with little communication or consultation with key stakeholders has proved problematic with the burden falling upon the Local Authority to try and mitigate. The lack of resource and limited supplier market makes this an impossible task. Operators should be made to account for their decisions in a clear and transparent way.

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales? Yes/No? Please explain your answer.

Yes, this is consistent with the previous consultation work undertaken between the Licensing Expert Panel, which Wrexham is represented at, and Welsh Government lead on taxi reform in Wales. It is also consistent with recommendation 2 made by the “Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]” and the Law Commission review “Reforming the Law of Taxi and Private Hire Services” [2012]”.

National standards would ensure that taxi services are delivered consistently across Wales and deal with any perceptions of any unnecessary inconsistency across Councils.

We would highlight concerns that any proposed revisions could cause ‘cross border’ problems, Wrexham has boundaries with English Local Authorities, namely Cheshire West & Chester and Shropshire and these will not be subject to the proposed changes. Revisions need to recognise this so that the proposed Welsh revisions work in harmony with the legislation in the rest of the UK.

Q23. Are there any matters which you would like to see contained in any national standards?

Separate national standards should be defined for vehicles, drivers and operators. The following matters should be included, although this is not an exhaustive list:

- **Enhanced DBS and Barring List checks (certificate of good conduct for overseas applicants) for drivers, operators, proprietors and dispatchers. Members believe that anyone taking or holding an individual’s personal information should have to be vetted to ensure that that person is safe and suitable (“fit and proper”).**
- **Medical fitness and specifically the requirement of Group 2 Medical Standards and the need for the applicant’s full medical history to be noted by the completing GP. Standards should also consider consistency of the issue of exemption certificates in terms of Equality Act duties.**
- **Immigration checks specifically the Right to Work in the UK**
- **Suitability of applicants and licence holders. The Institute of Licensing has published guidance on determining the suitability of applicants and licence holders in the hackney carriage and private hire trades. The criteria used in this guidance should be incorporated into any national standards**

[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

- **Nationally-recognised vocational qualifications to include disability quality and awareness training, safeguarding awareness training (Child Sexual abuse / Exploitation, County Lines), practical driving standards test, communication skills and literacy, customer care, handling of emergencies, managing conflict etc.**
- **Knowledge and suitability test (literacy, numeracy, highway-code, conditions, local area knowledge).**

- Foreign driving licences

In addition, members would recommend the following matters be included in relation to vehicles:

- National Inspection Standards and frequency of inspections and testing including the criteria for testing. Consideration should also be given to suitability, independency and availability of testing stations and how they are approved e.g. consider if use of Trade owned testing stations are appropriate.
- Design and appearance and internal spatial requirements of vehicles including the approach to identify taxis and private hire vehicles.
- The information which should be contained on any vehicle identification source (plates, door signs).
- Standards for specialist and novelty vehicles, such as stretched limousines, wedding and funeral cars, omnibuses and pedicabs.
- Taxi Meter standards including the criteria for Pulse and GPS meters.
- The use and standards for CCTV within vehicles, both audible and video as outlined in recommendation 17 & 18 “Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]”. The Information Commissioner’s Office has produced advice for councils and other organisations in using surveillance and CCTV systems in licensed taxis. A national standard should take account of this advice.

<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand> The LGA Guidance has also now been published.

<https://www.local.gov.uk/developing-approach-mandatory-cctv-taxis-and-phvs> The cost of fitting CCTV within licensed vehicles particularly for small businesses may require subsidy from Welsh Government.

- Record Keeping including the retention period required. Members believe that ideally records should be kept for every journey undertaken, however, there are obvious practical difficulties with taking this approach. A better option would be to use technology to better the safeguarding processes. The use of CCTV, trackers and GPS systems would not only provide a more robust system for record keeping, but would also not place an administrative burden on taxi drivers.
- Environmental considerations such as vehicle emission standards.

The standards for some of the points recommended above are included in guidance already and should be taken into account when developing any national standards, such as the Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010), although this is in need of updating.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

In addition we recommend mandating training for all individuals involved in the licensing decision-making process. Consistent and appropriate training of officers, councillors and Magistrates' legal clerks (for appeals) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Finally, any national standards developed should be consistent with criteria implemented in England to reduce variations in driver, vehicle and operator requirements especially around the border areas.

Q24. Are there any matters which you think should be excluded from any national standards?

There are no matters that should be excluded, although national standards should not duplicate other legislation.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

The main obstacle will be incorporating the national standards into the 10,000 vehicles and 12,000 drivers currently licensed in Wales and the provisions that will need to be in place for transitional arrangements and grandfather rights. Consideration will also need to be given to finding suitable consistent standards which work for both urban and rural areas.

Q26. What would be the best approach for determining the content of national standards?

There are already a number of national policies in place which have been adopted by a number of Welsh Local Authorities in order to provide a level of consistency between areas, such examples include:

- **National Inspection Standards for hackney carriage and private hire vehicles, and**
- **Institute of Licensing Guidance on determining the suitability of applicants and licences in the hackney carriage private hire trade.**

There are also some excellent examples of local taxi licensing policies and standards in place which have been developed and applied at a local level.

Welsh Government will first need to establish what policies and standards are already in place in Wales and then draw on the knowledge of licensing practitioners who have expert practical experience of undertaking taxi licensing work on a daily basis.

It would be remiss of Welsh Government to disregard any policies, standards or procedures which have been developed by licensing professionals and which actually serve to provide a robust service

against a backdrop of legislation which is woefully inadequate and outdated.

The All Wales Licensing Expert Panel, at which Wrexham is represented, consists of managers and team leaders who have extensive knowledge and experience in the taxi licensing field and would without question need to be heavily involved in the development of national standards.

It is suggested that Welsh Government would also need to engage with passenger safety groups and operator representatives by way of meetings, seminars and workshops.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

The previous Welsh Government consultation on Taxi and Private Hire Vehicle Licensing in Wales [WG31865] referred to “national standards for all taxis and private hire vehicles, set by Welsh Ministers, with the power for local licensing authorities to set additional conditions where it is appropriate to do so”

Although the White Paper makes no reference to minimum national standards, it is worth noting that the Panel would not recommend that local licensing authorities be permitted to set additional local conditions above the national standard.

Enforcement

Q28. Should a Local Authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer.

Wrexham support the Licensing Expert Panel in that the revocation of a vehicle licence should be the responsibility of the home Licensing Authority. Where it is proposed that action is taken to revoke a licence, it is imperative that the licence holder is afforded the opportunity to be heard i.e. the opportunity of a fair hearing; this is a requirement of Article 6 Human Rights Act which protects your right to a fair trial. The Licensing Authority that has issued the licence will also have invaluable local knowledge about the licence holder, have immediate access to the history of the vehicle and any complaints received and should be responsible for recovering any fees associated with taking the enforcement action. It is noted that proposals in relation to fee setting are not included in the White Paper.

Wrexham also believe however that it is appropriate for any authorised officer from any Licensing Authority area to have the power to suspend immediately (Section 68 Local Government (Miscellaneous Provisions) Act 1976) a licence of any vehicle operating in their area (irrespective of where it was licensed) where there is an immediate public safety risk

e.g. defective tyre, or potentially where the vehicle fails to meet the national standards e.g. missing door signs / back plates. The authority that issues the suspension, would then report the matter to the home Licensing Authority for them to consider whether to lift the suspension or take further action.

Q29. Should a Local Authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer.

This would be of benefit to aid the home Licensing Authority in order to determine whether any further action is required e.g. improvement notice / advisory / warning. For example introducing a system of issuing a Fixed Penalty Notices would bring taxi and private hire enforcement in line with other areas of local government. Some method of referral scheme would need to be developed to notify the issuing Licensing Authority, however the practical implications of this would need further consideration.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

Discussions have taken place with Welsh Government about introducing the power to stop and direct taxi and PHVs. This would be a useful and beneficial addition to the enforcement options currently available to local authorities.

Currently Licensing Authorities are unable to attach conditions to hackney carriage driver licences, some local authorities have Byelaws in place and members would recommend incorporating any relevant component of these into national standards

Other enforcement provisions are recommended for introduction by Welsh Government such as where a driver refuses a fare due to the short distance involved or for cases of overcharging.

We recommend mandating training for all individuals involved in the licensing decision-making process (as mentioned above). Consistent and appropriate training of officers and councillors (this should also include Magistrates' legal clerks) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Information Sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared? Yes/No? Please explain your answer.

The establishment of a mandatory national database of all licensed drivers is critical, however this database should be expanded to include vehicle and operators, proprietors and dispatchers to support stronger enforcement. This must be established quickly.

In the interim, the National Anti-Fraud Network (NAFN) currently provides an online register of taxi and private hire drivers who have been refused or had their licence revoked. The database includes the reasons for any refusal or revocation, along with the relevant Licensing Authority details. Welsh Government must introduce legislation to mandate its use as a priority. The Licensing Expert Panel has agreed in principle to use this database and at the time of this consultation response all local authorities in Wales were progressing this.

In addition, relevant information must be shared as part of a UK wide database to avoid duplication of data entry and ensure public safety particularly around the border areas. Members felt that sharing information on complaints and warnings would be beneficial.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

The Common Law Police Disclosure provisions have been highlighted as a significant concern by the Licensing Expert Panel previously. These proposals do not cover this issue. Members would suggest the current disclosure provisions be reviewed to ensure that all relevant information of crimes and conduct by taxi and private hire drivers, including arrest, charge and conviction information, is shared with the Licensing Authority immediately.

Welsh Government may be limited in influencing this suggestion but it is essential to ensure all drivers, operators, proprietors and dispatchers are safe and suitable. Any influence Welsh Government could have on this to improve information-sharing on public safety grounds would be welcomed.

Joint Transport Authority (JTA)

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national Licensing Authority (Option A)? Yes/No? Please explain your answer.

We do not support the proposal on the information provided, as there is no evidence to support the need to redirect the existing taxi and PHV licensing function away from Local Authorities. At this stage there is no detail contained within this white paper as to how the JTA would undertake the licensing function and therefore it is very difficult to be able to answer this question and we support the views of the Licensing Expert Panel that insufficient research has been undertaken in respect of this proposal and that Welsh Government must produce a far more

detailed explanation on how the JTA would work. The Panel feel that they would then be in a better position to comment on the proposal. Our overriding concern is the protection of the public, and there is nothing contained within this proposal which suggests that public safety is at the forefront of this proposal.

In addition, Local Authorities have a duty to consider the WG's Framework for Managing the Night Time Economy in Wales. Authorities need to consider the transport need of their local evening and night time economy as part of an integrated approach, which includes the importance of taxis and PHVs. Partnership working between key local agencies such as the Police (including transport Police), licensing and the taxi trade offer the best opportunities for achieving sustainable late-night transport environments that also promote safety. Removal of the duty from Local Authorities would not be beneficial to implementing plans for improving the night time economy as a whole. Members would be happy to consider the evidence for Welsh Government's proposals and to work with them further to ensure any reform of taxi and private hire vehicle legislation is robust, enforceable and improves public safety.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)? Yes/No? Please explain your answer.

Yes, local authorities should continue to have responsibility for taxi and PHV licensing. Whilst Members appreciate that the Licensing function requires strengthening as mentioned in option B, it is recognised that licensing at the local level works well. Additional evidence is requested from Welsh Government to justify the contrary to continuing with Local Authority responsibility.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

Wrexham County Borough Council believe that the current proposals contained within the White Paper fall far short of the reform that taxi and private hire licensing so desperately requires. The previous set of proposals contained within the Taxi and Private Hire Vehicle Licensing in Wales [WG31865] would have introduced a robust taxi licensing regime which was fit for the 21st century and afforded local authorities the necessary tools to protect the public, tackle cross border working and introduce more powers for better enforcement. Instead, what is now being proposed is a quick fix and offers nothing more than a sticking plaster solution. The existing legislation is archaic, not fit for purpose and requires fundamental reform with new primary legislation.

The radical, ambitious and exciting plans previously proposed by Welsh Government have effectively been "kicked into the long grass" and are unlikely to be revisited. A viable alternative however is readily available by considering in more detail adopting the recommendations of the

“Ministerial Working Party into Hackney carriage and Private Hire Licensing in England [2018]” which builds on the work undertaken by the Law Commission “Reforming the Law of Taxi and Private Hire Services [2012]”.

These recommendations offer far more than a sticking plaster solution and would modernise the legislative framework, introducing appropriate regulation and giving licensing authorities the necessary enforcement tools to better protect the public. The recommendations, if implemented, would also ensure that inconsistencies between Welsh and English authorities, particularly along the border, are negated.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased? or negative effects be mitigated?

Welsh Government must have regard to the Welsh Standards as set out by the Welsh Language Commissioner. It is important that applicants are able to apply in their language of choice. Positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks.

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

See above

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them: Please enter here:

None



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20/03/19

Dear Team

Improving public transport

1. Thank you for the opportunity to respond to the consultation on improving public transport. My comments relate specifically to the need for you to consider the relevance of the Welsh Language Measure (Wales) 2011 and the Welsh language standards set in regulations related to the Measure that are relevant to your proposed plans.
2. You will be aware that a number of public organisations in Wales are required to comply with the Welsh language standards set out in regulations. These bodies include the Welsh Government and Local Authorities who comply with the Welsh Language Standards (No. 1) 2015.¹
3. Chapter 3 (33) of the Welsh Language Measure refers to those liable to be required to comply with the standards, details of whom are included in the schedules to the Measure. Schedule 8 of the Measure states that qualifying persons who provide the public with bus services should be included amongst those liable to be required to comply with the standards. To this end, the Commissioner undertook a standards investigation in order to decide what type of standards should be listed within regulations for persons who provide the public with bus services. The report produced as a result of

¹ http://www.legislation.gov.uk/wsi/2015/996/pdfs/wsi_20150996_mi.pdf



this investigation can be found on our website.² As yet, there are no Welsh language standards regulations for this sector but as a general principle, we would like your plans to reinforce the requirements that could be placed on the providers of bus services and public transport in the future, and to ensure that services are available to the public in Welsh across Wales.

3. Joint Transport Authorities

- 3.1 It is noted in the consultation document that the Welsh Government proposes establishing a Joint Transport Authority that would be established by secondary legislation using Welsh Ministers' existing powers under the Transport Act (Wales) 2006, but that a Bill would be needed to make some minor changes to the provisions within the 2006 Act. Considering the proposed activities of the joint authorities, I would ask that the Government considers to what extent the new Joint Authority (Authorities) being proposed would be subject to the Welsh language standards, and whether or not provision should be made for this whilst developing new legislation.
- 3.2 This section states that the joint authority (authorities) will be responsible for 'the setting of national quality standards for infrastructure, services, vehicles, branding and ticketing where services are delivered via contractual arrangements, partnership working and franchising'. To this end, we believe that Welsh language services should be considered part of the national quality standards.

4. Enhanced Quality Partnerships

- 4.1 It is noted in the consultation document that the Welsh Government proposes introducing new powers to enable local authorities to create Enhanced Quality Partnerships that would operate as 'a formal agreement between a local authority and one or more bus operators'. As noted above, local authorities comply with the Welsh language standards. The relevant regulations for these standards state that they are also relevant to third parties who operate on behalf of local authorities. With this in mind, we ask that you consider to what extent the standards relevant to local authorities would be relevant to these partnerships, or would they be new entities whereby consideration should be given to the extent to which they themselves should comply with the Welsh language standards. As a minimum, we believe that the principles of the standards required by local authorities should also be implemented by these partnerships.
- 4.2 In addition, as stated above, it is possible that bus service providers will be required to comply with standards in the future (see 3 above). We would therefore ask that you consider this whilst developing this legislation and the enhanced quality partnerships.

5. Franchising

- 5.1 You note in the consultation document that you propose to revise current legislation to make franchising a useable tool for Welsh local authorities to award the right to run a

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bus route or routes to the most competitive bidder. It is noted that local authorities would be required to assess proposals to franchise local services in their area in accordance with the new franchising process being proposed. In doing so, the authority would need to think through the 'impacts, risks and practical implications of its proposal...' (page 28). To this end, we would expect local authorities to consider the policy standards with which they are required to comply.

- 5.2 We would also expect any decision by the Welsh Government to revise franchising processes to ensure that local authorities provide Welsh language services to passengers when awarding franchises in accordance with the new arrangements. In accordance with 4.2 above, we believe that you should consider it possible that bus service providers will be required to comply with the Welsh language standards in the future as you develop this legislation.

6. Local authority bus services

- 6.1 It is proposed that current legislation will be revised so that local authorities will run their own bus services, to ensure that bus services within their area meet the needs of the people they serve. In this case, we would expect these services to meet the requirements on local authorities with regard to the Welsh language standards.

Thank you for the opportunity to comment on your proposals to improve public transport. We would be happy to discuss the matters raised further with you as you develop your legislation. We believe it would be beneficial for you to consult with the Government's Welsh language division to discuss its plans for extending the Welsh language standards to other organisations covered by the Welsh Language Measure (Wales) 2011. With that in mind, I am sending a copy of this letter to Bethan Webb from that division.

Yours faithfully,

Meri Huws
Welsh Language Commissioner
Cc: Bethan Webb, Welsh Government

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20/03/19

Annwyl Dîm

Gwella trafndiaeth gyhoeddus

1. Diolch ichi am y cyfle i ymateb i'r ymgynghoriad ar wella trafndiaeth gyhoeddus. Mae fy sylwadau yn benodol yn ymwneud â'r angen ichi ystyried perthnasedd Mesur y Gymraeg (Cymru) 2011 a safonau'r Gymraeg sydd mewn rheoliadau cysylltiedig â'r Mesur sy'n berthnasol i'ch cynlluniau arfaethedig.
2. Byddwch yn ymwybodol bod gofyn i nifer o sefydliadau cyhoeddus yng Nghymru gydymffurfio â safonau'r Gymraeg a osodir mewn rheoliadau. Mae'r cyrff hyn yn cynnwys Llywodraeth Cymru ac Awdurdodau Lleol sy'n cydymffurfio â Rheoliadau Safonau'r Gymraeg (Rhif 1) 2015.¹
3. Mae Pennod 3 (33) Mesur y Gymraeg yn cyfeirio at bersonau sy'n agored i gydymffurfio â safonau. Manylir arnynt hwy yn atodlenni'r Mesur. Mae Atodlen 8 y Mesur yn nodi y gallai personau neilltuedig sy'n darparu gwasanaethau bysiau i'r cyhoedd fod ymysg y rhai sy'n agored i gydymffurfio â safonau. I'r perwyl hwn cynhaliodd y Comisiynydd ymchwiliad safonau er mwyn penderfynu pa fath o safonau ddylai gael eu rhestru mewn rheoliadau ar gyfer personau sy'n darparu gwasanaethau bysiau i'r cyhoedd. Gellir gweld yr adroddiad sy'n deillio o'r ymchwiliad hwn ar ein gwefan.² Nid oes rheoliadau

¹ http://www.legislation.gov.uk/wsi/2015/996/pdfs/wsi_20150996_mi.pdf

² <http://www.comisiynyddygybraeg.cymru/Cymraeg/Rhestr%20Cyhoeddiadau/20161028%20DG%20C%20Adroddiad%20Safonau%20Bysiau%20Terfynol.pdf>

Comisiynydd y Gymraeg
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safonau'r Gymraeg ar gyfer y sector eto, ond o ran egwyddor gyffredinol, buasem yn dymuno i'ch cynlluniau atgyfnerthu'r gofynion a allasai fod ar ddarparwyr gwasanaethau bysiau a thrafnidiaeth i'r cyhoedd yn y dyfodol a sicrhau bod gwasanaethau ar gael yn y Gymraeg i'r cyhoedd ar draws Cymru.

3. **Cyd-awdurdod(au) Trafnidiaeth**

- 3.1 Nodir yn y ddogfen ymgynghori bod Llywodraeth Cymru yn cynnig sefydlu Cyd-awdurdod(au) Trafnidiaeth a fyddai'n cael eu sefydlu drwy is-ddeddfwriaeth drwy ddefnyddio pwerau presennol Gweinidogion Cymru o dan Ddeddf Trafnidiaeth (Cymru) 2006, ond fe fyddai angen Bil er mwyn gwneud rhai mân newidiadau i ddarpariaethau Deddf 2006. O ystyried gweithgareddau arfaethedig y cyd-awdurdodau, gofynnaf i'r Llywodraeth ystyried y graddau y dylai'r Cyd-awdurdod(au) newydd arfaethedig ddod o dan safonau'r Gymraeg ac a ddylid gwneud darpariaeth ar gyfer hynny wrth ddatblygu deddfwriaeth newydd.
- 3.2 Mae'r adran hon yn nodi y byddai cyd-awdurdod(au) trafndiaeth yn 'pennu safonau ansawdd cenedlaethol ar gyfer 'seilwaith, gwasanaethau, cerbydau, brandio a rhoi tocynnau pan fo gwasanaethau yn cael eu cyflenwi dan gontract, drwy weithio mewn partneriaeth a thrwy fasnachfrait'. Yn hyn o beth credwn y dylid ystyried gwasanaethau Cymraeg yn rhan o'r safonau ansawdd cenedlaethol.

4. **Partneriaethau Ansawdd Estynedig**

- 4.1 Cynigir yn y ddogfen ymgynghori bod Llywodraeth Cymru yn cyflwyno pwerau newydd i alluogi awdurdodau lleol i greu Partneriaethau Ansawdd Estynedig a fyddai'n 'gytundeb ffurfiol rhwng awdurdod lleol ac un neu fwy o weithredwyr bysiau'. Fel y nodwyd uchod mae awdurdodau lleol yn cydymffurfio â safonau'r Gymraeg. Mae'r rheoliadau perthnasol i'r safonau hyn yn nodi eu bod yn berthnasol hefyd i gyrrff trydydd parti sy'n gweithredu ar ran awdurdodau lleol. Gyda hyn mewn golwg gofynnwn ichi ystyried y graddau y credwch y byddai safonau awdurdodau lleol yn berthnasol i'r partneriaethau hyn ynteu a fyddent yn endidau newydd y dylid ystyried y graddau y dylent hwythau gydymffurfio â safonau'r Gymraeg eu hunain. Fan leiaf credwn y dylai egwyddorion y safonau sy'n ofynnol ar yr awdurdod lleol gael eu gweithredu gan y partneriaethau hyn.
- 4.2 Yn ogystal, fel nodwyd uchod mae'n bosibl y bydd gofyn i ddarparwyr gwasanaethau bysiau gydymffurfio â safonau yn y dyfodol (gweler 3 uchod). Gofynnwn ichi felly roi ystyriaeth i hyn wrth ichi ddatblygu'r ddeddfwriaeth hon a'r partneriaethau ansawdd estynedig.

5. **Masnachfreinio**

- 5.1 Nodwch yn y ddogfen ymgynghori eich bod yn cynnig diwygio'r ddeddfwriaeth bresennol i sicrhau bod masnachfreinio yn ddull y gall awdurdodau lleol Cymru ei ddefnyddio i redeg llwybr neu lwybrau bysiau i'r cynigiwr mwyaf cystadleuol. Nodir y byddai'n ofynnol i'r awdurdod lleol asesu cynigion i fasnachfreinio gwasanaethu lleol yn ei ardal o dan y broses fasnachfreinio newydd a arfaethir. Wrth wneud hynny byddai angen i'r awdurdod feddwl yn fanwl am 'effeithiau risgiau a goblygiadau ymarferol ei gynnig...' (tud. 31). Yn



hyn o beth byddem yn disgwyl i awdurdodau lleol ystyried y safonau polisi y mae gofyn iddynt gydymffurfio â hwy.

- 5.2 Byddem yn disgwyl yn ogystal y byddai unrhyw benderfyniad gan Lywodraeth Cymru i ddiwygio dulliau masnachfreinio yn ddull o sicrhau bod gwasanaethau Cymraeg i deithwyr gan awdurdodau lleol wrth benderfynu gosod masnachfrait yn unol â'r trefniadau newydd. Yn unol â 4.2 uchod credwn y dylech ystyried ei bod yn bosibl y bydd darparwyr bysiau yn cydymffurfio â safonau'r Gymraeg yn y dyfodol wrth ichi ddatblygu'r ddeddfwriaeth hon.

6. Gwasanaethau bysiau awdurdodau lleol

- 6.1 Cynigir diwygio'r ddeddfwriaeth bresennol fel bod awdurdodau lleol yn gallu rhedeg eu gwasanaethau bysiau eu hunain i sicrhau bod gwasanaethau bysiau yn eu hardal yn diwallu anghenion y bobl y maent yn eu gwasanaethu. Yn yr achos hwn byddem yn disgwyl y byddai'r gwasanaethau hyn yn cyd-fynd â'r gofynion sydd ar awdurdodau lleol yn unol â safonau'r Gymraeg.

Diolch ichi am y cyfle i roi sylwadau ar eich cynigion ar gyfer gwella trafndiaeth gyhoeddus. Buasem yn hapus i drafod y materion uchod â chi ymhellach wrth ichi ddatblygu eich deddfwriaeth. Credwn y byddai'n fuddiol ichi siarad gydag is-adran y Gymraeg yn y Llywodraeth yn hyn o beth i drafod eu bwriadau ar gyfer ymestyn safonau'r Gymraeg i sefydliadau eraill sydd o fewn cwrmpas Mesur y Gymraeg (Cymru) 2011. I'r perwyl hwn rwy'n anfon copi o'r llythyr hwn at Bethan Webb o'r adran honno.

Yr eiddoch yn gywir,

Meri Huws
Comisiynydd y Gymraeg

Copi at: Bethan Webb, Llywodraeth Cymru

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	x
No	

Please explain your answer.

- Communities' transport patterns do not neatly fit within local authority boundaries.
- Different Local Authorities' approaches to support for public and community transport means that there can sometimes be stark differences between the services available in neighbouring areas
- From a community transport perspective, the lack of alignment between local authority boundaries and health board areas is particularly striking (e.g. Hywel Dda Health Board covers three local authority areas, Carmarthenshire Pembrokeshire and Ceredigion).

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

Single National JTA – might give an opportunity for more consistent support for Community Transport across Wales, as current approaches vary greatly from local authority to local authority, and strategic approaches towards development, funding and capacity building would be welcome.

National JTA and three regional authorities – practical support for Community Transport probably does sit better at a more local level, although JTAs would need to work with partners to deliver this on the ground. For example, Pembrokeshire County Council provides core funding to PACTO (Pembrokeshire Association of Community Transport Organisations) to promote, support and develop the community transport sector in Pembrokeshire. This has been a very successful approach which has enabled a collaborative approach to developing services in the county, pooled resources for training and publicity more effective than each small operator doing it individually, and provided more capacity for the community transport sector to network with organisations that reach and support potential users. PACTO has consistently levered in more funding than the Local Authority has invested.

We are concerned that good practice in working with and supporting community transport should not be lost in the move to JTAs. The new JTAs should not adopt the lowest common denominator approach when looking at support and funding for community transport, rather should seek to find and expand good practice.

Q3. Is there another organisational structure for JTAs that we should consider?
Please explain your answer.

It is important to consider how the regional JTAs map with other administrative structures, in particular Health Board areas and the joint working between Local Authorities which is emerging as an alternative to the previously proposed merging of Local Authority areas.

The balance between rural and urban areas also needs to be considered, since there is such great variation in the need and demand for transport services between rural and urban, and the support that is therefore required.

We would be concerned if a South West Wales JTA was formed through the Local Authorities involved in the previous SWWITCH partnership and now the Swansea Bay City Region. This grouping does not include Ceredigion, which means that it cuts through the Hywel Dda Health Board area.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

The implementation and management of the Integrated Demand Responsive Travel System is listed at a national level. While it may be appropriate for the IT system to be developed at a national level, much of the delivery would be best done at a more local level. Some/many of the delivery partners are likely to be local/regional, even more so if community transport operators are involved.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

What about support for Community Transport services? Pembrokeshire County Council currently allocated some transport funding to support community transport services (such as the Royal Voluntary Service Country Cars social car service, and some rural Dial-a-Ride services) as well as providing core funding to Pembrokeshire Association of Community Transport Organisations to provide a range of on-the-ground support for local community transport operators in areas such as marketing and promotion, training, representation, fundraising and development support.

Many Local Authorities, such as Pembrokeshire County Council, have pooled their transport officers and resources into Integrated Transport Units, which cover School Transport, SEN Transport, Social Services and Community Transport, as well as public transport services. These Transport Units often also work closely with the Local Authorities Fleet Departments, particularly where some services are still provided in-house. Moving public transport responsibilities across to the JTA without also taking the other functions may be counter-productive and risks undermining the benefits achieved by developing an Integrated Transport approach.

From a community transport perspective it is helpful to have Integrated Transport Units as community transport often links with all areas within their remit: public transport, social care, education (and health) transport.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	
No	

Please explain your answer.

--

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	
No	

Please explain your answer.

The process described on P23 only requires that the “Local Authority and Operators” to analyse the network with a view to establishing whether it is delivering and meeting local needs. There are opportunities to adopt a co-productive approach,

involving communities and bus users are part of the review from the outset (P25 seems to suggest that consultation with passengers would only be once there is a firm scheme to propose, but passengers and communities should be involved much earlier in the process too P25). In many cases Community Transport operators would have useful information to offer about passengers who are currently excluded from the mainstream public transport network.

EQP plans – should include “analysis of *all local transport services* in the area to which the plan relates” (not just bus services), and policies/objectives may also include links/interfaces with community transport services. Community Transport operators should be included in the review – they are often serving unmet transport needs due to gaps in the current public transport network.

Improvements to the accessibility of transport services should be considered as part of the decision making process. Bullet point at top of P25 – EQP scheme can only be made if the local authority is satisfied that it will- Bring benefits to persons using the services in the area by improving quality, **accessibility** and effectiveness of services. .

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	
No	

Please explain your answer.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	
No	

Please explain your answer.

We agree that there should be open consultation about the proposals. Independent audit should only be required where the proposal for franchising is challenged / contested.

Q12. Do you have any other comments on the proposed process for franchising?

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

Would community transport operators/which community transport operators would/be affected by permit requirements? (The requirement to show community benefit and lack of adverse impact on other services would not be difficult for community transport services to prove in most cases, but this would place an additional administrative burden on community transport operators)

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	x
No	

Please explain your answer.

Yes. There could be implications for community transport operators here – particularly if “Integrated Responsive Transport” (in DfT jargon) is part of a franchise or if a “Total Transport” approach is taken.

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

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Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

Yes, if there is genuinely no viable alternative, however this is often already possible under Section 22 permit rules. Scope for the required services to be provided by a Community Transport operator should also be considered.

Q16a. In what circumstances do you think this would be appropriate?

Where there is no viable provider available, *including* community transport providers where appropriate.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

We would advise that you speak to the Community Transport Association who have considered this issue at length in the light of recent challenges to community transport services operating under Section 19 or Section 22 permit.

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

This sounds a lot like the way a lot of community transport organisations have originated – i.e. with significant Local Authority support and sponsorship particularly in the early days. Consideration should be given to establishing a community transport operation rather than a “commercial” bus company.

Q17a. In what circumstances do you think this would be appropriate?

This approach would only be appropriate where there is no appropriate existing third sector / community transport organisation that the Local Authority could work with.

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

As 16b

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister’s proposal to align entitlement to a mandatory concessionary fares pass with a woman’s pensionable age?

Yes, although obviously it is important that disabled people still qualify at any age.

It is important to recognise that the most elderly and vulnerable people, with the most significant mobility difficulties, are often excluded from the current concessionary travel scheme if they are unable to use mainstream public transport services, due to

restrictions on using bus passes on Section 19 and social car services. We would like any savings made from the proposed changes to the concessionary fares scheme to be invested in community transport and other services for these most vulnerable people.

Q19. Do you agree that an incremental change is the most appropriate method?

Yes, this would seem to be the fairest approach.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	X
No	

Please explain your answer.

When building a dataset around public transport it is also important to include information about community transport services which are available.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	X
No	

Please explain your answer.

This information is vital in planning for alternative provision.

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	x
No	

Please explain your answer.

It is important to ensure that the standards are appropriate for more remote rural areas, and do not have the unintended consequence of reducing availability of taxis/PHVs in rural areas.

Q23. Are there any matters which you would like to see contained in any national standards?

There should be national training requirements including: Disability awareness training, Loading and securing of wheelchairs (for operators of Wheelchair Accessible Vehicles), Supporting passengers with additional needs.

Need to consider how to encourage provision of wheelchair accessible taxis in more rural/marginal areas.

Q24. Are there any matters which you think should be excluded from any national standards?

Need to ensure that the national standards due not result in loss of Taxi/PHV services in more marginal areas.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Implementation process – who would approve suitable training schemes (could there be a process similar to approval of CPC training courses for bus drivers (but be aware of the limitations and criticisms of this scheme).

Costs to meet new standards. If standards for PHV are different to Taxis may unintentionally affect the balance of provision – for Disabled people this may be an issue as we are aware of PHV fares for Wheelchair Accessible transport being significantly more expensive than the metered rate.

Local compliance, particularly if Taxi Licensing becomes a national JTA responsibility.

Q26. What would be the best approach for determining the content of national standards?

Do not forget to consult with users (and groups representing more vulnerable users). Community Transport Operators may provide a point of access to existing and potential taxi users – and some insight into issues people have had with using taxis and private hire under current arrangements – e.g. especially disabled passengers.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

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Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

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Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

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Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

--

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	X
No	

Please explain your answer.

--

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

--

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	

Please explain your answer.

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Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	
No	

Please explain your answer.

Most taxi operators are very local, and issues such as compliance monitoring and enforcement will need to be carried out locally. I suspect Option B would be a more workable solution than Option A. The JTA should have overall responsibility for the National Standards.
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Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

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Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

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Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Community Transport is not considered at all in the consultation, despite the fact that significant support for CT services currently comes from Local Authorities. There would presumably be a significant role for support JTAs but this is not considered at all in the consultation.

Given the huge difference between the rural and urban areas in terms of the viability of bus services (i.e. mostly commercial in urban areas, mostly subsidised/very few commercial in rural areas) it is important to ensure that the new arrangements do not disadvantage rural areas.

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	X
No	

Please explain your answer.

The four Councils in South West Wales have a long and well established history of collaboration in the provision of transport planning and services. The four Councils, Carmarthenshire County Council, Neath Port Talbot County Borough Council, Pembrokeshire County Council and the City & County of Swansea were formerly constituted to work together as the South West Wales Integrated Transport Authority (SWWITCH). This consortium was unfortunately dissolved by the Welsh Government, thereby ending joint regional working. Nevertheless, such was the value of the relationships and collaborative services, the four Local Authorities have continued to work together in the past few years, albeit in a more informal fashion.

Transport services are often cross boundary and to ensure provision and quality of service for the travelling public it is therefore important that local authorities work together. The four Local Authorities in South West Wales operate under a Joint Local Transport Plan for the region, which was published in 2015. The Councils similarly work together on the management and administration of the Bus Services Support Grant.

The relatively recent formation of the Swansea Bay City Deal Board has further endorsed the value of regional working in the promotion of the economic development ambitions for the region.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

The following comments refer to the JTA proposals with regard to bus services. Separate comments on proposals regarding Taxis and Private Hire vehicles are made in Section 2.

A national JTA with 4 regional JTAs would be the preferred structure. This would be more effective in helping to achieve fully integrated public transport across Wales. This should assist in ensuring that local knowledge is not lost and networks are planned effectively.

This would provide consistency of approach at a national level with regional JTAs, aligned to the City Deals and Economic Partnerships, providing an understanding

of local service and infrastructure requirements. It will be important to establish clear Governance for both the National and Regional JTAs, the links between the two tiers, funding, and how the democratic interface will work.

Q3. Is there another organisational structure for JTAs that we should consider? Please explain your answer.

The four Councils in South West Wales would prefer a slight revision to option two, requesting that the Regional JTAs are split into four rather than three, allowing South West Wales to continue to operate in the established grouping which has been so well consolidated in recent years.

The Councils have a long history of working together and these relationships would be invaluable in providing the footing and context for the development and implementation of transport in the region.

Transport would be best provided along lines to conform to the city regions in order to promote consonance between the aims of the economic development and transportation strategies.

It will be important that the JTA structure is aligned and feeds into the Swansea Bay City Deal Board to complement its aims.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

It will be important for the Welsh Government to consider how JTAs are implemented without diluting local democracy. The Councils in South West Wales would therefore welcome greater clarity on how local decision makers, i.e. Council Cabinet Members can be integrated to the JTA model in order to ensure local accountability.

Welsh Government Ministers will need to be involved in the planning of transport but discussion will be needed to determine the best way for this to happen. It may be appropriate for Welsh Government Officers to be represented at a regional level in the working groups supporting the JTA.

Whilst the primary concern for the Council is to ensure that local democracy is not curtailed by the proposal for JTAs, it is also acknowledged that there is need for third party accountability to ensure that decisions are made in the best interests of the region.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

Ministers should be able to issue guidance and directions to JTAs and to intervene where JTAs are failing to deliver. Local authorities should still be responsible for determining the regional priorities and overseeing programme delivery.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

The division of the functions is sensible but there is some overlap between the roles. Clarification is needed on some of the responsibilities before a more definite assessment could be made.

Where there are nationally applied schemes, such as vehicle quality standards, concessionary travel and grant payments, then it is sensible for these to be administered centrally. However regional and local differences need to be considered for example when applying vehicle standards as expectations are different between urban and rural areas. There may also be adverse impacts on local economies where functions such as bus shelter provision and maintenance are centralised.

Whilst contractual arrangements for bus services could be standardised and carried out nationally, the planning and implementation of bus services is best done at a regional and local level due to the importance of the knowledge of local government officers and also to ensure that democratically accountable local councillor views are taken into account.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

The South West Wales Region has collaborated in a number of areas over recent years including the administration of bus service and community transport support, home to school transport policies, concessionary fares management and the development of cross boundary strategic bus corridors.

Further discussions will be necessary to consider and evaluate the appropriateness of transferring further functions into the JTA. As most authorities have implemented Integrated Transport Units to improve the efficiency of Council funded transport services, consideration needs to be given in any responsibilities proposed for JTAs on the impact they will have on the interworking of school, social care and public transport arrangements.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	X
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Please explain your answer.

Enhanced Quality Partnerships will provide passengers with improved quality and effectiveness. We already work with operators to achieve similar objectives under informal working partnerships. The EQP does have the distinct advantage over QPS because they will be developed in collaboration with bus operators.

A key consideration of implementing EQP's is the financial commitment which could be necessary to secure the desired improvements.

Cross ticketing is one extremely important element which would improve the viability of a competitive bus industry. Consideration should be given as to whether it is possible to mandate cross ticketing through legislation. This could assist with supporting smaller operators who are running less lucrative commercial routes.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	X
No	

Please explain your answer.

The development of an EQP plan and schemes through collaboration with bus companies is more likely to be successful than something which bus companies may perceive as being imposed upon them.

Extensive consultation on the establishment of EQP schemes would be required and this is presumed to be a responsibility which would fall to Local Authorities. This would need to be properly funded and supported.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	X
No	

Please explain your answer.

The use of a franchising model, whilst potentially granting greater control of public transport planning, will require a significant back office resource to prepare and deliver it. It is not entirely clear or certain whether this would deliver benefits which are greater than that of the current de-regularised bus model. It could also result in companies that are not successful in obtaining a franchise leaving the area resulting in future lack of competition for tenders.

The level of funding required to deliver effective franchising cannot be underestimated.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	x
No	

Please explain your answer.

Yes. The use of independent audit will be important to ensure that the delivery mechanisms are operating properly and delivering best value and services for the public.

Q12. Do you have any other comments on the proposed process for franchising?

Franchising of public transport in Wales may offer benefits over the conventional model, but will require a radical change to funding to support such a move. Such a model would require a significant amount of upfront revenue for the transitional period, as well as for the establishment of teams to undertake all of the necessary planning, modelling and marketing.

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

No, the proposal seems logical as long as permits and franchised routes operate to the same standards.

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	X
No	

Please explain your answer.

SMEs provide essential services, particularly in those areas which are poorly served by larger commercial operators. However, these same SMEs are often not set up administratively to deal with complex procurement processes. Therefore, significant support will be required to ensure that these operators are engaged fully with the process.

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

Public Transport Bus Services must not be compromised by the transition to franchise system, if that is determined to be a more favourable model. There is a potential risk that if a franchise model was to be announced, that public transport providers may choose to withdraw their services before alternative systems are in place. This would have a significant impact upon those who rely upon public transport services to access employment opportunities and key services.

The Welsh Government may therefore need to consider how short term contracts can ably and flexibly be put in place in order to ensure an orderly transition to an alternative model.

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

There is some concern that whilst Local Authorities will certainly bring significant understand of the local context and pressures, that there is insufficient resource within Local Government to practically take on the responsibilities of running bus services in-house. Local Authorities will largely face the same challenges as the commercial sector and without significant revenue investment from the Welsh

Government it is unlikely that the Government can be certain that this change will deliver the improvements that are being sought.

Outside of the urban conurbations, there is little or no competition due to the relatively low scale of these markets. The rural areas can also struggle to attract a sustainable supply of drivers for public transport vehicles. This is a pressure which will be faced regardless of the delivery model.

The Councils of South West Wales would appreciate greater consideration to alternative delivery models which make the most of the invaluable knowledge and democratic accountability held by Local Authorities, but match this with an appropriate resource to ensure a significant change for the provision of public transport. An arm's length company or JTA delivery organisation may provide the framework to allow Local Authorities to provide advice and input whilst centralising the operational resources across a number of local authorities.

Q16a. In what circumstances do you think this would be appropriate?

Where there is little or no competition or when prices are inflated unreasonably because there is only one tenderer. This is often the case in areas where residents have limited access to services and have no other travel options. In these instances this is possible now using section 22 permits.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

Standards should be at least equal to commercial services. Care must be taken not to "cherry-pick" profitable commercial routes and it is therefore suggested that in house provision might be better suited to the types of services which are considered to 'socially necessary' but are not felt to be economically viable by bus operators.

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

Yes.

Q17a. In what circumstances do you think this would be appropriate?

Where there is a lack of commercial operators prepared to tender for routes. SME bus operators are often happy providing school and private coach provision but public transport services are often considered onerous due to the associated administrative burden, grant claims, vehicle quality standards, need for ticket machines, 6/7 day and evening operation and the relative scarcity of drivers.

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

If the company is an arm's length company, this levels the playing field and would allow the company to make profits. Therefore, there should be no additional safeguards.

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

It is recognised as to why it may be necessary to look at changes to the eligibility age for concessionary fares in order to reduce the financial pressures. However there will be impacts on the community and a frustration for those who will be negatively affected. It is important that all options are explored in terms of the continued viability of the concessionary fare scheme before making the decision.

Q19. Do you agree that an incremental change is the most appropriate method?

The incremental change approach is probably the least impactful way of introducing a change to the age of entitlement to concessionary fares. This would mean that it would align with the measures to harmonise pension entitlement.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	X
No	

Please explain your answer.

Mandatory data sharing agreements are believed to provide a good means to determine demand and travel patterns across our region. The benefits of data sharing are expected to be broad.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	X
No	

Please explain your answer.

Without this knowledge, maintaining accurate roadside information and RTI, where appropriate, would be impractical. Fare revenue, boarding and stop data are also required in order for the potential contractor to evaluate the viability of the route.

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	X
No	

Please explain your answer.

Yes, this is consistent with the previous consultation work undertaken between the All Wales Licensing Expert Panel, which is one of a number of expert panels set up under The Directors of Public Protection Wales (DPPW) and the Welsh Government lead on taxi reform in Wales. It is also consistent with recommendation 2 made by the “Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]” and the Law Commission review “Reforming the Law of Taxi and Private Hire Services” [2012]”.

National standards would ensure that taxi services are delivered consistently across Wales and also address existing perceptions of the unnecessary inconsistency that currently exists across Councils.

Q23. Are there any matters which you would like to see contained in any national standards?

Separate national standards should be defined for vehicles, drivers and operators. The following matters should be included, although this is not an exhaustive list:

- Enhanced DBS and Barring List checks (certificate of good conduct for overseas applicants) for drivers, operators, proprietors and dispatchers. The Panel believe that anyone taking or holding an individual’s personal information should have to be vetted to ensure that that person is safe and suitable (“fit and proper”).
- Medical fitness and specifically the requirement of Group 2 Medical Standards and the need for the applicant’s full medical history to be noted by the completing GP. Standards should also consider consistency of the issue of exemption certificates in terms of Equality Act duties.
- Immigration checks specifically the Right to Work in the UK
- Suitability of applicants and licence holders. The Institute of Licensing has published guidance on determining the suitability of applicants and licence holders in the hackney carriage and private hire trades. The criteria used in this guidance should be incorporated into any national standards
[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)

- Nationally-recognised vocational qualifications to include disability equality and awareness training, safeguarding awareness training (Child Sexual abuse/Exploitation, County Lines), practical driving standards test, communication skills and literacy, customer care, handling of emergencies, managing conflict etc.
- Knowledge and suitability test (literacy, numeracy, highway-code, conditions, local area knowledge).
- The criteria for acceptance of foreign driving licences

In addition, this Authority would recommend the following matters be included in relation to vehicles:

- National Inspection Standards, the frequency of inspections and testing, including the criteria for testing. Consideration should also be given to the suitability and availability of testing stations and how they are approved e.g. consider if use of Trade owned testing stations are appropriate.
- Design and appearance and internal spatial requirements of vehicles, including the approach to identify taxis and private hire vehicles.
- The information which should be contained on vehicle identification plates and door signs.
- Standards for specialist and novelty vehicles, such as stretched limousines, wedding and funeral cars, omnibuses and pedicabs.
- Standards for taxi meters, including the criteria for Pulse and GPS meters.
- The use of and standards for CCTV within vehicles, both audible and video, as outlined in recommendation 17 & 18 “Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]”. The Information Commissioner’s Office has produced advice for councils and other organisations in using surveillance and CCTV systems in licensed taxis. A national standard should take account of this advice.
<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand> The LGA Guidance has also now been published.
<https://www.local.gov.uk/developing-approach-mandatory-cctv-taxis-and-phvs> The cost of fitting CCTV within licensed vehicles particularly for small businesses may be prohibitive and consideration could be given to the provision of subsidy from Welsh Government.
- Record Keeping including the retention period required. This authority considers that records should be kept for all journeys undertaken. It is appreciated that there may be practical difficulties with taking this approach and an alternative option could be to use technology to improve overall safeguarding requirements. The use of technology such as CCTV, trackers and GPS systems would provide a more robust system for record keeping without placing an additional administrative burden on taxi drivers.
- Environmental considerations such as vehicle emission standards.

The standards for some of the points recommended are already included in guidance, such as the Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010), although this is in need of updating and should be taken into account when developing national standards

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

In addition this authority would recommend that mandatory training is introduced as a requirement for all individuals involved in the licensing decision-making process. Consistent and appropriate training of officers, Councillors and Magistrates' legal clerks (for appeals) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Finally, any national standards developed should be consistent with criteria implemented in England to reduce variations in driver, vehicle and operator requirements especially around the border areas.

Q24. Are there any matters which you think should be excluded from any national standards?

This authority does not consider that there are matters that should be excluded, although national standards should not duplicate other legislation.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

The main obstacle will be applying the national standards to the 10,000 vehicles and 12,000 drivers currently licensed in Wales and the provisions that will need to be in place for transitional arrangements and "grandfather rights". Consideration will also need to be given to finding suitable, consistent standards which would work for both urban and rural areas.

Q26. What would be the best approach for determining the content of national standards?

There are already a number of national policies in place which have been adopted by a number of Welsh Local Authorities in order to provide a level of consistency between areas, such examples include:

- National Inspection Standards for hackney carriage and private hire vehicles, and
- Institute of Licensing Guidance on determining the suitability of applicants and licences in the hackney carriage private hire trade.

There are also some excellent examples of local taxi licensing policies and standards in place which have been developed and applied at a local level.

Welsh Government should first establish what policies and standards are already in place in Wales and then draw on the knowledge of licensing practitioners who have expert, practical experience of undertaking taxi licensing work on a daily basis.

It would be remiss of Welsh Government to disregard any policies, standards or procedures which have been developed by licensing professionals and which actually serve to provide a robust service against a backdrop of legislation which is woefully inadequate and outdated.

The All Wales Licensing Expert Panel consists of managers and team leaders who have extensive knowledge and experience in the taxi licensing field and should, without question be heavily involved in the development of national standards.

It is suggested that Welsh Government also need to engage with passenger safety groups and operator representatives by way of meetings, seminars and workshops.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

The previous Welsh Government consultation on Taxi and Private Hire Vehicle Licensing in Wales [WG31865] referred to “national standards for all taxis and private hire vehicles, set by Welsh Ministers, with the power for local licensing authorities to set additional conditions where it is appropriate to do so”

Although the White Paper makes no reference to minimum national standards, it is worth noting that this authority would not recommend local licensing authorities be permitted to set additional standards which are above the national standard. Consideration should however be given to the need for local authorities to agree local conditions which may be relevant to their local needs e.g. Swansea Council currently has a colour policy for both hackney carriage and private hire vehicles. Clear guidance should be issued in respect of what criteria may be subject to local conditions, again developed using existing staff and groups with extensive knowledge and experience in the taxi licensing field.

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

This authority considers that the revocation of a vehicle licence should be the responsibility of the home licensing authority. Where it is proposed that action is taken to revoke a licence, it is essential that the licence holder is given the opportunity of a fair hearing which is a requirement of Article 6 Human Rights Act and protects your right to a fair trial. The licensing authority that issued the licence will also have invaluable background/local knowledge of the licence holder, will have immediate access to the history of the vehicle and any complaints received and should be responsible for recovering any fees associated with taking the enforcement action. It is noted that proposals in relation to fee setting are not included in the White Paper.

This Authority considers however, that it is appropriate for any authorised officer from any licensing authority area, to have the power to immediately suspend a licence of any vehicle operating in their area under Section 68, Local Government (Miscellaneous Provisions) Act 1976, irrespective of where the vehicle was licensed. This action is currently taken where there is an immediate public safety risk e.g. defective tyre and potentially could be taken where the vehicle fails to meet the national standards e.g. missing door signs / back plates. The authority that issues the suspension should then report the matter to the home licensing authority for them to consider whether to lift the suspension or take further action.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

This Authority considers this would be of benefit in aiding the home licensing authority in determining whether any further action is required e.g. improvement notice / advisory / warning. The introduction of a system of issuing Fixed Penalty Notices would bring taxi and private hire enforcement in line with other areas of local government but a referral scheme would need to be developed to notify the issuing licensing authority so the practical implications of this would need further consideration.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

The All Wales Licensing Expert Panel has previously been in discussion with Welsh Government about introducing the power to stop and direct taxi and PHVs. This would be a useful and beneficial addition to the enforcement options currently available to local authorities.

Currently licensing authorities are unable to attach conditions to hackney carriage driver licences, to address this some local authorities have byelaws in place. It is recommended that relevant existing requirements are incorporated into national standards

This Authority would recommend that other enforcement provisions be introduced by Welsh Government such as where a driver refuses a fare due to the short distance involved or for cases of overcharging.

This authority would also recommend that mandatory training is introduced as a requirement for all individuals involved in the licensing decision-making process. Consistent and appropriate training of officers, Councillors and Magistrates' legal clerks (for appeals) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	X
No	

Please explain your answer.

The establishment of a mandatory national database of all licensed drivers is critical and it is considered that this database should be expanded to include vehicles and operators, proprietors and dispatchers to support stronger enforcement. This must be established as a priority.

In the interim, the National Anti-Fraud Network (NAFN) currently provides an online register of taxi and private hire drivers who have been refused or had their licence revoked. The database includes the reasons for any refusal or revocation, along with the relevant licensing authority details. It is considered that Welsh Government should introduce legislation to make use of this database a

mandatory requirement as a priority. This is currently being progressed in Swansea.

In addition it is considered that any national database must be able to link with an equivalent database in England to avoid duplication of data entry and ensure public safety particularly around the border areas.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

The Common Law Police Disclosure provisions have been highlighted as a significant concern across Wales through the Licensing Expert Panel previously. These proposals do not cover this issue. It is essential that current disclosure provisions are reviewed to ensure that all relevant information of crimes and conduct by taxi and private hire drivers, including arrest, charge and conviction information, is shared with the licensing authority immediately.

It is appreciated that Welsh Government may be limited in influencing this suggestion but it is essential to ensure all drivers, operators, proprietors and dispatchers are safe and suitable for their role. Any influence Welsh Government could have on this to improve information sharing on public safety grounds would be welcomed.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	X

Please explain your answer.

This Authority does **not** support this proposal as there is no evidence to support the need to redirect the existing taxi and PHV licensing functions away from Local Authorities. At this stage there is no detail contained within this white paper in relation to how the JTA would undertake the licensing function and therefore it is very difficult to be able to answer this question.

This Authority considers that insufficient research has been carried out in respect of this proposal and to enable this authority to make any meaningful comments, Welsh Government must produce a far more detailed explanation on how the JTA would work. This Authority's overriding concern is the protection of the public and there is nothing contained within this consultation document which suggests that public safety is at the forefront of this proposal.

In addition, local authorities have a duty to consider the WG's Framework for Managing the Night Time Economy in Wales. Authorities need to consider the transport need of their local evening and night time economy as part of an integrated approach, which includes the importance of taxis and PHVs. Partnership working between key local agencies such as the Police (including transport Police), local authority licensing and the taxi trade offer the best opportunities for achieving sustainable late-night transport environments that also promote safety. Removal of the duty from local authorities would not be beneficial to implementing plans for improving the night time economy as a whole. This Authority would however be happy to consider the evidence for Welsh Government's proposals and to work closely with them going forward to ensure any reform of taxi and private hire vehicle legislation is robust, enforceable and improves public safety.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	X
No	

Please explain your answer.

Yes, this authority strongly believes that local authorities should continue to have responsibility for taxi and PHV licensing. It is appreciated that the licensing function requires strengthening but it is clear that licensing at the local level works well and provides a sound basis for the other improvements proposed. Additional evidence is requested from Welsh Government to justify the proposed introduction of the JTA for taxi licensing instead of it continuing as a local authority responsibility.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

This Authority believes that the current proposals contained within the White Paper fall far short of the reform that taxi and private hire licensing so desperately requires. The previous set of proposals contained within the Taxi and Private Hire Vehicle Licensing in Wales [WG31865] would have introduced a robust taxi licensing regime which was fit for the 21st century and afforded local authorities the necessary tools to protect the public, tackle cross border working and introduce more powers for better enforcement. It is accepted that the existing legislation is archaic, not fit for purpose and requires fundamental reform with new primary legislation but what is currently being proposed appears to be a quick fix and offers nothing more than a sticking plaster solution.

The proposal to reform taxi licensing legislation provides an excellent opportunity to introduce a much needed change and one that is welcomed by this Authority. In view of that it is suggested that detailed consideration is given to the recommendations of the “Ministerial Working Party into Hackney carriage and Private Hire Licensing in England [2018]” which builds on the work undertaken by the Law Commission “Reforming the Law of Taxi and Private Hire Services [2012]”.

These recommendations would modernise the existing legislative framework, introduce appropriate regulation and give licensing authorities the necessary enforcement tools to better protect the public. The recommendations would also go a long way towards removing the inconsistencies that exist between Welsh and English authorities, particularly along the border.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

Welsh Government must have regard to the Welsh Standards as set out by the Welsh Language Commissioner. It is important that applicants are able to apply in their language of choice. Positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks.

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

See above

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

No further comments.

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	X
No	

Please explain your answer.

Firstly, as transport patterns and travel needs do not fit neatly within Local Authority boundaries, JTAs could be useful in ensuring services are integrated and consistent across the county areas.

Similarly, different approaches and levels of support for community transport can mean that there are considerable differences in services available in the local authority areas. For example, funding agreements range from £5k to £40k meaning very different levels of service even in neighbouring areas even though local transport needs do not vary to this extent.

Practical support and working relationships with Local Authorities are also variable, so we would hope that JTAs could offer a way to ensure greater consistency across Wales and allow community transport to improve services by allowing all LAs to learn from those examples where community transport is well supported and working effectively.

Much of the support provided to community transport operators (CTOs) is provided to organisations through Local Authority transport departments, however, many organisations receive further funding from Social Services, Education and Health Boards so JTAs would need to bring these together to really plan transport successfully.

Some of our members thought that JTAs could have a role in identifying grant opportunities to help CTOs to finance vehicle replacement and develop further services or provide training. CTOs also felt that they were often the last resort and brought in to fix things when they have gone wrong whereas they believe they should be central to transport planning right from the beginning given the vital nature of their services.

In terms of concerns, our members are nervous that JTAs would weaken their relationship with Local Authorities and that it could have a negative impact on funding. On the other hand, some operators felt that the JTAs could help to streamline operations and improve funding strategies.

There are also concerns that community transport is conspicuous by its absence in a consultation about 'Improving Public Transport'. Going forward, we recommend that clarity is provided on where community transport fits within bus provision for Wales

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and the Welsh Government's vision for public transport. In addition, further clarity and consistency in how the sector should be supported to deliver transport for all in Wales would be welcome.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

A single national JTA could provide an opportunity for a consistent approach to delivering community transport across Wales to ensure a strategic approach to development, funding and capacity building. It would be important, however, to allow the sector to be represented to ensure good understanding of community transport and the opportunities and challenges for this provision. Overall, a national strategy for transport which recognises the essential role of the third sector as a partner in the delivery of a wider transport network would be beneficial for both operators and the passengers who rely on community transport services.

In terms of the plans for regional authorities, we believe that practical support for transport delivery is more appropriately planned at this level. As set out in Q1, there is considerable difference in support for community transport across Local Authorities and regional JTAs could ensure consistency. To be successful, these bodies would need to find a way to work with community transport operators and look at good practice in Wales to ensure a more consistent level of support and therefore service to the end user.

Q3. Is there another organisational structure for JTAs that we should consider? Please explain your answer.

It would be worthwhile to consider how the regional JTAs fit with other administrative areas such as Health Boards and joint working arrangements which are emerging as an alternative to merging Local Authorities. Local Authorities' most natural structure would be the same as the former transport consortium areas, however, we think that there needs to be an alignment with health board areas to really be effective.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

We believe that Ministers should provide direction to a national JTA and have oversight but we think it would be difficult for Ministers to hold the body to account whilst being a member of it.
We think it would be inappropriate and impractical for Ministers to be represented on

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three Regional JTAs but these bodies should take strategic direction from the National JTA, informed by Ministers and should be held to account for delivering priorities in line with a national vision.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

We think this would be a sensible approach to ensure priorities are delivered in the event of a situation where the JTA is failing to deliver. However, if Ministers were represented on the JTAs, this would not be possible which is why we believe they should direct, oversee and hold to account rather than participate directly.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

We don't believe that there is a need for a separate, national JTA as we believe it would be most appropriate for this to sit within Transport for Wales which is the body responsible for delivering transport.

It could make sense for a national body to develop the overall strategy and regional to plan delivery. We would say, however, that we believe that transport solutions should be developed from the ground up to ensure provision meets the unique needs of individual communities. Therefore, all JTAs should work with the community transport sector to ensure decisions are informed by this local knowledge.

In order to facilitate this and to ensure community transport is recognised and included in the wider transport piece, sector representatives should be included as members of the JTAs and engaged as key stakeholders. It would also be important to ensure that organisations representing passenger needs are part of these decision-making bodies to ensure the user is able to inform planning.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

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We would welcome clarity for our members on whether responsibility for supporting the community transport sector would be devolved to JTAs and also whether the remit will include school, SEN and social services transport. We believe that all aspects of transport need to be brought together in order to plan provision effectively.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	
No	X

Please explain your answer.

We think that building an operator alliance could be more effective than Enhanced Quality Partnerships. Regardless of the approach, we believe that community transport operators should be recognised alongside commercial operators when developing plans.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	X
No	

Please explain your answer.

It makes sense to develop the EQPs collaboratively and we would urge authorities to include the community transport sector as a partner in the process. As well as being a service provider and having knowledge of requirements and good practice at a local level, community transport operators have specialist expertise to share around access and inclusion which we would expect to be an important part of EQPs. We believe that a measure of success of any quality partnership should include whether it contributes to the overall accessibility and inclusivity of the transport network and this should be embedded within the high-level requirements.

In addition, we believe that passenger views and needs should be considered in the development of EQPs, this would also include the views of more vulnerable passengers with additional needs to ensure all passengers are included in service design and delivery.

We believe that the duty to consult should include the involvement of a broader range of community members beyond existing passengers, including providers of alternatives to the mainstream network (i.e. holders of permits for running not-for-

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profit transport services) and charities working with people who currently face barriers to being fully able to access today's passenger transport.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	
No	

Please explain your answer.

Providing Local Authorities with a range of options for providing bus services is welcome. We note that all franchising proposals must be passenger focussed and respond to local transport needs. We would urge that this includes the provision of accessible transport services as delivered by community transport operators to ensure that the needs of the vulnerable are not overlooked in commissioning services this way.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	
No	

Please explain your answer.

We don't have a view on this, other than to say that there ought to be democratic accountability to local elected leaders with a high degree of transparency and public scrutiny.

Q12. Do you have any other comments on the proposed process for franchising?

Moving from a purely commercial network to a publicly commissioned one will not necessarily lead to a transformation in the range and quality of provision. We therefore believe the franchising must consider the role of the charity and not-for-profit sector from the outset in order to achieve a more integrated local network that is more resilient to the pressures that a purely commercial network would face. This would include integrating both demand responsive transport services and services operating along fixed routes. We therefore need to find ways to see networks as defined operating zones, which include multiple modes, a mix of profitable and

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socially necessary subsidised services (not just tendered bus routes).

It must also consider more innovative ways of creating a whole network approach. It is important that contracts are not over-prescribed to enable innovations and flexibility to experiment in the early stages. Many of the best examples have a non-prescriptive contract based on desired outcomes and rely on joint planning between the authority, operators and communities.

We would urge that Local authorities be required to consult with the charity and not-for-profit sector from the outset to ensure that the needs of vulnerable people are represented and so that community transport organisations may be part of the solution or at least able to raise any concerns over services that may impact their own provision. In developing any bus services, there is a risk that community transport services could be impacted which may affect some of their services which in turn could mean that the services for the most vulnerable cannot be delivered.

The Welsh Government should implement a 'Total Transport' approach to look at how publicly commissioned transport services could be more integrated and collaborative. This would involve establishing how public policy divides could be crossed to integrate services, budgets, and expertise, across transport provision within health, education, and local authority transport. Members told us that community transport should be funded to pilot innovative ideas to integrate health and care services with other activities aimed at targeting isolation and mental health. In this light, we would support a 'Total Transport' scheme designed to achieve these aims.

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

We would wish to see clarification for how the operators of local bus services using Section 22 Permits and services using Section 19 permits will be treated in an area where a franchising approach is being taken.

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

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Yes	X
No	

Please explain your answer.

Fundamentally, there is a symbiotic relationship between community transport operators and local authorities which depends on positive relationships. The Welsh Government should ensure the mechanisms are in place that enables community transport to be a strong partner in the debate with Local Authorities on what local services should look like and how these should be commissioned. In turn, this will help the Welsh Government develop community-based solutions to the pressing transport challenges of our time, including carbon efficiencies for our public vehicles, and developing more dementia friendly travel options.

The success of partnerships and franchises should be judged by how many additional passengers are able to access the bus network. We would encourage the Welsh Government to consider how targeted investment could encourage community transport operators to undertake new services in areas poorly served by the commercial network.

Too often community transport is asked to provide a service as a last resort, once everyone else has had a go and proved they cannot make it work. When designing franchises, Local Authorities should have to consider the role of the community transport and the voluntary sector from the outset. Early consultation with local communities on bus services is happening in some parts of Wales but according to our members this is not yet universal.

Local Authorities should be encouraged through franchises, and partnerships, to consider how demand responsive transport can be integrated into the transport network. Again, this should look at cars and smaller vehicles, as well as integrating demand responsive services using minibuses. Demand responsive transport does not always have to be delivered by the community transport sector but this should be a conversation about how all services, and providers, can make the biggest impact on the travel network.

An opportunity will have been lost if we merely replace a failing local commercial monopoly with a commissioned monopoly where one operator does everything.

Franchising Transition Arrangements

Q15.What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

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It would be important to ensure that changes do not jeopardise community transport services, in particular, those delivered using Section 19 & 22 permits. It is also important to understand that many community transport operators rely on delivering Section 22 routes to subsidise Section 19 services which support the most vulnerable passengers through door to door, demand responsive transport.

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

In some cases, bus services run directly by Local Authorities can work and our members supported this where it could be affected. There were some concerns, however, because some of our members felt that Local Authorities do not have the necessary skills in-house to be successful.

Q16a. In what circumstances do you think this would be appropriate?

It may be appropriate for Local Authorities to run bus services directly in situations where the market has failed and there are no other options available.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

A potential conflict of interest exists if a Local Authority is both a commissioner and an operator in the market it is commissioning from.

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

We think Local Authorities should have the power to ensure necessary services are available for all communities, however, we believe it is difficult for an organisation to be both commissioner and provider due to challenges in holding itself to account in the same way as they might for external providers.

Q17a. In what circumstances do you think this would be appropriate?

We do not have a view on this.

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Q17b. What, if any, safeguards to you think should be put in place with arms-length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

We believe it is difficult for an organisation to be both provider and commissioner. It is also a concern for the community transport sector that if legal proceedings against the commissioning body were ever taken forward, the sector would not have the resources to be represented.

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

We agree with the Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age and recommend that savings made be directed into the provision of transport services for those most in need.

Q19. Do you agree that an incremental change is the most appropriate method?

Incremental change seems the fairest way to introduce a new age of entitlement for concessionary fares.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	X
No	

Please explain your answer.

CTA supports the proposals to require the release of open data on routes, timetables, fares and tickets, as we believe that it will improve service planning, design and delivery. We also think that it presents an opportunity for community transport operators to work with Local Authorities to best assess where community transport services can have the greatest impact in alleviating isolation.

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Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	X
No	

Please explain your answer.

We agree with the proposal to enable Local Authorities to have the power to share information on services to be cancelled or varied through the tendering process because it is important that services are maintained where possible and this provides clarity for all on at-risk services that other providers may be able to maintain.

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	X
No	

Please explain your answer.

We believe that taxis and PHVs should have a clear standard of operation. We would hope that this would improve access for those with greater needs to ensure people of all abilities can access services.

Q23. Are there any matters which you would like to see contained in any national standards?

CTA is aware of varied standards when it comes to access and would like greater consistency and a more robust approach. Feedback we receive from members is that wheelchairs are often not secured properly or where accessible vehicles are booked, in too many cases, the wrong vehicle arrives. Sometimes more vulnerable passengers may need additional assistance so national standards may allow Welsh Government to ensure a decent standard of service for those with additional needs.

Q24. Are there any matters which you think should be excluded from any national standards?

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We do not have a view on this.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

A barrier may be that the sector doesn't want a set of standards to work to and may feel this is burdensome. Welsh Government should be clear about objectives and develop a shared vision that the industry can get behind.

Q26. What would be the best approach for determining the content of national standards?

Determining the content of national standards should involve engagement with a wide range of stakeholders to ensure all perspectives are considered and used to inform plans. Organisations from outside of the taxi & PHV industry should be engaged such as community transport, Disability Wales, Local Authorities and more. Proposals should be developed in partnership and consulted on before any formal introduction.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

We believe that if there is a reason to revoke or suspend a license then any Local Authority should be able to do this.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

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We believe that if a Local Authority believes there is a reason to sanction a vehicle operating in its area, they should be able to do this even if they did not issue the license.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

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Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	X
No	

Please explain your answer.

We agree that data should be stored and shared in the interests of safe-guarding.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

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Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	

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Please explain your answer.

We do not have a view on this.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	
No	

Please explain your answer.

We do not have a view on this.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

We do not have a view on this.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

We do not have a view on this.

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

We do not have a view on this.

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

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We do not have a view on this.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	X
No	

Please explain your answer.

This approach lends itself to more joined-up thinking across what are today somewhat artificial borders. There are problems with the current scale of some authorities, which are unable to attract competent staff and sufficient budget. As well as having sufficient critical mass to overcome these deficiencies, Joint Transport Authorities (JTAs) could help with local resource-spreading (staff and funding) across different areas of expertise and geography. Furthermore, a consistent approach across authorities will be easier with fewer authorities.

In terms of improving the local bus network, we note that there is no proposal to change the current regime where under the Transport Act 1985 the obligation to identify socially necessary services but there is no obligation to tender for their supply.

It is not clear what is meant by “bus grants” referred to in consultation paper p 12.

Looking at the assessment of the challenges and issues, it must be remembered that only a small proportion of bus users make (or want, or need, to make) multi operator or multi modal journeys – most people make one or two simple journeys every day. Many poor air quality issues are ones that can be solved by, rather than are derived from, bus services. Poor rural services are often the result of the authority tendering on a “lowest common denominator” basis rather than engaging with commercial operators to develop enhancements to commercial services. Furthermore, some supported services can detract from and undermine commercial ones – especially when free fares are offered on the former at some times. More use should be made of the opportunity of using “de-minimis” rules to effect changes to commercial services to meet the socially necessary but non commercial requirements without the expense of supporting a whole service.

Operators are able to deliver multi operator and multi modal products but these only confer benefits where there is demand (or latent demand) for them. A wider than necessary product range just generates confusion for passengers. First Cymru offers the First Bus and Rail Card in south east Wales, and a wide variety of through fares linking both TrawsCymru and commercial First bus services to the Transport for Wales rail network. We also participate in the South East Wales Network Rider ticket and we are working with Transport Wales to explore opportunities to put ITSO smart ticketing onto a mobile platform in the Swansea area.

Our work with Swansea City Council demonstrated what partnership working can

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deliver on the cross-city Metro corridor with significant investment in vehicles and infrastructure. This is a legacy which could be developed further with the JTAs which should be able to attract sufficient funding and expertise to implement meaningful priority and corridor improvement measures to reduce journey times and improve bus efficiency.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

It would be advantageous to bring non-emergency patient/healthcare/social services transport within the scope too – the budgets for these are far higher than those for public transport supported services and the degree of provision far greater, with greater scope for savings and efficiencies. This requires a meaningful working alliance with the healthcare trusts who will be able to identify where they incur cost penalties through cancelled and missed appointments and excessive patient ferry costs that could be reduced by a little public transport investment.

First Cymru's preference is for four regional JTAs to ensure that the benefits of local expertise are retained, and to accommodate the widely differing operational and commercial characteristics of the Welsh regions (SE, SW, central and North).

Q3. Is there another organisational structure for JTAs that we should consider? Please explain your answer.

In addition to the integration with the passenger transport functions of the health authorities referred to above, whilst the proposed structure looks appropriate, its scope would benefit from being widened. There are other local authority functions currently undertaken in piecemeal fashion at a local level. Full details are provided in response to Q7 below.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

This will depend on whether or not this is a voting position and the voting rights associated with it. For instance, it would not be appropriate for Welsh Ministers to have a power of veto over any decision being taken by a JTA, or to have a casting vote in the event of deadlock.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

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It is essential that there is a safety net to rectify the situation where a local authority body does not discharge its responsibilities correctly; therefore “step-in” rights for the Welsh Ministers are entirely appropriate in such a case.

Powers to issue guidance and directions are considered to be beneficial and there is certainly a need to disseminate best practice, and to ensure that there are consistent high standards set for the JTA bodies. This needs to be moderated to ensure that, in particular, any directions or guidance are formulated having taken into account the requirements of all stakeholders including those responsible for service delivery.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

Considering proposed national and strategic functions, oversight of and support for network planning is sensible, provided that it is not over prescriptive and does not result in central control or dictation of networks. Quality standards must take account of local conditions and affordability, whilst ensuring that the benchmark of minimum legal requirements is always met.

In particular, partnerships need flexibility to suit local needs. Franchising – or even the threat thereof – stifles investment and will lead to operator distrust and cessation of operator initiative.

Standardising contractual arrangements would not be helpful as these are best designed between local partners, although within a standard framework to ensure fairness and a level playing field. Guidance from Welsh Ministers (or Transport for Wales) on the use of de-minimis arrangements would be highly beneficial (see response to Q1 above).

Procurement of equipment that is in the use of operators needs always to be on a fair and non-discriminatory basis and not lead to market distortions. For instance, where some operators have invested in technology and others have not, this technology should not be offered to the latter without requiring them to pay for it. This should be irrespective of operator size or ownership.

On the matter of bus inspectors, it is difficult to see how they could be centrally controlled when their function is to police the services provided by and conduct of staff of individual operators – and their customers. Whilst in principle such pooling of resources might be effective in respect of monitoring supported services, there may still be issues between local authorities (or JTAs) in terms of monitoring inconsistent (for valid reasons) contract conditions.

The need for common brand guidelines is questioned, after all a bus is a bus. Local identities and brands are important and can be generative through engendering a sense of local “ownership” – First Cymru’s Swansea Unibus, for instance, has generated significant patronage growth of 13% in the last 12 months alone. We have also achieved significant recent growth which has prompted service frequency

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increases on our services X6 CymruClipper (Swansea-Ystradgynlais), 25 Swansea-Blaen y Maes and 70/71 Bridgend-Cymmer routes. Operators' own brands also allow people to make an informed choice about which service can offer best value. First Cymru would welcome subsidiary common branding in the form of a "kitemark" standard, demonstrating that an operator (or a route) had met a higher level of quality measured against a consistent set of national standards. It has to be remembered, however, that setting too high an "entry level" common standard can lead to unsustainable services due to increased operating costs, leading to either increased costs of supported operation or cessation of operation.

Considering the proposed regional functions, we believe that all these should be a local responsibility. Nevertheless, we consider that some of those listed (in particular enhanced partnerships, local authority bus operation) are not and need not be necessary or appropriate.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

Yes – amplifying our response to Q3, the following additional functions should be the responsibility of a JTA.

Responsibility for highways matters – improvements, bus priority, infrastructure, allocation of roadspace, maintenance, roadside parking and all non-police enforcement activities should lie with the JTA. This should not just be a restricted set of traffic management functions otherwise there is potential for conflict and stalemate, or measures which are ineffective. All these issues are of paramount importance in delivering an efficient, effective and attractive bus service.

First Cymru accepts that land use planning decisions (in particular, location, site design, car parking provision and local bus access) are likely to remain taken at a more devolved level; however, there is a need for strong direction from the JTA to the planning authorities to ensure that these decisions are taken in a fully-informed transport context. This guidance and overview is a function that the JTAs should take on.

Stronger policy is required on the need for "S106" contributions from new developments. It is essential that new developments are located where they can be linked into existing or potential new services – not as cul-de-sac termini where the necessary "churn" of patronage to deliver a commercial service is not available. Providing information and introductory travel offers to new occupants of residential and office properties is a proven means of encouraging sustainable public transport use and this needs to be reinforced in planning decisions and consents, in conjunction with controls on car parking supply and charging.

Education and social care functions of the authorities must be integrated with the transport functions to ensure that use of resources is optimised and that the fullest range of services is available to all. Integration with the transport and planning functions of the local Health Authority will help in the optimum use of resources and budgets provided that the latter is fully aware of its overall transport costs and how these can be mitigated by a joined up local transport strategy

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It is also important to build and maintain a register of accessibility of bus stops and bus stations, and access thereto – bus operators are now required to operate fleets that are 100% accessible but many bus stops remain unsuitable for use by people with disabilities, and in some cases are entirely inaccessible to them due to the nature of road crossing facilities. But this problem can only be addressed in a piecemeal manner at present as there is no inventory of such facilities. Not only is it necessary to have a full and accurate inventory of such facilities in a user-friendly form, but authorities need to take action to improve accessibility as this still acts as a barrier to use of buses by many people with disabilities.

Considerable sums of local authority funding are used to provide statutory home to school transport for children. Using this funding more imaginatively and integrating this statutory requirement with the non- statutory support of “socially necessary” bus services could help in the delivery of a wider network of the latter. By logical extension, the principle of awarding closed contracts for the dedicated transport of schoolchildren (often with vehicles otherwise unsuited to operation of local service) can prevent the operation of off-peak local bus services. On the contrary, awarding such contracts on an open access basis, using conventional buses provides business opportunities for the commercial operation of additional inter-peak routes improving accessibility of (in particular) rural communities.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	
No	X

Please explain your answer.

The concept of the Enhanced Partnership, as defined in the Local Bus Services Act 2017 for England and now proposed for Wales, is a cumbersome one which has serious potential adverse outcomes for bus operators – and potentially also for passengers. It is, in our opinion, unnecessary. Operators and authorities working together, with common goals and objectives, will deliver far more without the expense and delay occasioned by the need to establish an Enhanced Partnership framework.

There are also some factual inaccuracies in the consultation document on the subject of partnership. An Enhanced Partnership is not really an agreement – it is an imposition by the authority, provided that the operators have not exercised their initial right of veto. There is also reference to Quality Partnership Schemes - these are also imposed by an authority on operators and cannot be described as “voluntary”.

Quality Partnership Schemes currently require local authority investment in

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infrastructure. In England, under the Local Bus Services Act 2017, these were replaced by Advanced Partnerships which do not require such investment – rather there is an alternative of “measures” such as car parking policies that discourage car use. But under an Enhanced Partnership there is no requirement for either, and it is bus infrastructure and pro-bus policies which are required to deliver improvements. Operators can thereby reduce unnecessary operating costs and improving the relative attraction of bus as a mode.

It is incorrect to say that unlike Quality Partnership Schemes, an Enhanced Partnership applies to all operators. A Quality Partnership Scheme, by definition, also applies to all operators in the area it covers.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	
No	X

Please explain your answer.

First does not consider that the EQP delivers any benefit that cannot be achieved through voluntary partnership working which can bring passenger benefits more quickly, at lower costs and with less risk to all parties.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	
No	X

Please explain your answer.

Franchising is market closure and asset confiscation. For the passenger it removes all choice and prevents the market responding to changes in demand. For operators it effectively closes their business and, in the period prior to implementation, the uncertainty created by a franchising proposal is likely to result in premature closure in many cases. This uncertainty is also highly likely to lead to a freeze on investment by operators.

Franchising has not yet been attempted in England where the powers are now available. Under the preceding Quality Contract powers, the single attempt to impose this regime was unsuccessful due to financial inaccuracy and poorly defined objectives.

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Franchising will never deliver the value for money that the free market can provide. Even for the equivalent service, as provided under the current regime, with the same operating costs, it will cost the public purse more to deliver a franchised service, as both authority and operator will be required to spend more on contract enforcement and monitoring.

There will be a significant impact on operators' businesses, particularly for SMEs, where there is a threat of Franchising. This effectively places operators in a position where their markets could be closed through actions of a third party, leaving them with no alternative means of employing their assets – premises, vehicles and staff. This is a greater problem for SMEs providing services in a smaller geographic area. For all operators the impact is massive – redundancies and adverse impact on their suppliers and support businesses.

It has been said that Franchising is the solution to market failure. First Cymru would contend that in Wales there have not been cases of market failure, but there have been many cases of operator failure, unfortunately in some instances repeated failure in the same locality. In such instances it would be more effective, in terms of value for money and rapid intervention, for the local authority to work with remaining – or proximate – operators to step in to replace their predecessors. It is also relevant to note that considering all operators to be of a common standard with the lowest common denominator of failed operator is, at best, insulting and at worst risks authority decisions that could cost a great deal of unnecessary public expenditure whilst adversely affecting the livelihoods of local people.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	X
No	

Please explain your answer.

It is essential that safeguards are put in place both for the public and for incumbent operators to ensure that Franchising proposals are not forced through for ideological reasons or where a cogent business case and full financial assessment has not been undertaken and verified.

The impact on incumbent operators must be assessed as part of this process.

Q12. Do you have any other comments on the proposed process for franchising?

Franchising is an unnecessary expensive and poor value tool that need not be developed – it effectively acts as a brake on investment and innovation whilst it sits as a threat to operators' businesses. Comparisons with London which operates

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under such a regime tend not to focus on the annual passenger decline since 2014-15, nor on the cost – London buses are losing over £750m per annum at present, net of fares income.

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

No comments

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	
No	X

Please explain your answer.

In the event that franchising does occur, it is essential that SMEs are not treated or evaluated in any different manner than larger operators. There must be a level playing field with all operators treated equally. It is true that smaller operators would be less able to bid for franchises that are too large in scale; this may validly influence the design of lots to be tendered. That apart, the same rules must apply to all elements of the process and operator selection, irrespective of any measure of business size.

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

It is inevitable that the threat of franchising will lead to service withdrawal and business closure. There is no guaranteed means of preventing this. There can be no compulsion on an operator to maintain their business or any part of it in the face of impending market closure and indeed any attempt to do so would be challenged by operators as being anti-competitive.

Local authority bus services

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Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

First Cymru does not consider this to be appropriate except as set out in response to Q16a below. Where tenders are opened for the provision of supported services, and no bids are received, this may appear to be a tempting argument for local authority direct operation. However, we would content that in the first instance the question must be, why are there no tender bids? It could be that the package of services is unattractive or unfeasible for operation and this should be examined in the first instance. The use of de minimis powers, to negotiate between an authority and an operator to provide amended or extended services with some subsidy but without going out to tender, is an area which is not always fully explored. As set out in response to Q1, we believe that recommendations and guidance on this issue should be disseminated to the new JTAs as best practice – this could reduce the number of such instances of zero tender bids, or bids which are unaffordable to the tendering authority.

Q16a. In what circumstances do you think this would be appropriate?

Where it is clear that, no matter what the design of a tender package, there is no interest from operators, and that the operation of such services can be demonstrated to be in the public interest and good value for money, then direct operation by local authorities would be appropriate.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

There needs to be full cost accounting including of the overhead functions associated with the operation of services, capital expenditure and the financing of such and full transparency of these. No authority should be permitted to operate services under other circumstances than as a last resort such as where no tender bids are received.

Transparency of revenues will also be a pre-requisite, with allocation of funding from local authority scholars passes and any joint arrangements with health authorities to provide non-emergency patient transport being on a fair and transparent basis to ensure that there is no cross subsidy of any local authority services leading to a market distortion created through unfair competition against commercial operators.

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

It is for local authorities to determine to their own satisfaction the most appropriate

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and cost-effective means of running such operations in the event that there is a need for them (as per response to Q16/16a). No such services should be operated than as permitted under this narrow set of circumstances irrespective of the model adopted.

Q17a. In what circumstances do you think this would be appropriate?

No comment

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

See response to Q 16b

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

First Cymru does not consider this to be a desirable proposal. Bus operators seek certainty and stability and any shock to the operational or finance model risks the loss of operations. With a typical proportion of passengers being 30% or more concessionary, operators seek stability of income from such travel upon which they can build other commercial opportunities.

It is worth considering the considerable benefits that concessionary travel delivers in terms of public health, individual wellbeing and the general economy – the elderly and those with disabilities are major contributors to both the labour market and retail spending but largely rely on public transport for access to these.

Greener Journeys – the body representing government, local authorities and bus operators in the UK has researched the value of concessionary travel and this "... has shown that every £1 spent on the free bus pass delivers at least £3.79 in wider benefits for society, by helping older and disabled people lead more active lives and access their communities and local services. Protecting the free bus pass scheme ensures that we as a society will all continue to benefit from this vital investment."

However, First Cymru believes that considerable cash savings could be achieved, without detriment to scheme benefits or operator reimbursement, by centralising concessionary travel administration through Transport for Wales rather than maintaining its devolution to local authorities.

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Q19. Do you agree that an incremental change is the most appropriate method?

Whilst not supportive of a change to eligibility, First Cymru considers that the only fair way to implement any such change would be incrementally. This would also reduce the shock impact of any such change on operator patronage and income.

Operators seek a quid pro quo for any such policy change. As patronage and income would decrease but operating costs at best remain the same, service viability will inevitably decrease. Therefore, measures to facilitate greater operational efficiency, through the reallocation of roadspace for bus priority measures, should accompany any such reduced eligibility for concessionary travel.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	X
No	

Please explain your answer.

High quality, accurate, consistent and easily understood information is essential for people to use bus services. Many operators already provide such data and Traveline Wales provides an excellent service making these available to the public. But there is more that can be done to ensure that the worst performing operators are brought up to the same standards as the best, and to define, adopt and maintain standards that apply across the industry. Opening up data availability across all these elements will facilitate the development of new information systems which can make bus services more accessible to the public.

However, the devil is in the detail and Welsh Ministers will need to work with colleagues in local authorities, bus operators and information systems developers to ensure that the methods adopted are fit for purpose and do not impose any additional unnecessary cost or time burdens on stakeholders or weaken the integrity of the data supplied to the public.

Much of this is already available and a successful and cost-effective proposal will build upon existing good practice, rather than introducing a new and burdensome system.

Q21. Do you agree with our proposal to enable local authorities to have the power to

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obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	X
No	

Please explain your answer.

It is easier for an operator to take an informed decision as to whether to bid for a tendered service, and on what basis, if more data is available on service patronage. However, in order to avoid placing an unnecessary burden on operators, there needs to be careful consideration of the methodology used to implement this proposal (avoiding unnecessary definition of the format of data to be supplied, etc) and an appropriate proportionality employed. A service increase should never attract this requirement. And an operator reducing a bus service from every 10 minutes to every 12 minutes should not be expected to provide such data, as an additional bus per hour is unlikely to be tendered. Equally an operator reducing service frequency in an endeavour to achieve improved punctuality in an environment of increased congestion should not be required to supply such data.

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	X
No	

Please explain your answer.

National minimum standards should be introduced to ensure safety and maximise the public interest

Q23. Are there any matters which you would like to see contained in any national standards?

Given the mandatory standards that bus operators are required to adhere to, and which ensure consistency and high quality of service to the public, the following are considered to be essential elements:

Improved driver training – with similar scope and content as the driver Certificate of Professional Competence including continual professional development

Accessibility requirements for vehicles to ensure suitability for use by passengers

REFERENCE WP127

with disabilities

Drivers hours control for the safety of passengers, including appropriate restrictions on driving where the driver also has other employment

Q24. Are there any matters which you think should be excluded from any national standards?

No comment

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

No comment

Q26. What would be the best approach for determining the content of national standards?

No comment

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

No comment

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

On grounds of public safety

REFERENCE WP127

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

On grounds of public safety

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

No comment

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	X
No	

Please explain your answer.

This would also have benefits for bus and coach operators as there is considerable movement of drivers from one operator to another

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

No comment

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	

REFERENCE WP127

Please explain your answer.

No comment

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	
No	

Please explain your answer.

No comment

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

No comment

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

No comment in respect of particular legislative proposals although it is recorded here that First Cymru produces all public facing information in both English and Welsh, and considers that this is clearest and best understood where a separate publication is available in each language rather than attempting to combine the two languages in the one publication.

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

No comment

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for

REFERENCE WP127

people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

No comment

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

It is relevant to note that £5bn is to be spent on rail in Wales in the next 15 years on a service that carries approximately 30m passengers per annum, many of whom are travelling across borders into and out of Wales. By contrast, buses carry some 100m passengers per annum – mainly within Wales – and there is only £25m proposed to be spent on bus in the next year, on BSSG, with smaller allocations for specific projects, but all the responsibility of local authorities rather than the Welsh Government. Investing a similar amount to that earmarked for rail in bus infrastructure – improving bus priority, bus stops and stations (all areas within the public spending remit), and with a long term programme of such investment, significant improvements could be made to the attractiveness of bus, with consequent significant modal shift away from car use. All this could be achieved without the need for (and adverse effects of uncertainty resulting from) regulatory reform.

First Cymru is pleased to report consistent growth in bus usage due to stability – of our own operations, but that resulting from an absence of policy changes and uncertainty. This growth has applied to both concessionary and commercial patronage in last 12 months. Perpetuating the current certainty and stability should facilitate the delivery of ongoing growth into the future but change and uncertainty will undermine it.

The consultation paper refers to a regulatory impact assessment to accompany the proposed measures, due in January 2019. To our knowledge this paper has not yet been published.

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27th March 2019

Re: **Welsh Government: Consultation Document**
Improving public transport

Introduction

Cardiff City Transport Services Limited (trading primarily as 'Cardiff Bus') is delighted to have this opportunity to influence policy development and legislative proposals by the Welsh Government. We share the desire of Ministers to work towards the goal of a modern, accessible, affordable and integrated public transport system across the whole of Wales, providing choice and opportunity as a viable alternative to the private car.

Cardiff Bus is an arm's length municipal company wholly owned by Cardiff Council. This means that any profits made by our company are either re-invested in the business, taxed by the state for the provision of national public services, or paid as dividends to the Council for the support of local facilities such as schools and social care.

There are just nine remaining municipally owned bus companies in the United Kingdom offering the full range of commercial passenger transport services. Of these two are in Wales, and Cardiff Bus is the larger of them with annual turnover of £31m per annum generated from 22 million passenger journeys and services delivered by 728 employees through a fleet of 230 vehicles.

Cardiff Bus is a member of the Association of Local Bus Company Managers (ALBUM) and of the Confederation of Passenger Transport (CPT) Wales and has contributed to the White Paper responses from both organisations.

The Economy of Cardiff

The economy of the Cardiff Capital Region is forecast to continue to be fast-growing, replicating the phenomenon seen in other large British cities, but fuelled by the especially strong professional services and creative sectors here. The arrival of the new HMRC and BBC buildings in the city centre should be especially great news for Cardiff Bus as the expectation is that many people working there will find the bus the most effective means of commuting.

This overall optimistic outlook for the city will be reinforced by Cardiff Council's own Local Development Plan (LDP). In particular, the LDP brings potential funding from developers for services provided by Cardiff Bus to achieve the Council's 50:50 public transport modal share objective. Initiatives such as this should lead to additional demand for our services, many of which will be along corridors we already know well.

Yet there are obstacles to overcome before we can reap the benefits of Cardiff's growth in terms of increasing bus ridership and revenue.

Some are familiar, such as the economic cycle, traditional competition from other bus companies, taxis, trains and the private car, and falling income from concessionary fares. However, there are increasing threats such as a decline of city centre shopping with retailing now moving online, the drift towards home working and the arrival of ride-hailing apps in the private hire trade. The latter contributes towards the congestion on our road network which is one of the greatest obstacles to efficient bus operation.

The Future Regulatory System

In our answers to the questions posed in the White Paper we explain why it does not automatically follow that a fully franchised local network would be to our advantage or that of our customers. Indeed, a major UK-wide or international owned transport group might well be in a better position to submit a cost effective tender for such a scheme.

We believe it should be possible to deliver much more rapid improvements using the existing legislative framework to pioneer a model for municipal bus companies both here in Wales and across the UK.

Why Cardiff Bus is Different

Our vision for the future of Cardiff Bus is based on the assumption that we continue to operate with the degree of social responsibility appropriate for a municipally owned business. We work hard to sustain a full city-wide network of services with varying degrees of profitability and very limited tendered services.

Working closely with Unite the Union and UNISON – in processes framed by our 2014 Partnership Agreement – we see making Cardiff Bus a great place to work, through building and maintaining morale, as the key to retaining and winning customers, growing our revenue and enjoying public and shareholder support. In the future that we seek to create for this business, the workforce of Cardiff Bus will continue to be its most valuable asset

However, the legal framework within which we operate required us to withdraw from a number of loss-making services in 2019. Several of these routes have now been made available to the market by Cardiff Council as tendered services.

The Four Key Attributes for Future Prosperity

Drawing upon expert advice and best practice from other municipally-owned bus companies in the UK, we have identified the four key attributes of prosperity at Cardiff Bus as being:

1. Professional: the service provided is operated in accordance with the best standards of professional practice and the relevant laws and regulations;
2. Successful: the operator regularly achieves its goals, being profitable and therefore able to invest in the future;
3. Customer-oriented: the customer is the lifeblood of the industry, so without thousands of

people paying their fares every day the business would not exist; and

4. High Quality: the service is reliable, the vehicles are clean, comfortable and well-maintained and provided by staff who are welcoming, helpful and friendly.

Cardiff Bus wishes to reach a position whereby it fulfils its commercial remit whilst contributing in a socially responsible manner to the vitality and economic growth of our city region. Our strategy includes initiatives to ensure that a growing customer base and increasing passenger revenues are generated through such factors as improved journey speeds, a well-planned and well-performing network, modified infrastructure including priority measures, access to information and a modern fare structure.

The Cardiff Bus vision for the future was embodied in our successful joint bid with Cardiff Council and the Welsh Government for funding towards a fleet of 36 new electric buses which was approved by the UK Government in February 2019.

Questions and Answers

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services? Yes/No? Please explain your answer.

Yes, there are major benefits that accrue from a regional approach to managing and commissioning local bus services.

Cardiff Bus services operate across the Cardiff Capital Region rather than solely within the boundaries of the city. Greater cooperation between neighbouring authorities would assist in creating a uniform approach to traffic management, the allocation of road space between modes, priority measures for buses and street infrastructure.

Cooperation could also bring economies of scale in the provision of specialist advice in areas such as traffic management and in the procurement of infrastructure and technology such as customer information systems. This might also stimulate the growth for providers of such systems based within Wales.

We do however doubt the ability of local authorities to plan and deliver bus services without working in partnership with the local bus operator, as we believe that the manpower skills sets of local authorities are not sufficient and lack the expertise to deliver improved services on their own.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

There is a strong case for regional working which is widely supported by local authorities and numerous stakeholders. Cardiff Bus therefore favours a modified Option 2 which envisages the centre of gravity in the proposed three Joint Transport Authorities (JTAs) as being at a regional level within Wales. However, a national JTA appears to duplicate existing roles within Welsh Government and on the basis of the information currently available, a national JTA is not supported.

We are a regional bus operator covering the largest city and conurbation in Wales, and believe a regional focus in governmental structures will be best for supporting the kind of service vision and package of improvements we wish to deliver. Equally, the issues of other regions of Wales – especially

those with overwhelmingly rural characteristics – would be best served with Option 2.

In establishing regional JTA's it is important to clearly set-out how these would operate in conjunction with Welsh Government, Local Authorities, Transport for Wales, and transport operators so that;

- i. Accountabilities and Governance are clear;
- ii. There is no duplication of resources; and
- iii. The transport offer is seamless from a user perspective.

It is important that sustainable source of long term funding is identified for JTAs in order to enable the role to be effectively delivered.

Q3. Is there another organisational structure for JTAs that we should consider? Please describe.

As noted above we suggest there should be the Regional JTA's but not a national JTA.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

Representation by Welsh Ministers on Regional JTAs would be a sensible means of integrating regional public transport planning with the national strategies being pursued. It would also recognise the source of funding for many of the improvements and ensure proper scrutiny of the use of taxpayers' money. The committees should also include other stakeholders like Bus Users, CPT, etc.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

Local bus services across Wales are operated in areas with a wide range of different characteristics (economic, topographical, geographical, social etc.) and a variety of conditions and issues for LAs and bus operators to address. It is important that a 'one size fits all' approach is not taken by Welsh Ministers in the event of being granted powers to issue guidance and directions.

The ability of Ministers to direct JTAs through guidance could potentially assist to achieve a consistent approach, for example a suite of common standards for infrastructure provision (reflecting urban and rural differences, but with a common corporate regional identity).

For Welsh Ministers to be able to intervene in the event of a JTA failing to exercise its functions effectively, the legislation will need to clearly set out the terms and circumstances under which this intervention will take place. Whilst these would be sensible reserve powers, even though it would be hoped that they would never need to be used, there is the potential conflict of interest where the Minister is represented on the JTA but also has powers to step in where a JTA is failing.

Q6. Is the proposed division of national and regional functions appropriate?

We would wish to see greater clarity in further stages of consultation and the passage of legislation on the division between national and regional functions. Policy should be set nationally with a

common theme, i.e. air quality / congestion reduction infrastructure, with the regional boards responsible for delivery of that policy.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

The White Paper is currently almost silent on the issue of employment standards and management competencies in the bus industry, along with the associated costs. As a socially-responsible employer with recognised trade union partners, and committed to meeting the Living Wage, Cardiff Bus carries higher employment costs than its competitors. We also invest more in system-wide operation and the maintenance of service quality through our sophisticated control centre than some other operators. We believe that JTAs should be able to apply minimum standards of terms and conditions as well as levels of management oversight to ensure that competition between operators cannot be characterised as a race to the bottom.

Similarly, recognising the urgent need to address air quality and reduce carbon emissions, we believe that JTAs should be able to set standards in the age, quality and motive power systems of vehicles operated within their jurisdictions. We note that the White Paper makes reference to some of these points in the proposed terms of reference for JTAs.

We believe that a systematic approach to minimum standards will be essential should the Welsh Government and/or JTAs decide to apply a full franchising model to the bus network within their jurisdictions.

Consideration also needs to be given to transferring the following functions;

- educational and adult care transport, as they predominantly tend to be combined under Integrated Transport Units within individual LAs, thus leaving these with the LA's could lead to resource issues;
- Transportation Planning staff responsible for Regional Transport Plans, who receive technical support (land-use and transport modelling, etc) from Transport for Wales. Transport planning and land-use planning are intrinsically linked and should be fully joined up. This will help to guarantee that economic growth plans ensure new developments such as housing and employment sites are planned with good connections to public transport rather than being located on land with no such facilities, thus making the private car the only feasible mode.
- whether Traffic Regulatory powers, which are fundamental to efficient bus operations, should be available to JTAs or subject to agreement with LAs as Highways Authorities.

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working? Yes/No? Please explain your answer to this question.

Yes. The degree of cooperation and coordination envisaged for Enhanced Quality Partnerships (EQPs) and the requirement to protect the legitimate commercial rights of operators appear to make legislation unavoidable.

Bus services work best where there is a positive local partnership approach through all stakeholders, not just the local authorities and bus companies, but also town centre management teams and other stakeholders, with partnerships the best way to provide better bus services for bus users.

Voluntary partnerships can work best to deliver improved bus services but often success is based on relationships built up by the individuals of each party. When those individuals move on, partnership

can flounder. We therefore welcome the Enhanced Quality Partnership (EQP) policy as a way of formalising partnerships to try and ensure their long term success.

A genuine partnership with responsibilities placed on all parties to deliver their commitments has been shown to promote increased use of bus services. However, the present legislation places too much emphasis on the bus operator who may be required to provide newer, cleaner buses at increased frequencies whilst the local authority provides improved infrastructure. The failure to meet their commitments can lead to bus operators facing financial penalties from the regulatory authorities whilst a local authority failing to provide infrastructure aimed at improving punctuality does not have any financial penalty. We would like to see this imbalance rectified so that all parties deliver their promises on time.

We would urge the Welsh Government to make an assessment of which aspects of the EQP regime could be implemented more rapidly without the need for new legislation. The intertwined required air quality improvements, along with the pressing need to safeguard a viable future for the bus industry against the background of falling patronage, disruptive technology and changes to retail mean that more immediate steps should be taken.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs? Yes/No? Please explain your answer to this question.

Yes, we agree that the process for making the EQP should involve all interested parties including the local bus operator to identify the objectives of the EQP and its KPIs such as passenger growth, air quality, along with punctuality improvements involving schemes which address the congestion issue outlined above.

We welcome proposals to ensure that SME's have the ability to influence any EQP by way of a voting system. The voting mechanism adopted by the Bus Services Act 2017 in England has been welcomed by a number of smaller operators as giving them a voice in the plan and scheme process, however a local bus company, operating a large proportion of the network on which it carries the commercial risk, cannot veto a plan or a scheme, thus could be disproportionately affected.

As set out in our answer to Question 8, we are concerned that the legislative route to enabling the deployment of EQPs along with the cumbersome, multi-stage process to implementing them, fails to take account of the urgent and pressing need to increase the modal share of bus travel in Wales.

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services? Yes/No? Please explain your answer?

The franchising regime established by the Transport Act 2000 has proved to be unworkable, and there is some doubt that even the streamlined arrangements for England contained within the Bus Services Act 2017 will lead to any material change in the near future. Thus whilst the proposed scheme could provide a more workable option for the franchising of local bus services than the Transport Act 2000 we do not believe that any franchising of local bus services will meet the Welsh Governments aim of improving public transport.

Franchising will not improve bus services for users. Transport Focus, Bus Passenger Survey Autumn 2017, published in March 2018 showed 90% of bus users in Wales found their bus services to be satisfactory or very satisfactory (higher than England and Scotland). A figure of 90% is unlikely to be improved upon under a franchise arrangement.

Franchising will not address traffic congestion, which is one of the main issues affecting the reliability of local bus service operations in the urban areas of south east Wales and requires additional resources to be committed to maintain service frequencies as journey times increase.

Cardiff Bus suggests that the amount of effort to be devoted by the Welsh Government and the National Assembly into drafting and passing new legislation allowing Quality Contract Schemes (QCSs), could be more productively devoted to more rapid improvements in bus services delivering better value for money to the taxpayer.

Even after our recent decision to withdraw from a number of uneconomic routes and Cardiff Council's decision to tender for some of these, the vast majority of bus services operated by ourselves and other companies in the Cardiff Capital Region do not require public subsidy. This represents a major benefit to taxpayers whose money can be devoted to the provision of other public services.

Were the National Assembly to pass more straightforward legislation or regulations setting minimum standards for bus industry personnel and vehicles, were relatively modest obligations placed on highway authorities to provide enhanced bus infrastructure and allocate road space differently, and were there to be a centrally-funded advertising and marketing campaign to promote bus travel, we believe that a great many additional public benefits could be delivered much faster without the need for a QCS regime.

The London model of franchising is often used as an exemplar of provision, but there are some significant differences when compared with the provision in south east Wales. For example, it has recently been reported that TfL has published its draft annual budget for 2019/20 and a £722 million subsidy is required to run the bus network. Public funding in London (excluding concessionary fare reimbursement) is just over £76 per head of population and is around 7.5 times higher than in Wales. It is reported that TfL admits the cost of running the bus network is "unsustainable" and bus journeys have been declining for four years,

Franchising should be seen as a last resort after all else has failed in delivering the improvements of the national public transport policy. Before any franchise scheme is considered the use of an EQP should have been fully explored.

Q11. Do you think there should be a requirement for the assessment to be subject to an independent audit? Yes/No? Please explain your answer.

Yes.

We are reassured that it is proposed the process to be followed will include an independent external audit, measuring whether or not the franchise is achievable and affordable. This is essential to ensure the process is scrutinised and totally transparent and the decision taken are robust, compliant with relevant legislation and will result in better bus services. The costs and financial risks of entering into a franchise arrangement should not be underestimated and the independent audit must be made aware of these.

The Traffic Commissioner covering North East England performed this role in determining the proposals submitted by Nexus for a proposed Quality Contract Scheme in Tyne and Wear. Possibly the Traffic Commissioner for the Welsh Traffic Area could perform a similar role in determining any franchising proposals being prepared by a LA or regional JTA in Wales.

We are concerned that the Regulatory Impact Assessment (RIA) which was announced as being due for publication during the consultation period for the White Paper has yet to appear.

Q12. Do you have any other comments on the proposed process for franchising?

Only a handful of municipally-owned bus companies survive in the UK as a result of the prevailing political ideology of the 1980s which saw the provision of bus travel in this way as anathema. There have been many failings with the deregulated bus market in Great Britain outside London since the passing of the 1985 Transport Act, and it is understandable that politicians from across the spectrum see the London franchising model as the means for a renaissance of bus travel elsewhere.

Yet there are wider reasons for the success of bus travel in London, including higher density development, population growth, joined up transport and land-use planning, congestion charging, high parking charges, red routes, bus priority and of course a fully integrated public transport system with accompanying integrated ticketing. This model too is now under extreme pressure from disruptive technologies, road congestion, changes to work patterns and the explosion of online retailing. It does not automatically follow that the regime which served London well from 1985 until recently is now the correct solution for Wales in general or Cardiff in particular.

This is why we argue for the much more urgent development of a bus strategy for Wales based on existing legislation which can bring rapid benefits to bus users and communities.

As one of only two municipal operators to have survived the past 30 years in Wales, we are extremely conscious that a QCS regime could ultimately put us out of business. The White Paper notes that there are a number of national, privately-owned bus operators with services across Great Britain, as well as a number of international players in the market. With our relatively high cost base as a socially-responsible municipally-owned business, we might find our entire market taken by a knock-out blow from one or more of these competitors should a city-wide QCS be applied.

The threat of franchising hanging over a local bus business will have a significant effect on investment plans and service improvements during that period. Why should any operator invest in better buses and services if this business is threatened to be taken away, without any compensation by a franchised system? We would strongly suggest that if a local authority explores a franchise and decides not to proceed then that authority should not be allowed to revisit the idea for a period (possibly seven years) to allow local businesses to develop and invest with some level of certainty. The current Welsh bus market especially in the rural areas relies heavily on the SME operators to fulfil vital bus services.

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

If a franchise arrangement is in place after a full and proper audit of the process, then we believe that a local authority should not restrict the issue of permits, as in many cases these may be operators looking to improve existing bus services. Franchising should not dampen the wish to improvise and experiment in new services

The Consultation document does not set out the terms and conditions of the permit, nor its duration, which would be determined by the franchising authority. If franchising arrangements are introduced, then it would be sensible to have a national framework and guidance in place to promote consistency.

Other non-core network services such as schools and works services should be allowed permits to operate. The same should apply to cross boundary services originating in a non-franchise adjacent area.

Permit issuing should not be seen as a way of controlling the market. One of the successes of deregulation has been the ability of operators to experiment in new innovative services. This innovation must not be dampened by local authority control through permit issuing

The cost of any permit must not be used as a lever to restrict innovation and therefore the costs should be set at the actual cost of the permit process

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process? Yes/No? Please explain your answer.

Yes

Local bus services in Wales are provided by a variety of operators ranging from small, independently owned family businesses to municipally owned bus companies and subsidiaries of the major publicly owned bus groups.

The present proposals do not give any protection or compensation to SMEs who may go out of business if not successful in the tender process. Invitations to let both individual bus routes as well as a network of bus routes within the franchises could enable bus operators with small and medium size fleets to be able to be involved in the franchising process.

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

This is a very difficult situation to address. Once a local authority starts to investigate setting up a franchise it is reasonable to expect that local operators will cease any significant investment in their business.

How will a local authority stop operators simply giving the required 56 days' notice to deregister their services if they see no future within a franchised system, and then sell its assets including depots and vehicles. There may be significant local costs in replacing the services prior to a franchise being introduced. This risk is increased in the rural arena where SME's are heavily relied upon.

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)? In what circumstances do you think this would be appropriate? What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no local authority has an unfair advantage in a deregulated market, and why?

Cardiff Bus is owned by the local authority. As such we believe that local authorities should be allowed to run bus services where this is done on a wholly transparent and open basis. We, as are the other municipally owned bus companies are still subject to the normal rules of business by way of going concerns and Finance Act requirements.

Where the present market has failed to meet the local needs then a local authority should be allowed to examine the possibility of running bus services but we believe that this should also be subject to an external audit to ensure best use of public funds.

Local authority owned bus companies under the 1985 Act have to operate at arm's length from their owning authority. We believe that a similar situation should be in place for any new local authority run bus services, to ensure a level playing field.

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services? In what circumstances do you think this would be appropriate? What, if any, safeguards to you think should be put in place with arms length bus companies to ensure that no local authority has an unfair advantage in a deregulated market and why?

As with the above. Arm's length operation requires the same issue of transparency and openness with the effective use of public funds.

The LA or regional JTA should demonstrate how it can achieve better value for money for the public sector and improving local bus service provision within its area. Arms-length bus companies should not be used in a way that undermines the operation of commercial local bus services.

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age? Please give reasons for your answer.

Whilst we appreciate that the costs of the present scheme are significant, it does promote wider economic benefits to local economies, as well as health benefits to an ageing population. Additionally, it does help to reduce increasing traffic congestion currently being experienced in the urban conurbations of Wales. Therefore, an increase in the age of entitlement for a concessionary pass to align with a woman's pensionable age could be seen as a retrograde step.

If mandatory concessionary fares pass entitlement is aligned with a woman's pensionable age we would not wish to see a change for existing concessionary pass holders and the new arrangement should apply only to new applicants

Q19. Do you agree that an incremental change is the most appropriate method?

Yes. This will protect existing card holders and allow a gradual transition.

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets? Yes/No? Please explain your answer.

Yes

Any initiative which promotes and provides better information for bus users is welcomed as a way to promote greater bus usage allowing operators to take advantage of emerging technologies. Significant progress has been made by Traveline and some bus companies to provide up to date real time and fares information.

However, operators should only be made to provide data that they produce as part of their normal operations, in the format they hold it in. This should be provided at no cost to the operator. If a local authority requires the data in a different format then it is reasonable to expect the local authority to reimburse any additional costs of providing the data in the format required.

If an operator refuses to provide their data we believe they should be forced to do so, even if a financial penalty is incurred. All operators should be working towards promoting better bus services to the overall benefit of bus users and the public transport industry. Withholding data would be contrary to the aims of better public transport.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process? Yes/No? Please explain your answer.

Yes, if this data will assist in providing a service which meets the bus user's needs.

A Local Authority has to be able to react to withdrawal of services or journeys within a network. They require information on passenger usage as soon as the forthcoming change is to be implemented made, to enable alternative cost effective solutions to be found within a tender process.

We see no reason for an operator to withhold this information as long as it is only used for the purpose for which it is provided.

Improving Public Transport (Buses and Taxis) **Response from Cytûn – Churches Together in Wales**

This response is sent on behalf of Cytûn (Churches Together in Wales), based on a draft prepared by one of our member churches and then consulted upon with the church and society officers of all our member churches. Cytûn brings together the principal Christian churches of Wales together with a number of other Christian organisations, representing a total active adult membership of some 160,000 people in every community in Wales, and meaningful contact with many additional children, young people and adults. A full membership list can be found at: <http://www.cytun.co.uk/hafan/en/who-we-are/>

The ambition of the Welsh Government for this paper to be the start of a major, national conversation about bus transport that we can use to develop a high quality system across Wales is laudable.

However, the existing system is so out of kilter with the needs of Wales that it is more than just challenging. The map included in the paper demonstrates that the existing system is one created by the coal and iron master's need to get the resources of the country to their markets. That original purpose was strengthened by the way in which the industrial centres drew population to the major ports and the points of resource extraction.

Cities and towns have become service centred as industry declines and the retail industry goes into trauma. It could be now that the greatest resource Wales has to offer is experience. The tourist trade provides the link to experiences of landscape, mountain, river and lake, but our transport system does not.

We need a transport system that brings people into Wales to hubs where bus, taxi and private hire vehicle along with bicycle (including electric) and self drive car hire encourages travel to the whole of Wales. The post Beeching remnants of a rail system are a shadow of Victorian and Edwardian expansion, but as part of a synchronised transport system can still provide the basis for an ambitious and efficient system.

The legislative proposals of the paper appear to be a good starting place, and the introduction of Transport for Wales is a positive development. The tools for change are being brought into place, however the degree of decision making in the hands of private operators is understandable but provides cause for concern. It is essential that the private operators, who have already taken huge strides in improving their vehicle stock and service levels are encouraged to take the next steps towards providing an integrated service.

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services? Yes Please explain your answer.

Joint working is essential as bus routes cross local authority boundaries.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

Q3. Is there another organisational structure for JTAs that we should consider? Please describe.

Q6. Is the proposed division of national and regional functions appropriate?

Q7. Should any other transport functions be transferred to a JTA? Please describe.

REFERENCE WP129

We are concerned at the establishment of yet more public bodies with complex accountability structures. If regional Joint Transport Authorities are to be established, a pattern of local accountability through their constituent local authorities is essential. If a national JTA is established, we believe that this should be Transport for Wales, as it already exists, and it would be much easier to establish bus/rail through ticketing if a single authority is responsible for both.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

We support the representation of Welsh Ministers on a JTA and the power to give directions to a JTA, noting that this means that Welsh Ministers would be accountable to the National Assembly for the work of the JTA.

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working? Yes/No? Please explain your answer to this question.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs? Yes/No? Please explain your answer to this question.

We strongly support enhanced partnership working to improve the standard of local bus services and routes. We have no strong feelings on the exact legislative provisions to be used to achieve this, but would note that good, participative local consultation (not formal consultation on technical documents) and an intelligible structure (see our comments on Q 2-3, 6-7 above) are essential.

As churches, we have a particular interest in seeing a mechanism whereby improved bus transport could be provided on Sundays and evenings, when many have no option but to use cars to travel to church (and other activities), despite the environmental disadvantages of doing so. We would also wish to see EQPs able to require specific decarbonisation and environmental objectives. Both these issues are referred to in the helpful table on page 12, but are not followed through explicitly in the remainder of the document.

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services? Yes Please explain your answer?

Q12. Do you have any other comments on the proposed process for franchising?

It is clear that the current (unused) QCS system for franchising has not worked and therefore the proposed scheme has to be an improvement. It is important to understand the reasons for the failure of QCS and ensure that its replacement is more effective. There has to be concern that the ambition for change might falter through lack of financial resource in both the WG and local authorities creating intransigence among private operators.

Q11. Do you think there should be a requirement for the assessment to be subject to an independent audit? Yes/No? Please explain your answer.

There is a danger that an independent audit organisation creates just another layer of organisation and it would seem that, as the WG has the ambition and the plan to bring

REFERENCE WP129

about the changes necessary then the WG should be the body ensuring that change occurs in the way they wish. Any failure by the WG is then subject to electoral inspection and possible censure.

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

No comment.

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process? Yes Please explain your answer.

There have been marked improvements achieved by SMEs operating in the transport sector and these have to be appreciated while they encourage passengers to believe that there should be an ongoing role for SMEs in this field although there may be a need for financial support for SMEs making the changes necessary to achieve the necessary development.

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

No comment.

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)? In what circumstances do you think this would be appropriate? What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no local authority has an unfair advantage in a deregulated market, and why?

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services? In what circumstances do you think this would be appropriate? What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no local authority has an unfair advantage in a deregulated market, and why?

While local authorities should be free to close gaps in provision where no other provider is available they should not be replacing SMEs in existing roles.

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age? Please give reasons for your answer.

Anecdotal and observational evidence is that use of public transport increases markedly for individuals when they reach the eligibility age for a bus pass, with some even abandoning private car transport altogether at this point. Any raising of the age will therefore lead to a further reduction in bus usage (a problem correctly identified on page 11) and would damage the Welsh Government's decarbonisation objectives. Given the importance of the latter as the climate crisis accelerates, we would suggest that the age for eligibility remain unchanged despite the rise in pension age.

Q19. Do you agree that an incremental change is the most appropriate method?

If any change is introduced, yes. But see Q.18

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets? Yes. Please explain your answer.

REFERENCE WP129

We strongly support improved information on bus times and routes, as the lack of such provision is a serious inhibition on increased use of buses. We believe that bus companies should be obliged to include information about all buses on particular routes, even when run by rival companies, as happens with rail information. We would also support improved through-ticketing for bus and rail services.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process? Yes.

Please explain your answer.

To ensure that this information is publicly available.

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales? Yes/No? Please explain your answer.

Q23. Are there any matters which you would like to see contained in any national standards?

Q24. Are there any matters which you think should be excluded from any national standards?

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Q26. What would be the best approach for determining the content of national standards?

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

Questions 22 – 27: We strongly support the introduction of national standards, especially the requirement for zero carbon taxis within ten years – if this timetable can be shortened it would be a contribution to tackling the climate crisis.

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence? Yes/No?

Please explain your answer.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence? Yes/No?

Please explain your answer.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)? Yes Please explain your answer.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)? No Please explain your answer.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions

We do not see any justification for continuing with local authority licensing, especially as it is proposed that bus routes be controlled by regional or even a national JTA. It would be logical for licensing of taxis and other transport providers to be under the control of Transport for Wales, under the direction of the WG.

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared? Yes

REFERENCE WP129

Please explain your answer.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

We support proposals for improved information sharing to promote safeguarding.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

A further advantage of using Transport for Wales as the national JTA and licensing authority is that TfW is already under a requirement to work in Welsh and English, and this would ensure the consistent availability of information in both languages for travellers and local communities. This will help to further normalise the use of Welsh in everyday situations, which is important for the promotion of the language.

Parch./Revd Gethin Rhys

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27.03.2019

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	✓
No	

Please explain your answer.

Many local bus services that operate in Newport also serve neighbouring authorities; therefore, the ability to provide consistency of provision over a wider area will assist simplify the offer to the travelling public.

Consistency of provision could offer opportunities to achieve economies of scale in the procurement of bus related infrastructure and / or services, with associated financial benefits.

Local authorities have existing powers to collaborate on elements of bus provision including Statutory Bus Quality Partnerships and Joint ticketing arrangements. To date these have been difficult to implement due to limited funding horizons, for example current funding arrangements (annual settlements) do not reflect the minimum timescales for statutory bus quality Partnerships (5 years).

Whilst we support the principles of collaborative working, there is a possibility that responsibility for some transport functions could remain with individual Local Authorities, in the event of this scenario, it is essential that the authority maintains a sufficient 'critical mass' of staff resources to service remaining functions / responsibilities. Cherry picking key staff to serve in a regional role could also weaken our ability to provide associated frontline services if suitable candidates are not available to backfill roles.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

We are pleased both of the proposed organisational structures recognise the importance of local / regional responsibility. Current legislation includes reference to the need for an authority to be accountable to the communities that it serves. The creation of appropriate regional organisations could achieve this requirement.

There are a number of transport functions that could be appropriate for delivery on an all-Wales basis. These include the concessionary travel scheme that is effectively a national scheme administered locally and universal public transport information.

Whilst these elements could be provided by a national organisation (such as a national JTA, Welsh Government Agency or collaborative shared service model),

our preference would be the Option 2, comprising a JTA for nationally significant functions (such a concessionary fares and ticketing infrastructure), with regional JTAs providing local knowledge (particularly the identification of local needs). This reflects the significant variations in different areas of Wales that makes it difficult to achieve a national consensus for all functions.

Irrespective of structural arrangements, it is essential that adequate resources are available to deliver the required policy outcomes.

The JTA model would also enable authorities to introduce a precept for transport functions. Whilst this would ultimately be a political decision, it would provide a potentially significant and reliable source of funding to progress transport projects.

Q3. Is there another organisational structure for JTAs that we should consider?
Please explain your answer.

Prior to the cessation of administration funding, local authorities operated through four region transport consortia. In South East Wales, the ten authorities that constituted Sewta continue to work on a collaborative basis for some transport functions (e.g. administration of Bus Service Support Grant).

The Cardiff Capital Region City Deal, signed by UK treasury, Welsh Government and the ten Local Authorities in South East Wales, contains a commitment to establish a Transport Authority (albeit on a non-statutory basis). Accordingly, the Cardiff Capital Region Transport Authority (CCRTA) has been established. The CCRTA is engaged in dialogue with Transport for Wales (standing agenda item for board meetings) with transport officers also closely involved with the bus review work currently being undertaken. We would suggest these arrangements provide a foundation to establish A South East Wales JTA, maximising existing relationships. On this basis we would consider Option 2 to be most appropriate

The Welsh Government Trunk Road Agency has 2 divisions (North & Mid Wales and South Wales). There may be scope to consider delivery of these functions by regional JTAs as part of wider highway functions to achieve economies of scale.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

In respect of representation, it is not clear whether the proposal reflects the attendance of the Minister (or deputy Minister) or a representative.

Whilst there may be merit in representation to promote partnership working and information sharing, local accountability is a cornerstone of council processes. Under current arrangements, the council is subject to scrutiny from local members who represent their residents. The transfer to a JTA could replicate this process, albeit decision and scrutiny being undertaken by regionally selected members.

One potential option to address these issues would be the representation of ministers on a JTA as a partner organisation; however full voting rights would be restricted to authority members. This type of arrangement was successfully employed by the former Sewta consortium, with partner organisations (e.g. Sustrans, Bus Users Cymru and the Confederation of Passenger Transport) attending board meetings; however they were not eligible to vote in the decision making process.

The appropriateness of Welsh Ministers representation should also reflect the proposed processes for scrutiny and responsibility. Q5 outlines proposals for Welsh Ministers to have intervention powers. This position may be compromised if the minister is represented on an under-performing JTA.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

The ability of Ministers to direct JTAs through guidance could potentially assist achieve a consistent approach, for example a suite of common standards for infrastructure provision (reflecting urban and rural differences, but with a common corporate identity).

Whilst we fully support aspirations to raise the quality of service, this must be achieved in a financially sustainable way. The representation of Welsh Ministers on a JTA may assist two-way discussions with stakeholders to develop appropriate, sustainable standards. Historically the ability to have a meaningful discussion with policy officials to achieve sustainable progress has been challenging; therefore, opportunities to promote mutual understanding between stakeholders is welcomed.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

In general, the functions listed are reasonable. There are a number of specific comments in respect of some of the proposed elements of a nation JTA:

- Standardising the approach to partnership working with bus operators, thereby ensuring consistent quality standards;
The white papers outlines a number of options to encourage / facilitate partnership working to reflect local circumstances; therefore we would expect the role of the national organisation to be limited to the development processes / toolkits for each of the options discussed. The application / scale of these would be determined at the regional level.
- Procurement of physical infrastructure such as bus stops and interchanges; and software solutions such as a ticketing platform and information systems;
There are opportunities to develop a national framework to achieve economies of scale. We endorse the proposal that overarching back office functions such as ticketing and information would be best served on a national basis functions,
In respect of physical infrastructure, we would draw a distinction between the development of a national procurement framework and the actual procurement itself. We would expect the framework to be developed centrally to achieve consistency and efficiency; however, the application of that framework should be determined as a regional function to reflect local circumstances. It is however noted that a number of authorities have negotiated contracts with advertising companies for the supply and maintenance of shelters. There may be a need to negotiate break clauses or phase in a national scheme as current contracts expire.

Whilst the transfer of functions to a national level would provide potential benefits, there is the likelihood that a TUPE situation would be created for those persons currently undertaking those roles. In the event a transfer is required, it is imperative any residual roles in the Authority are backfilled.

It should also be noted that Newport City Council do not consider the JTA models as proposed suitable for Taxi / PHV licencing; therefore the split of functions is subject to further discussion.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

Service reliability is a key influence on the propensity to use the bus over alternative modes. Whilst the Bus Compliance Officers perform a highly valuable role in recording reliability for monitoring purposes, it is a retrospective function has limited impact on the root causes. The majority of Authorities have (or about to receive) stationary traffic offences, with Cardiff Council also responsible for certain moving traffic enforcement (including bus lane infringements).

The ability of the JTA to manage the network is critical; therefore we would endorse a regional approach to enforcement. The ability to implement demand

restraint measures such as Clean Air Zones is also best considered on a regional basis as there are likely to be significant impacts at a local and regional level. These include displacement of demand to adjoining areas or reduction in economic activity.

The white paper deals specifically with public bus services. The ability to standardise contracts could realise benefits for home to school transport. In the event home to school takes a more collaborative approach, this would be best served on a regional (or even sub-regional) basis to reflect the geographical patterns of users.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	
No	✓

Please explain your answer.

Partnership working is the foundation for delivering better integration. The current legislation facilitates a significant degree of partnership working; however reductions in funding, coupled with short-term funding horizons (annual settlements) reduce the negotiating position of Local Authorities. In contrast, the latest Wales and Borders franchised comprised a 15-year funding horizon.

The current legislative arrangements in respect of Statutory Quality Partnerships are very prescriptive in the scope of partnership working, with an assumption an infrastructure solution is always required to address local service issues. Whilst there are areas where infrastructure is required to assist reliability and / or improve customer facilities, there are other areas where elements such as scheduling and hours of operation are the key elements.

The ability to create Enhanced Quality Partnerships provides an opportunity to tailor a partnership agreement to reflect the needs of passengers without a reliance on infrastructure.

We would wish to retain the ability to enter into Statutory Quality Partnerships where appropriate to ensure significant infrastructure investments are underpinned by a mutually beneficial, sustainable business case that ensures participants achieve the desired level of quality.

We would also note that a 'one-size fits all' approach would not be suitable; therefore the use of enhanced partnerships will only be suitable for a select number of routes / networks.

The current legislation also provides powers for local authorities to establish joint ticketing arrangements under a block exemption. The main barrier to using these

powers has been the cost of providing additional back office functions and determining an equitable contribution from participating operators.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	✓
No	

Please explain your answer.

Whilst we support the objectives of EQPs, their use is likely to be confined to a limited number of commercially attractive routes. Whilst the aspiration to encourage operators to consider a network of services, this is likely to be difficult to achieve without some element of cross subsidy. This may not be economically viable in some areas.

The ability to enforce compliance through the registration would provide a potential incentive to meet the agreed standard. There will be a requirement for ongoing monitoring, with a robust enforcement process.

The use of the existing Bus Service Support Grant (BSSG) to encourage quality standards could potentially be utilised to achieve many of the service lead outcomes. That does however depend of the quantum of funding available being commensurate with the level of service desired. Whilst the protection of the BSSG funding line by Welsh Government over the last 6 years is welcomed in the current financial climate, it has resulted in a real term cut. Simply adding additional requirements within the same budget envelope is not sustainable, with a risk there will be a lower number of routes albeit with higher quality provision that currently in operation. This will reduce opportunities to travel by bus, or increase travel times by this mode.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	
No	✓

Please explain your answer.

The existing quality contract legislation required authorities to demonstrate there had been market failure. Whilst this may be possible in rural areas, it is difficult to determine in urban areas where there is a high percentage of commercial provision, albeit at a lower service level than that desired by public authorities. In principal franchising may offer a solution in this situation; however, there are a

number of practical considerations that may have a greater subsidy requirement in the long term.

Whilst franchising would potentially provide cost certainty over the period of the contract, there is a significant revenue risk that the contracting authority would need to consider when determining the most appropriate form of contract.

Since deregulation in 1985, the market for the supply of bus services in Wales has consolidated, with a small number of large operators accounting for the majority of passengers carried, with the majority of subsidised services operated by SMEs. Whilst the first round of franchising would be open to a number of competing operators, there is a risk many existing operators would not continue trading if they did not win a substantial number of contracts. As a result, there could be less competition for successive franchise bids, with a general increase in subsidy cost.

It is also noted that franchising by definition, will be deployed where it is not possible to operate commercially. This implies a degree of ongoing revenue funding will be required to operate the desired network. We understand Transport for London bus services require a considerable level of public subsidy to maintain the desired service level, despite operating in an environment with a significant population density, large tourist economy and a number of demand restraint measures (congestion charging, Low Emission Zone and expensive parking charges). These factors are not present in Wales; therefore, significant additional public financial resources would be required to support this option.

Franchising alone will not address some of the fundamental issues facing bus service provision, in particular punctuality and reliability, which are declining due to increased levels of congestion.

Franchising may be suitable for rural authorities where there is no commercial provision; however, some authorities (e.g. Powys) already operate in essence under a franchise system, as the majority of the bus services are provided under contract.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	✓
No	

Please explain your answer.

In the event franchising is adopted, it is imperative that a robust business plan is developed to enable the successful application of franchising – in particular the financial sustainability and ability to transition with minimal impact on the travelling public; therefore an independent assessment would provide the necessary due diligence.

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Q12. Do you have any other comments on the proposed process for franchising?

The preparation of the business case is likely to require significant staff and financial resources, which are not currently available within local Authorities, due to on-going funding cuts. The lead-time to prepare, consult and arbitrate is considerable (NEXUS took 2 years to prepare their (ultimately unsuccessful) business case to establish a Quality Contract).

Once the process commences, there is a risk the incumbent operator may change the network to the detriment of the travelling public.

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

There is limited detail regarding the proposed permit regime. In London (which along with Northern Ireland remain regulated) the permit system mainly deals with services that commence outside the TfL boundary and do not undertake significant (if any) local service functions.

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	✓
No	

Please explain your answer.

Whilst the objective of minimising the impact on SMEs is generally supported to maintain competition in the market and reflect the composition of the bus operating market, it is difficult to implement a practical method of ensuring their participation or delivery.

Whilst the franchise requirements could include a requirement to effectively subcontract, this may have competition legislation implications. In addition, there are significant differences in overheads and operating cost models that may not be compatible in a competitive tender process.

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

The ability to maintain services during transition from a market lead to franchised operation is critical to maintain user confidence and minimise disruption. Once the franchising business case has commenced an operator may attempt to alter services to focus on the most profitable routes pending the review outcome.

Therefore, the ability to implement a 6 or 12-month 'freeze' on changes to registrations whilst the franchise is evaluated could protect users from significant network changes. This would however be difficult to implement where a company ceases trading (e.g. due to financial difficulty) or pre-empted the commencement of franchise discussions. Therefore, it may be necessary for the contracting authority to underwrite existing service levels for incumbent operators. This is likely to require additional funding and require careful consideration of announcement to prevent speculative registrations.

Franchising the whole network is likely to be impractical without major upheaval; therefore, a phased implementation may assist the transition. This may however weaken the commercial viability of some users

The practicalities of maintaining services to minimise a reduction in patronage is a key concern, as it is often more difficult to convince former bus users to return if they have received a poor quality of service. If disruption cannot be mitigated it could increase the revenue risk for the contracting authority.

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

The ability and desire for local authorities to run services will be determined by a number of factors, including:

- the ability of the commercial market to provide bus services,
- Availability / capacity of suppliers

- Political desire
- Historic operation of the network
- Funding availability

Newport Council remains one of only 2 welsh authorities that continue to operate arm's length bus companies. Whilst there has been a historic return in the form of a 'social dividend' such as the operation of evening and Sunday services, increasing commercial pressures, combined with a real term reduction in subsidy have eroded this position. As a result, there has been a contraction in the network.

Some authorities note the lack of suppliers' results in limited competition for bus contracts, with an associated increase in tender prices. The ability to establish local bus operations / companies will provide a degree of potential competition to the private sector. This will place an upper limit on tender prices, above which it will be more cost effective to operate directly.

Q16a. In what circumstances do you think this would be appropriate?

Under the current operating conditions, the establishment of new Local Bus Companies is likely to be more appropriate for rural authorities, where they are effectively the operator of last resort.

Ultimately, authorities have a duty to protect the public purse; therefore, the option which offers best value for money (not necessarily the cheapest) should be implemented. If an assessment indicates better value and / or a higher level of service can be achieved through direct operation that should be the preferred course of action.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

The 1985 Transport Act contains a number of measures to ensure municipally owned bus companies operated at arm's length do not receive unlawful State Aid.

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

Yes. Please refer our answer for 16, 16a and 16b. The principles remain the same whether a service is operated directly or through the establishment of an arm's length company.

Q17a. In what circumstances do you think this would be appropriate?

Please refer our answer for 16, 16a and 16b. The principles remain the same whether a service is operated directly or through the establishment of an arm's length company.

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

Please refer our answer for 16b. The principles remain the same whether a service is operated directly or through the establishment of an arm's length company.

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister’s proposal to align entitlement to a mandatory concessionary fares pass with a woman’s pensionable age?

We understand that changing demographic trends and working patterns should be reflected in the scheme eligibility. Whilst alignment with retirement age would be a sensible approach, there are concerns this would lead to a number of unintended consequences. These include a reduction in the level of bus use, with modal shift to the private car (where available), as the cost advantage of bus is eliminated. In turn, this could increase congestion and reduce local air quality.

Q19. Do you agree that an incremental change is the most appropriate method?

Whilst the success of the scheme in attracting users has been beneficial in attracting a historic increase in users, we recognise this places pressure on maintaining budgets.

We would not support a reduction in benefits for existing holders; however, deferring eligibility for new applicants would appear to be a reasonable compromise.

This mirrors the approach undertaken in England.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	✓
No	

Please explain your answer.

The availability of accurate and trusted information is critical to enable people to make an informed choice regarding the mode of travel. Although there is a large amount of information available, it is often held by a variety of organisations. The ability to consolidate data in a single location would assist the planning process.

Q21. Do you agree with our proposal to enable local authorities to have the power to

obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	✓
No	

Please explain your answer.

When developing tender specifications it is vital to understand the reasons why a route variation or cancellation is necessary. The ability to obtain historic performance data in confidence will assist develop an appropriate specification. It will also reduce the risk of incumbent operators withdrawing a commercial route who subsequently bid and wins, with the authority bearing an increased financial burden.

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	
No	✓

Please explain your answer.

In principal Newport City Council agrees there should be a set of national standards for taxi and private hire vehicles. At this stage, it would be difficult to provide full support to such a plan without having clear sight of the proposals within the White Paper.

However, if the proposed standards are similar to the work undertaken by the “Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]”, Law Commission Review, “Reforming the Law of Taxi and Private Hire Services” and the “Taxi and Private Hire Vehicle Licensing in Wales” [WG31865]; then Newport City Council is likely to be supportive of national standards.

It is felt that any national standards introduced should be set at a suitably high standard, which in turn would remove some of the challenges and inconsistencies across Welsh authorities. It is also important to consider any English standards due to a number of Welsh Authorities including Newport City Council being so close to the border.

To have national standards would ultimately also require a clear and transparent one-tier system that could establish and ensure this form of travel dovetails neatly into both local and national transport strategies.

The introduction of national standards would help resolve the perceived problems of drivers who work substantially away from the authority in which they are licensed.

Currently operators, drivers and proprietors are able to obtain licences from any authority, which presents any number of difficulties for the industry, the public and the licensing authorities. There are many reasons for this, but drivers often claim there are some authorities where the obtaining of a licence is faster and some authorities where it is quite difficult to obtain a licence in comparison with others. If national standards are introduced, this difference will no longer exist. If there is a system of national standards in the future, it seems likely that drivers and operators will apply to the authority that matches the area they wish to work and operate.

Q23. Are there any matters which you would like to see contained in any national standards?

As stipulated above Newport City Council strongly supports a single tier model within the taxi industry. The purpose of taxi legislation is to ensure the safety of passengers; however, it is felt that people do not appreciate there are differences between hackney carriage and private hire vehicles; this lack of understanding sometimes places the public at risk.

The changes in technology (mobile phone booking and 'apps') has meant there is less and less distinction between a hackney carriage and a private hire vehicle. This is particularly true in relation to the speed of undertaking a booking. A private hire vehicle can now be booked legally via a mobile phone device, just as quickly as flagging down a hackney carriage, and certainly quicker than waiting at hackney carriage rank late at night. A new one-tier system would allow licensing authorities position to focus on matters that are more pertinent to public safety rather than continuing to enforce against illegal plying for hire.

Separate national standards should be defined for both vehicles, drivers and operators. The following matters should be included, although this is not an exhaustive list

Drivers:

- Enhanced DBS and barring list checks (certificate of good conduct for overseas applicants) for drivers, operators, proprietors and dispatchers. Anyone taking or holding an individual's personal information should have to be vetted to ensure that that person is safe and suitable ("fit and proper").
- Medical fitness and specifically the requirement of Group 2 Medical Standards and the need for the applicant's full medical history to be noted by the completing GP. Standards should also consider consistency of the issue of exemption certificates in terms of Equality Act duties.
- Immigration checks specifically the Right to Work in the UK
- Suitability of applicants and licence holders. The Institute of Licensing has published guidance on determining the suitability of applicants and licence holders in the hackney carriage and private hire trades. The criteria used in this guidance should be incorporated into any national standards

- [https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)
- Nationally-recognised vocational qualifications to include disability quality and awareness training, safeguarding awareness training (Child Sexual abuse / Exploitation, County Lines), practical driving standards test, communication skills and literacy, customer care, handling of emergencies, managing conflict etc. Such training should be continuous and ongoing.
- Knowledge and suitability test (literacy, numeracy, highway-code, conditions, local area knowledge).
- Foreign driving licences.

In addition, Newport City Council would recommend the following matters be included in relation to

Vehicles/ Operators:

- National inspection standards and frequency of inspections and testing including the criteria for testing. Consideration should also be given to suitability, independence and availability of testing stations and how they are approved e.g. consider if use of Trade owned testing stations are appropriate.
- Design and appearance and internal spatial requirements of vehicles including the approach to identify a licenced vehicle.
- The information which should be contained on any vehicle identification source (plates, door signs).
- Standards for specialist and novelty vehicles, such as stretched limousines, wedding and funeral cars, omnibuses and pedicabs.
- Taximeter standards including the criteria for Pulse and GPS meters.
- The use and standards for CCTV within vehicles, both audible and video as outlined in recommendation 17 & 18 "Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]". The Information Commissioner's Office has produced advice for councils and other organisations in using surveillance and CCTV systems in licensed taxis. A national standard should take account of this advice. <https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand> The LGA Guidance has also now been published.
- <https://www.local.gov.uk/developing-approach-mandatory-cctv-taxis-and-phvs>
- The cost of fitting CCTV within licensed vehicles particularly for small businesses may require subsidy from Welsh Government.
- Record keeping including the retention period required. The Licensing Authority believe that ideally records should be kept for every journey undertaken, however, there are obvious practical difficulties with taking this approach. A better option would be to use technology to better the safeguarding processes. The use of CCTV, trackers and GPS systems would not only provide a more robust system for record keeping, but would also not place an administrative burden on taxi drivers.
- Environmental considerations such as vehicle emission standards.

The standards for some of the points recommended above are included in guidance already published and should be taken into account when developing any national standards, such as the Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010), although this is in need of updating.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

- Currently all of Newport's City Council Hackney Carriage Vehicles are wheelchair accessible and the Council is committed to social inclusion and ensuring that a wide variety of opportunities are available to disabled residents and those who visit the city. Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. For this reason, Newport City Council considers it is important that disabled residents have access to all forms of public transportation including "taxis" and this should be reflected within the national standards. By having a one tier system could potentially have a negative impact on the number of Wheelchair Accessible vehicles being licenced in Wales, though this can easily be mitigated by introducing the following national standards:

Operators operating more than 9 vehicles should be required to have a minimum ratio 1 in 10 vehicles that are wheelchair accessible.

Wheelchair accessible vehicles should be the only licence vehicle to have the privilege of using bus lanes within Wales.

Local Authorities should have the delegation to determine if certain taxi ranks (including Private owned ranks) are designated as Wheelchair Accessible vehicle only. These ranks could be located at key transport location, for example railway stations, airports, bus hubs, or popular tourist areas and shopping centres. By having dedicated ranks, it also allows for members of the public to have knowledge where they can access purpose built wheelchair vehicles.

- National Standards should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. though greater traceability).
- National standards should review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consideration of the appropriate boundary between taxis/PHVs and public service vehicles (PSVs).
- National standards should also review the case for restricting the number of hours that taxi driver can drive for an operator, on the same safety grounds that restrict hours for bus and lorry drivers.

Q24. Are there any matters which you think should be excluded from any national standards?

There are no matters that should be excluded, although national standards should not duplicate other legislation including that of competition legislation. Though Operators that clearly flout employment law should be defined as “not fit and proper” under any proposed national standards.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

The main obstacles will course will be incorporating the national standards into the 10,000 vehicles and 12,000 drivers currently licensed in Wales and the provisions that will need to be in place for transitional arrangements and any grandfather rights. Consideration will also need to be given to finding suitable consistent standards which work for both urban and rural areas.

The cost for the taxi trade to comply with any proposed national standards could potentially be significant and local authorities should be suitable funded so as able to assist the trade especially during any transition stage.

Q26. What would be the best approach for determining the content of national standards?

There are already a number of national policies in place which have been adopted by a number of Welsh Local Authorities in order to provide a level of consistency between areas, such examples include:

- National Inspection Standards for hackney carriage and private hire vehicles, and
- Institute of Licensing Guidance on determining the suitability of applicants and licences in the hackney carriage private hire trade.

There are also some excellent examples of local taxi licensing policies and standards in place which have been developed and applied at a local level.

Welsh Government will first need to establish what policies and standards are already in place in Wales and then draw on the knowledge of licensing practitioners who have expert practical experience of undertaking taxi licensing work on a daily basis.

It would be remiss of Welsh Government to disregard any policies, standards or procedures which have been developed by licensing professionals and which actually serve to provide a robust service against a backdrop of legislation which is woefully inadequate and outdated.

It is suggested that Welsh Government would also need to engage with passenger safety groups and operator representatives by way of meetings, seminars and workshops.

It is clear that current Acts of 1976 & 1847 governing Private Hire & Hackney Carriage are not fit for purpose but it is important that any changes are not rushed through, are future proof, and fit for purpose.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

We would welcome the requirement for drivers to display valid photo ID confirming they are an authorised taxi or PHV driver.

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

Newport City Council believes the revocation of a vehicle licence should be the responsibility of the home Licensing Authority. Where it is proposed that action is taken to revoke a licence, it is imperative that the licence holder is afforded the opportunity to be heard. The Licensing Authority that has issued the licence will also have invaluable local knowledge about the licence holder and have immediate access to the history of the vehicle and any complaints received and should be responsible for recovering any fees associated with taking the enforcement action.

It is noted that proposals in relation to fee setting are not included in the White Paper, this is especially important regarding enforcement matters.

It is felt appropriate though for any authorised officer from any Licensing Authority area to have the power to suspend a licence of any vehicle operating in their area (irrespective of where it was licensed) where there is an immediate public safety risk. The authority that issues the suspension would simply report the matter to the home Licensing Authority for them to consider whether to lift the suspension or take further action.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

The enforcement of minor licensing infringements can be excessively burdensome on licensing authorities and frustrates their efforts to raise standards within their area. There are important benefits to setting a culture where licensees know that they must adhere to the basics or else face sanctions, freeing up officials and enabling them to focus on more serious matters.

Fixed Penalty Notices should also be considered and would be beneficial for a licensing authority, bringing taxi enforcement in line with other areas of Local Government. Fixed Penalties should not only be used in regard to both vehicles, drivers and operators breaching such national standards. Local authority should be able to issue a fixed Penalty notice to either a vehicle proprietor, driver or operator even if they did not issue the original licence.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

As previously discussed with the Welsh Government, Licensing Authority Officers should have the power to stop and direct taxis, this would be a useful and beneficial addition to the enforcement options currently available to local authorities and would replicate similar VOSA powers.

In addition, Newport City Council would recommend mandating training for all individuals involved in the licensing decision-making process. Consistent and appropriate training of both Licensing officers and Councillors (this should also include Magistrates' legal clerks) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	
No	

Please explain your answer.

The establishment of a mandatory national database of all licensed drivers is critical, however this database should be expanded to include vehicle and operators, proprietors and dispatchers to support stronger enforcement. This must be established quickly.

In the interim, the National Anti-Fraud Network (NAFN) currently provides an online register of taxi and private hire drivers who have been refused or had their licence revoked. The database includes the reasons for any refusal or revocation, along with the relevant Licensing Authority details. Welsh Government must introduce legislation to mandate its use as a priority. The Licensing Expert Panel has already agreed in principle to use this database and at the time of this consultation response all local authorities in Wales were progressing this.

In addition, any national database must be able to accommodate or link in with an equivalent database in England to avoid duplication of data entry and ensure public safety particularly around the border areas.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

The Common Law Police Disclosure provisions have been highlighted as a significant concern by the Licensing Expert Panel previously. These proposals do

not cover this issue. The Panel would suggest the current disclosure provisions to be reviewed to ensure that all relevant information of crimes and conduct by taxi and private hire drivers, including arrest, charge and conviction information, is shared with the Licensing Authority immediately.

Newport City Council appreciate that Welsh Government may be limited in influencing this suggestion but it is essential to ensure all drivers, operators, proprietors and dispatchers are safe and suitable. Any influence Welsh Government could have on this to improve information-sharing on public safety grounds would be welcomed.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	

Please explain your answer.

Effective licensing of taxis requires local enforcement and as such local authorities must therefore continue to be central to the licensing process. We agree, however, that there is a strong case to be made for greater collaboration across licensing authorities: on local policies, standards and enforcement of taxi, in fact their already a number of good practices already taking place within Wales.

But Newport City Council strongly does **not** support the proposal of a JTA, there is no evidence to support the need to redirect the existing taxi and Private hire licensing function away from Local Authorities.

At this stage there is no detail contained within this white paper as to actually how the JTA would undertake the licensing function and therefore once again it is very difficult to comment.

Unfortunately, Newport City Council feels that there simply has been insufficient research in respect of a JTA. As such the Welsh Government must produce a far more detailed explanation on actually how the JTA will work. It is disconcerting that within the White Paper it stipulates that JTA is the Welsh Government preferred option, but representatives of the Government cannot explain in how a JTA will actually operate.

The fundamentals of taxi licensing is public safety, to achieve this, partnership working between key **local** agencies such as Gwent Police, Newport City Council Social Services, licensing and importunately the local taxi trade offers the best opportunities. By removing this and placing licensing services in a JTA could have a significant impact on public safety, especially regarding CSE investigations.

Though it noted that taxis do form part of the proposed Transport Network they also play a major role in Local Night Time economy. Local Authorities have a duty to consider under the Welsh Government Framework for "Managing the Night Time Economy" in Wales, transport needs of their local evening and night time economy as part of an integrated approach, which currently includes the importance of taxis and PHVs.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	✓
No	

Please explain your answer.

Yes, Newport City Council believe that local authorities should continue to have responsibility for taxi and PHV licensing as partly stipulated above. Whilst the Panel appreciate that the Licensing function requires strengthening as mentioned, it is recognised that licensing at the local level works well. Additional evidence is requested from Welsh Government to justify the contrary to continuing with Local Authority responsibility.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

Newport City Council very much welcomes and supports the Welsh Government in reviewing taxi legislation, though unfortunately the current proposals contained within the White Paper fall short of the reform that taxi and private hire licensing so desperately requires. We fully understand that currently time scales are very tight for the Government to introduce Primary legislation within the current admiration, but it is imperative the legislation is simply not rushed through and full consultation is undertaken.

The previous set of proposals contained within the Taxi and Private Hire Vehicle Licensing in Wales [WG31865] would have introduced a robust taxi licensing regime which was fit for the 21st century and afforded local authorities the necessary tools to protect the public, tackle cross border working and introduce more powers for better enforcement, it disappointing that the Welsh Government seems to have now abandoned this extremely positive work. This work undertaken by the Welsh Government very much mirrored in part the recommendations of the "Ministerial Working Party into Hackney carriage and Private Hire Licensing in England [2018]" which also builds on the work undertaken by the Law Commission "Reforming the Law of Taxi and Private Hire Services [2012]".

These recommendations offer far more than a practicable, robust and future proof solution to not local authorities by the taxi trades themselves. The recommendations, if implemented, would also ensure that any inconsistencies between Welsh and English authorities, particularly along the border, are negated.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

Welsh Government must have regard to the Welsh Standards as set out by the Welsh Language Commissioner. It is important that applicants are able to apply in their language of choice.

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

No comment

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

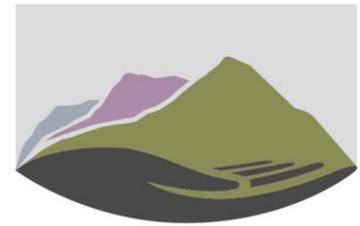
Newport City Council is pleased to have the opportunity to respond to Welsh Government consultation on proposed reform of hackney carriage and private hire licensing. It is felt that the reform is necessary to align the licensing laws to the needs of the present day world.

Newport City Council currently licences approximately 1103 drivers, 105 hackney carriage vehicles, 855 private hire vehicles and 39 private hire operators.

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26th March 2019

Improving Public Transport consultation

Response from Cymdeithas Eryri Snowdonia Society

The Snowdonia Society is the registered charity which for more than 50 years has cared for and protected Snowdonia. Through advocacy and practical conservation we strive to meet the needs of people and nature through the work of nurturing one of our most inspiring National Park landscapes.

We welcome the opportunity to respond to this consultation. We strongly support and have adopted much of the response from Campaign for National Parks.

Observations on the consultation subject

The landscapes of Snowdonia are the foundation for our work. Valued across society¹, Snowdonia also provides the natural resources on which a great deal of the economy of North Wales is based.

Welsh National Parks have a key role to play in the delivery of the ground-breaking Well-being of Future Generations and Environment (Wales) Acts. The long-term approach envisaged by this body of legislation sets Wales on course to lead the world on environmental management, if we can turn the words into matching actions.

The National Parks of Wales contribute significantly to the health and well-being of the whole nation, including all who live in them, work in them and visit them. They are a critical public service and should be available for everyone to enjoy and to benefit from what they have to offer, not only in terms of leisure opportunities, tourism and a sense of place, but also their contribution to health, well-being and spiritual inspiration.

¹ <https://beta.gov.wales/written-statement-valued-and-resilient-welsh-governments-priorities-areas-outstanding-natural>

Cymdeithas Eryri the Snowdonia Society
1967 - 2017

Yn gwarchod, gwella a dathlu Eryri ers 50 mlynedd - Protecting, enhancing and celebrating Snowdonia for 50 years

Elusen gofrestredig rhif/Registered Charity no: 1155401

That contribution, huge though it currently is, is less than it should be as a result of access difficulties. Major cuts to rural bus services in recent years have significantly reduced the opportunities for visiting National Parks, particularly for those who do not have access to a car. This affects those who live on the National Parks' doorstep as much as those who wish to visit from further afield. The need for many visitors to rely on the car also puts at risk the precious landscapes and wildlife in the Parks and has a negative impact on many of the benefits they deliver.

The current situation is that many of those who might benefit the most from the health and well-being opportunities provided by National Parks are excluded from them due to the lack of affordable and available bus services. Around a quarter of households in Wales do not have access to a car² and rely on public transport for most of their journeys. These people are increasingly isolated as local shops and services have closed. Bus services are important for those who live in National Parks as well as those who want to visit them.

The limited transport options means there is currently a strong reliance on the car among visitors to National Parks - around 93% on average³ - and high volumes of traffic can have a negative impact on the tranquillity and natural environment. Providing improved alternatives to the car ensures that increased numbers of people can visit without damaging the special qualities for which these areas are valued as well as allowing people who do not have access to a car to visit them more easily.

In Snowdonia a feasibility study – funded by Welsh Government – is underway to seek a range of solutions to address the challenges of transport around Snowdon itself, which now attracts more than 500,000 visits annually. The aim of this feasibility study will be to make the first step in achieving actions under the Snowdon Partnership Plan's second key outcome: *“excellent infrastructure and joined up services”*:

- A sustainable partnership approach to managing the parking problems around Yr Wyddfa which will include a bus service that meets the needs of users, is well advertised and effectively links into the parking areas around the mountain. The approach should be affordable, making Park and Ride an attractive option, with better, more flexible scheduling, longer running hours and more buses at peak times (especially between Betws-y-Coed & Beddgelert - Pen-y-pass)
- Transport that goes to all paths around Yr Wyddfa
- Improved park and ride facilities including peak season options.
- Parking facilities to cater for all that are co-ordinated and well-advertised with clear signage and road-markings.
- Better availability of spaces in the Pen y Pass car park which is often full by 6am during the summer.

Increasing the opportunities for local people and visitors to reach National Parks is also good for the local economy in areas which rely significantly on tourism for their economic well-being. Visitors who use public transport are more likely to spend money on food and drink locally and are more likely to pay for tourist attractions.

² Statistics taken from <http://gov.wales/statistics-and-research/people-vehicle-licensing-ownership/?lang=en> and <https://www.gov.uk/government/statistical-data-sets/nts02-driving-licence-holders>

³ <http://www.nationalparks.gov.uk/students/ourchallenges/tourism>

There are significant environmental benefits to providing improved alternatives to the car particularly where appropriate marketing is used to promote the service to existing car users. Reducing the number of people who travel to National Parks by car would also help reduce the associated impacts of carbon emissions noise pollution, road danger and the blight and severance caused by high volumes of traffic. This would provide benefits to local communities and enhance the experience of visitors as well providing environmental benefits.

Welsh Government has specifically asked AONB Partnerships and National Park Authorities (NPAs) to ‘seek to improve travel planning for visitor attractions and increase the use of demand responsive transport’⁴. Such measures will be essential if aspirations to increase the number of visitors to National Parks are to be achieved without damaging the very features which attract people to these areas.

However, NPAs are not transport authorities so the options they currently have available to them for influencing travel planning in their area are limited and it is essential that their role is taken into account when introducing the proposals set out in this consultation. NPAs have a strong interest in improving sustainable travel as they have a statutory responsibility to promote opportunities for public enjoyment and understanding of the Parks.

NPAs are also local planning authorities, and can use their planning policies to influence travel patterns but if National Parks are to thrive, spatial and transport planning needs to be properly integrated. This means that NPAs must be involved when local authorities are planning changes to public transport so that the vision and policies set out in local development plans is taken into account effectively as part of such changes.

Response to selected questions

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes, but it is essential that they also involve other relevant local partners with an interest in local bus services, particularly NPAs where the area in question includes all or part of a National Park. Bus services are vitally important for both residents and visitors in National Parks and it is essential that NPAs are able to influence the travel planning for their area.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

We strongly urge Welsh Government to ensure that NPAs must be included in the list of organisations to be consulted on a proposed EQP. NPAs should be treated as ‘relevant local authorities’ for the purposes of EQPs. We would recommend that given their strong interest in bus services in their area, NPAs should be consulted at an earlier stage in the process, prior to a wider public consultation exercise.

⁴ Valued and Resilient: The Welsh Government’s Priorities for Areas of Outstanding Natural Beauty and AONBs, July 2018, p11.

Q12. Do you have any other comments on the proposed process for franchising?

We welcome the recognition in the consultation document that the new franchising process will require local authorities to undertake a thorough assessment of any scheme proposed prior to its introduction. The legislation should explicitly state that where an area includes all or part of a National Park then such an assessment should take account of whether, and the extent to which, the proposed scheme has an impact on NPA policies, including those relating to promoting opportunities for public enjoyment and understanding of the Parks. NPAs should also be listed as part of the formal requirement for consultation set out in the legislation.

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes, it is important that it is as easy as possible for people to find out about the alternative transport options that exist. Good promotion of sustainable transport initiatives helps ensure they are well-used and are thus more likely to continue, and releasing open data on routes, timetables, fares and tickets will provide new opportunities for improved travel information, for example, it will make it easier for tourism providers to promote sustainable transport through their websites and marketing materials.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

There is an urgent need for more support for measures to improve car-free access to National Parks, in recognition of the wider benefits this would provide to individuals, local economies and the environment. This should include, but not be limited to, increased financial support for local bus services. There are also a wide range of other initiatives which should be considered. We recommend that you consider the ideas in the Campaign for National Parks report, *National Parks for all: making car-free travel easier*⁵, published last year which examined existing and current sustainable transport initiatives, and sets out recommendations about how to improve the options for travelling to and around National Parks more sustainably. This report examined a wide range of potential improvements including ensuring that bus and train services are better co-ordinated and the use of services such as shared taxis in addition to traditional bus services.

The report includes examples of innovative transport schemes which could be rolled out to meet the needs of visitors in all National Parks if the right support was available. These include Bwcabus⁶ which operates in Carmarthenshire and Pembrokeshire, and combines fixed route scheduled bus services with flexible, bookable on-demand connecting routes. However, even successful examples such as Bwcabus often require some level of subsidy given the nature of the areas they serve and many face an uncertain future due to the

⁵ Campaign for National Parks (2018) *National Parks for all: making car-free travel easier*
https://www.cnp.org.uk/sites/default/files/uploadsfiles/National_Parks_car-free_travel_HIRESDPS.pdf

⁶ <http://www.bwcabus.traveline-cymru.info/>

reduced level of funding available for local buses following cuts to local authority bus services in recent years.

One of the key recommendations in the CNP report is for the introduction of a 'smarter travel National Park' pilot which would test new types of on-demand shared transport services such as Bwcabus together with the use of travel demand management measures, such as road pricing. It would also support the development of sustainable travel hubs – key centres within the Parks offering a range of activities within one location and good car-free access to other locations nearby. The evaluation of the pilot should be used to inform future policy and funding priorities.

In order to deliver an effective service in National Parks and other rural areas in future it may be necessary, ultimately, to completely change the way in which bus services are planned and operated. The current deregulated system in the UK is never going to deliver the kind of rural transport service that many other European countries have as it does not allow for any cross-subsidy between revenue-generating and loss-making routes. In contrast, the system which operates in most Scandinavian regions allows for some cross-subsidy meaning that there are generally higher levels of service provided in rural areas⁷. In Denmark, Sweden and Norway virtually all bus services have been franchised which has resulted in reduced costs and improved quality. A similar model could develop significant improvements to rural transport in Wales. It should include a requirement for those planning and operating services to provide for access to recreational and visitor destinations as well as key services such as education and healthcare. The case for wider reform of the bus system is described in more detail in the report, *Building a world class bus system for Britain*⁸.

We are happy for this response to be made publicly available.

Yours

John Harold

Cyfarwyddwr- Director

Cymdeithas Eryri Snowdonia Society

⁷ <http://www.urbantransportgroup.org/resources/types/reports/scandinavian-way-better-public-transport>

⁸ http://www.transportforqualityoflife.com/u/files/160120_Building_a_world-class_bus_system_for_Britain_FINAL1.pdf

REFERENCE WP132

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	√
No	

Please explain your answer.

Local bus services are not aligned, confined or influenced by local authority boundaries so it's important for local authorities to work together with regard local bus services.

Having a close working relationship with neighbouring authorities is beneficial from many perspectives which can include in respect of:

- adopting aligned and complementary approaches
- avoiding duplication
- delivering projects
- adopting a consistent approach where applicable
- benefitting from economies of scale in joint procurement processes
- sharing information, expertise and experience

CCC therefore acknowledges and respects the existing long established relationships it has in place with other local authorities. However, CCC also places a very high value on matters affecting local service delivery being subject to scrutiny, input and decision making at the local level.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

If there is a credible and evidence based rationale for a change to the current organisational structures and arrangements then CCC's preference would be for this to be reflected with 4 regions being established with one of these having a Mid Wales footprint. This view is supported by Information provided in the consultation document with regards the profile of '*commercial*' (78.9%) and '*subsidised*' (21.1%) services which in no way reflects the situation in Ceredigion or Mid Wales.

CCC would only support a model moving forward which reduces bureaucracy, increases transparency and ensures that public money is optimised in supporting the delivery of services to the public.

Q3. Is there another organisational structure for JTAs that we should consider? Please explain your answer.

Please see above answer to Q2.

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It is not possible to expand on this at this stage in the absence of sufficient detail relating to the establishment of JTA's and fundamental considerations including governance and resourcing and what this would actually mean on a national, regional and local level.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

Due to the involvement of government at various levels all stakeholders need to be suitably engaged, represented and have an input in any future model.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

There would need to be clear understanding of the evaluation criteria for what success or failure would look like in this context before being able to express a view while respecting the need for consensus.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

There is insufficient detail at this stage to express a view especially with regards the impact of a national and regional approach on local democracy, input and accountability.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

No - CCC is in principle opposed to the inclusion of other transport functions such as Highways Management and Winter Maintenance in any JTA arrangement.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	
No	√

Please explain your answer.

There are other ways of securing benefits which includes from a more rationalised, streamlined and transparent approach to supporting/sustaining bus networks with public money. This could also lead to efficiencies being realised that could release resource for deployment on delivering services rather than administering them.

Where bus networks are predominantly or totally 'subsidised' the means of achieving benefits or improvements could be built into existing procurement processes.

CCC believes it is the availability and optimisation of funding, to reflect and take into account the requirements of a rural area, which is fundamental to securing benefits.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	
No	

Please explain your answer.

Please above response to Q8.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	
No	

Please explain your answer.

Please see response to Q8.
Franchising should not be undertaken on a national level as this would seriously undermine the viability of local operators.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

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Yes	
No	

Please explain your answer.

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Q12. Do you have any other comments on the proposed process for franchising?

Please see response to Q8.

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

Please see response to Q8.

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	√
No	

Please explain your answer.

CCC would insist on SMEs being enabled to be involved in any procurement process as Boosting the Economy is a Corporate Priority in its Corporate Strategy 2017-22.

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

This is unlikely to be particularly relevant in a Ceredigion context due to the make-up of the local bus network.

Local authority bus services

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Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

If there is a sound business case to support this and provided there is no compulsion to do so with the decision to pursue this being one determined at a local level although unlikely to be a financially viable alternative.

Q16a. In what circumstances do you think this would be appropriate?

Please see answer to Q16.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

This is not really a consideration in an area where there is little evidence of what could be described as a deregulated market.

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

If there is a sound business case to support this and provided there is no compulsion to do so with the decision to pursue this being one determined at a local level although unlikely to be a financially viable alternative.

Q17a. In what circumstances do you think this would be appropriate?

Please see answer to Q17.

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

This is not really a consideration in an area where there is little evidence of what could be described as a deregulated market.

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

Taking into account the significant percentage of journeys (47%) undertaken by concessionary fare pass holders across Wales if the criteria is changed in a way which reduces the numbers eligible this is likely to have the consequence of contributing negatively to the already declining bus patronage figures. Possible savings realised in one budget area would therefore be likely to either see greater pressure/demands on another and/or see a reduction in service levels.

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Q19. Do you agree that an incremental change is the most appropriate method?

It's unclear what the imperative for, or the intention of, the change would be

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	√
No	

Please explain your answer.

Yes, however, information is already available either from copies of registration documents submitted to the office of the Traffic Commissioner or as stipulated in contract specifications or as part of ongoing contract monitoring and management.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	√
No	

Please explain your answer.

Please see response to Q20.
Yes, where applicable, the ability to obtain and disclose information as part of tendering processes could be beneficial in better informing potential tenderers.

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	✓
No	

Please explain your answer.

Yes, this is consistent with the previous consultation work undertaken between the Wales Heads of Environmental Health's Licensing Expert Panel and the Welsh Government lead on taxi reform in Wales. It is also consistent with recommendation 2 made by the "Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]" and the Law Commission review "Reforming the Law of Taxi and Private Hire Services" [2012]".

National standards would ensure that taxi services are delivered consistently across Wales and deal with any perceptions of any unnecessary inconsistency across Councils.

Q23. Are there any matters which you would like to see contained in any national standards?

Separate national standards should be defined for vehicles, drivers and operators. The following matters should be included, although this is not an exhaustive list:

- Enhanced DBS and Barring List checks (certificate of good conduct for overseas applicants) for drivers, operators, proprietors and dispatchers. We believe that anyone taking or holding an individual's personal information should have to be vetted to ensure that that person is safe and suitable ("fit and proper").
- Medical fitness and specifically the requirement of Group 2 Medical Standards and the need for the applicant's full medical history to be noted by the completing GP. Standards should also consider consistency of the issue of exemption certificates in terms of Equality Act duties.
- Immigration checks specifically the Right to Work in the UK
- Suitability of applicants and licence holders. The Institute of Licensing has published guidance on determining the suitability of applicants and licence holders in the hackney carriage and private hire trades. The criteria used in this guidance should be incorporated into any national standards
[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)
- Nationally-recognised vocational qualifications to include disability quality and awareness training, safeguarding awareness training (Child Sexual abuse / Exploitation, County Lines), practical driving standards test, communication skills and literacy, customer care, handling of emergencies, managing conflict etc.
- Knowledge and suitability test (literacy, numeracy, highway-code, conditions,

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local area knowledge).

- Foreign driving licences

In addition, we would recommend the following matters be included in relation to vehicles:

- National Inspection Standards and frequency of inspections and testing including the criteria for testing. Consideration should also be given to suitability, independency and availability of testing stations and how they are approved e.g. consider if use of Trade owned testing stations are appropriate.

- Design and appearance and internal spatial requirements of vehicles including the approach to identify taxis and private hire vehicles.

- The information which should be contained on any vehicle identification source (plates, door signs).

- Standards for specialist and novelty vehicles, such as stretched limousines, wedding and funeral cars, omnibuses and pedicabs.

- Taxi Meter standards including the criteria for Pulse and GPS meters.

- The use and standards for CCTV within vehicles, both audible and video as outlined in recommendation 17 & 18 “Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]”. The Information Commissioner’s Office has produced advice for councils and other organisations in using surveillance and CCTV systems in licensed taxis. A national standard should take account of this advice.

<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand> The LGA Guidance has also now been published.

<https://www.local.gov.uk/developing-approach-mandatory-cctv-taxis-and-phvs>

The cost of fitting CCTV within licensed vehicles particularly for small businesses may require subsidy from Welsh Government.

- Record Keeping including the retention period required. We believe that ideally records should be kept for every journey undertaken, however, there are obvious practical difficulties with taking this approach. A better option would be to use technology to better the safeguarding processes. The use of CCTV, trackers and GPS systems would not only provide a more robust system for record keeping, but would also not place an administrative burden on taxi drivers.

- Environmental considerations such as vehicle emission standards.

The standards for some of the points recommended above are included in guidance already and should be taken into account when developing any national standards, such as the Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010), although this is in need of updating.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

In addition, we would recommend mandating training for all individuals involved in the licensing decision-making process. Consistent and appropriate training of officers, Councillors and Magistrates’ legal clerks (for appeals) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Finally, any national standards developed should be consistent with criteria implemented in England to reduce variations in driver, vehicle and operator

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requirements especially around the border areas.

Q24. Are there any matters which you think should be excluded from any national standards?

There are no matters that should be excluded, although national standards should not duplicate other legislation.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

The main obstacle will be incorporating the national standards into the 10,000 vehicles and 12,000 drivers currently licensed in Wales and the provisions that will need to be in place for transitional arrangements and grandfather rights. Consideration will also need to be given to finding suitable consistent standards which work for both urban and rural areas.

Q26. What would be the best approach for determining the content of national standards?

There are already a number of national policies in place which have been adopted by a number of Welsh local authorities in order to provide a level of consistency between areas; such examples include:

- National Inspection Standards for hackney carriage and private hire vehicles, and
- Institute of Licensing Guidance on determining the suitability of applicants and licences in the hackney carriage private hire trade.

There are also some excellent examples of local taxi licensing policies and standards in place which have been developed and applied at a local level including here in Ceredigion.

Welsh Government will first need to establish what policies and standards are already in place in Wales and then draw on the knowledge of licensing practitioners who have expert practical experience of undertaking taxi licensing work on a daily basis.

It would be remiss of Welsh Government to disregard any policies, standards or procedures which have been developed by licensing professionals and which actually serve to provide a robust service against a backdrop of legislation which is woefully inadequate and outdated.

The Wales Heads of Environmental Health's All Wales Licensing Expert Panel consists of managers and team leaders who have extensive knowledge and experience in the taxi licensing field and would without question need to be heavily involved in the development of national standards. A Ceredigion representative sits on this Group.

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It is suggested that Welsh Government would also need to engage with passenger safety groups and operator representatives by way of meetings, seminars and workshops.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

The previous Welsh Government consultation on Taxi and Private Hire Vehicle Licensing in Wales [WG31865] referred to “national standards for all taxis and private hire vehicles, set by Welsh Ministers, with the power for local licensing authorities to set additional conditions where it is appropriate to do so”

Although the White Paper makes no reference to minimum national standards, it is worth noting that we would not recommend that local licensing authorities be permitted to set additional local conditions above the national standard as this is likely to create inconsistency.

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	✓ (subject to explanation provided below)
No	

Please explain your answer.

We believe that the revocation of a vehicle licence should be the responsibility of the home licensing authority. Where it is proposed that action is taken to revoke a licence, it is imperative that the licence holder is afforded the opportunity to be heard i.e. the opportunity of a fair hearing; this is a requirement of Article 6 Human Rights Act which protects your right to a fair trial. The licensing authority that has issued the licence will also have invaluable local knowledge about the licence holder, have immediate access to the history of the vehicle and any complaints received and should be responsible for recovering any fees associated with taking the enforcement action. It is noted that proposals in relation to fee setting are not included in the White Paper.

We believe, however, that it is appropriate for any authorised officer from any licensing authority area to have the power to suspend immediately (Section 68 Local Government (Miscellaneous Provisions) Act 1976) a licence of any vehicle operating in their area (irrespective of where it was licensed) where there is an immediate public safety risk e.g. defective tyre, or potentially where the vehicle fails to meet the national standards e.g. missing door signs / back plates. The Authority that issues the suspension would then report the matter to the home licensing authority for them to consider whether to lift the suspension or take further action.

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Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	✓
No	

Please explain your answer.

We consider this of benefit to aid the home Licensing Authority in order to determine whether any further action is required e.g. improvement notice / advisory / warning. For example introducing a system of issuing a Fixed Penalty Notices would bring taxi and private hire enforcement in line with other areas of local government. Some method of referral scheme would need to be developed to notify the issuing Licensing Authority, however the practical implications of this would need further consideration.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

The All Wales Licensing Expert Panel has previously been in discussion with Welsh Government about introducing the power to stop and direct taxi and PHVs. Whilst it feels that it could be a useful and beneficial addition to the enforcement options currently available to local authorities, we have concerns in relation to officer safety as currently only uniformed police officers have the power to request a vehicle to stop.

Currently licensing authorities are unable to attach conditions to hackney carriage driver licences; some local authorities have Byelaws in place; we would recommend incorporating any relevant component of these into national standards

We would also recommend that other enforcement provisions be introduced by Welsh Government such as where a driver refuses a fare due to the short distance involved or for cases of overcharging.

In addition we would recommend mandating training for all individuals involved in the licensing decision-making process (as mentioned above). Consistent and appropriate training of officers and Councillors (this should also include Magistrates' legal clerks) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	✓
No	

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Please explain your answer.

The establishment of a mandatory national database of all licensed drivers is critical, however this database should be expanded to include vehicle and operators, proprietors and dispatchers to support stronger enforcement. This must be established quickly.

In the interim, the National Anti-Fraud Network (NAFN) currently provides an online register of taxi and private hire drivers who have been refused or had their licence revoked. The database includes the reasons for any refusal or revocation, along with the relevant Licensing Authority details. Welsh Government must introduce legislation to mandate its use as a priority. We are aware that the Licensing Expert Panel has agreed in principle to use this database, and at the time of this consultation response, all local authorities in Wales were progressing this.

In addition, any national database must be able to accommodate or link in with an equivalent database in England to avoid duplication of data entry and ensure public safety particularly around the border areas.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

The Common Law Police Disclosure provisions have been highlighted as a significant concern by the Licensing Expert Panel previously. These proposals do not cover this issue. We would suggest the current disclosure provisions be reviewed to ensure that all relevant information of crimes and conduct by taxi and private hire drivers, including arrest, charge and conviction information, is shared with the licensing authority immediately.

We appreciate that Welsh Government may be limited in influencing this suggestion but it is essential to ensure all drivers, operators, proprietors and dispatchers are safe and suitable. Any influence Welsh Government could have on this to improve information-sharing on public safety grounds would be welcomed.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	✓

Please explain your answer.

CCC does not support the proposal on the information provided, as there is no evidence to support the need to redirect the existing taxi and PHV licensing function away from local authorities. At this stage there is no detail contained within this White Paper as to how the JTA would undertake the licensing function and therefore

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it is very difficult to be able to answer this question. We feel that insufficient research has been undertaken in respect of this proposal and that Welsh Government must produce a far more detailed explanation on how the JTA would work in practice. We feel that they would then be in a better position to comment on the proposal. Our overriding concern is the protection of the public, and there is nothing contained within this proposal which suggests that public safety is at the forefront of this proposal.

In addition, local authorities have a duty to consider the WG's Framework for Managing the Night Time Economy in Wales. Authorities need to consider the transport need of their local evening and night time economy as part of an integrated approach, which includes the importance of taxis and PHVs. Partnership working between key local agencies such as the Police (including Transport Police), licensing and the taxi trade offer the best opportunities for achieving sustainable late-night transport environments that also promote safety. Removal of the duty from local authorities would not be beneficial to implementing plans for improving the night time economy as a whole.

We would be happy to consider the evidence for Welsh Government's proposals and to work with them further to ensure any reform of taxi and private hire vehicle legislation is robust, enforceable and improves public safety

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	✓
No	

Please explain your answer.

Yes, we believe that local authorities should continue to have responsibility for taxi and PHV licensing. Whilst we appreciate that the licensing function requires strengthening as mentioned in option B, it is recognised that licensing at the local level works well. Additional evidence is requested from Welsh Government to justify the contrary to continuing with local authority responsibility.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

We believe that the current proposals contained within the White Paper fall far short of the reform that taxi and private hire licensing so desperately requires. The previous set of proposals contained within the Taxi and Private Hire Vehicle Licensing in Wales [WG31865] would have introduced a robust taxi licensing regime which was fit for the 21st century and afforded local authorities the necessary tools to protect the public, tackle cross border working and introduce more powers for better enforcement. Instead, what is now being proposed is a quick fix and offers nothing more than a sticking plaster solution. The existing legislation is archaic, not fit for purpose and requires fundamental reform with new primary legislation.

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We are, unfortunately, resigned to the fact that the radical, ambitious and exciting plans previously proposed by Welsh Government have effectively been “kicked into the long grass” and are unlikely to be revisited. A viable alternative however is readily available by considering in more detail adopting the recommendations of the “Ministerial Working Party into Hackney carriage and Private Hire Licensing in England [2018]” which builds on the work undertaken by the Law Commission “Reforming the Law of Taxi and Private Hire Services [2012]”.

These recommendations offer far more than a sticking plaster solution and would modernise the legislative framework, introducing appropriate regulation and giving licensing authorities the necessary enforcement tools to better protect the public.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

Welsh Government must have regard to the Welsh Standards as set out by the Welsh Language Commissioner. It is important that applicants are able to apply in their language of choice and be examined in the language of their choice. Positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks. We would expect that a percentage of front line local authority staff that deal with the taxi trade have a sound understanding and application of the Welsh language.

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Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

See answer to Q36.

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

See answer to Q36.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We have no further comments to make.

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	*
No	

Please explain your answer.

CCBC has long been an exponent of collaborative working both within the region and across Wales (in particular for the management and administration of local bus services, ticket machines and the free travel concessionary fares scheme). Much work has been undertaken by the region's local authorities to explore areas for more effective or wider collaboration and integration of services, particularly for passenger transport.

In order to realise WG's vision for an integrated public transport network, there needs to be clarity on the functions required to be undertaken, at what level they are most appropriately delivered and how (i.e. national, regional or local). There will be roles at all levels to realise the vision that will need to be appropriately coordinated, resourced and funded.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

The case for change is real and the desired outcomes to be supported. However, there is no reasoned rationale for the organisational structures proposed. The establishment of CCRCD, CCRTA and Transport for Wales together with the investment of the City Deal Agreement and South Wales Metro transformation programme present a major opportunity to deliver a step change towards an integrated public transport network. However, roles and responsibilities that are most appropriately assigned to each need full discussion and consideration to ensure the most effective organisational structures are in place to capitalise on this opportunity, utilise existing resources/statutory powers yet maintains a level of local accountability for the long term.

Strengthening the existing and well established regional working arrangements (within a national strategic framework) would appear to be a sensible step forward. Also it is unclear how a national JTA would be distinguished from WG's national role.

CCBC, through the CCRTA, would welcome the opportunity to work with WG, TfW and others to develop these organisational structures.

Q3. Is there another organisational structure for JTAs that we should consider?
Please explain your answer.

Please refer to the response at 2. Given the existing organisational arrangement in South East Wales for the CCRC, CCBC's preferred organisational structure would be a regional JTA working closely with WG, TFW and the other regional JTAs.

To support the organisational structures developed consideration also needs to be given to the strategic policy framework they need to operate within. The focus should be on long term planning and investment, the improvement of decision making and spending scarce resources on the right things (to meet key policy objectives). This requires a transparent decision making process with open evaluation of schemes/priorities.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

There is clearly a role for the Minister at a national level and there needs to be a close working relationship with WG at the national, regional and local levels. However, a regional JTA (within a city deal context) is unlikely to be wholly reliant on WG funding and needs to remain locally accountable, so there could be potential conflicts of interest for the Minister being represented on any regional JTAs/committees.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

This is intertwined with what the roles and responsibilities of the various parties would be under the new organisational structures. Where the functions relate to WG strategic national policy objectives or funded initiatives (e.g. the Wales Transport Strategy and the concessionary fares free travel scheme), then it would be appropriate for WG to issue guidance and expect some level of accountability.

However, the approach between the regions is likely to vary requiring some flexibility in approach, as not all functions of a regional JTA would necessarily be directly linked to WG policy objectives or initiatives. It may be that local authorities choose to combine resources and functions for more effective delivery (particularly in the context of the Cardiff Capital Region for South East Wales). Therefore the issue of potential conflict of interest for the Minister arises again. This is another reason why detailed discussions between the local authorities/CCRTA and WG are necessary before the detailed proposals for a JTA White Paper are prepared.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

The responses to questions 1-5 cover this matter. Co-production of the detailed White Paper will clarify further.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

In the first instance, it is appropriate the public transport functions relating to policy and services is the focus of a regional JTA. Whilst it would be possible for a regional JTA to take on other functions across a variety of services (by agreement between local authorities), there would be complexities around funding, governance and local accountability to work through. So the establishment of a regional JTA should focus of the core public transport functions until such time that it is established and successfully operating before seeking to expand its role.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	
No	*

Please explain your answer.

Enhanced Partnership working, with a focus on meeting passenger aspirations is favoured.

The Transport Act 2000 laid down the original legislation for a LA to establish a Partnership Scheme, with the Local Transport Act 2008 making it easier to implement. CCBC supports the move towards enhanced partnership working, with a genuine alliance between bus operators, LAs (working through a regional JTA) and other partners to work together to deliver high levels of passenger satisfaction, with key deliverables being to shape the bus network, promote sustainable transport, contribute to economic growth and job creation, connect communities and reduce pollution.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	
No	*

Please explain your answer.

Whilst an EQP may work effectively on the strongest commercial corridors, it would not be appropriate for marginal services and smaller bus operators who operate a high proportion of services throughout Wales.

The key ingredients of successful partnership working between parties is trust and an understanding of what each party can effectively deliver.

CCBC believes that a move towards a Bus Alliance model / Quality Partnership Agreement between operator, LAs (working through a regional JTA) and other stakeholders is the most cost effective and practical way in which the necessary improvements in local bus service provision, sought by passengers and potential passengers, can be achieved.

Such an Alliance could be developed on a regional basis, with confirmed outputs and targets, with local partnership agreements tailored to meet local passenger needs.

There is no need for any new legislation to establish a Quality Partnership Agreement in Wales. The Transport Act 2000 provided the original legislation for a LA to establish a Quality Partnership Scheme, with the Local Transport Act 2008 making it easier to implement. The Welsh Government and Transport for Wales, working through regional JTAs, simply need to be more proactive and supportive of their introduction.

The Welsh Government's Voluntary Welsh Bus Quality Standard", built upon and largely replicated the ground breaking south east Wales scheme and recognised that the key benefits of such an approach would be to ensure;

- (i) a consistent minimum standard across Wales, which also enables LAs to respond to local needs;
- (ii) similar flexibility to adjust the percentage split between essential and enhanced standards;
- (iii) the ability to add or remove standards over time in order to continually drive-up standards.

These standards must evolve and act as an incentive to deliver tangible improvements for passengers, but at the same time, they should be fair and attainable for operators and deliver a balanced outcome that is inclusive and does not impact on the bus services that operate on the margin of sustainability. Whilst the protection of the BSSG funding line by Welsh Government over the last 6 years is welcomed in the current financial climate, it has resulted in a real term cut. Simply adding additional requirements within the same budget envelope is not sustainable, with a risk there will be a lower number of routes albeit with higher quality provision than currently in operation.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	
No	*

Please explain your answer.

Franchising would not address traffic congestion, which is one of the main issues affecting the reliability of local bus service operations in the urban areas of south east Wales and requires additional resources to be committed to maintain service frequencies as journey times increase.

Perhaps more fundamentally, the implications of continuing to fund the entire bus network under a franchise regime needs to be considered. Since 2011/12, as public bodies have strived to maintain core services against a background of continued austerity measures, the Welsh Government and most LAs have cut their revenue support for bus services. The combined reduction in revenue support for subsidised services in the region, following reductions in BSSG (formally LTSG) from the Welsh Government and the LA's own revenue support grant is significant and the tough financial settlements predicted in future financial years will put further pressure on budgets.

Franchising could be a consideration when the commercial bus network is unresponsive to local transport needs, and may be influenced by factors other than demographics and population density. For example, many operators have failed due to cut throat tendering and first past the post tendering, encouraged by LAs seeking to balance funding against delivery without any regard for quality or sustainable supplier safeguards. In essence the 1985 Transport Act is still fit for purpose so long as operators are still viable and LAs (working through a regional JTA) are funded to set appropriate standards of quality.

The extent of a bus network in any given area is defined by the revenue generated. This is made up of fares paid by passengers, revenue support (through service subsidy and BSSG / kilometre support), concessionary fare reimbursement and revenue from season tickets (e.g. for school / college transport), whilst factors such as cost / productivity, vehicle speed, highway conditions and bus priority measures determine if it is possible to serve communities in a cost effective manner. Any changes in this mix of revenues will have a direct impact on the cost of providing bus services and therefore the level of service provided.

In a commercial market, operators direct their resources to those services that generate the highest levels of patronage and therefore income. As with any business, operators need to generate profit to replace assets, pay interest on borrowings, repay loans and reward shareholders of their business for their investment / risk. In one of the presentations at the Bus Summit in Wrexham in January 2017, the TAS Partnership highlighted that a return of 10% to 13% was

necessary to sustain a robust local bus operation, but highlighted that a 10% profit level had not been achieved in a single year collectively across Wales over the past 24 years.

Franchising perhaps has a role in areas where the balance of the network is biased towards subsidised routes, rather than towards commercial provision. However, for the majority of urban areas in south east Wales, there is concern that franchising will lead to higher overall costs for the funding authority, particularly if franchising reduces interest in the bus market and leads to reduced competition of provision.

To put this in context, growth on many of the most successful routes has been achieved through improving frequencies – often to a level of ‘turn up and go’, where services run at least every 10 minutes along corridors and additional demand is generated to sustain this level of service. However, this level of service is often contrasted with other corridors where the demand for travel can only sustain much lower frequencies of provision, or where support has to be used to provide links between places or at times that are unlikely to generate sufficient demand to be commercially sustainable.

In a franchise environment, decisions would need to be made on where resources are targeted. With limited or no additional funding, frequencies would need to be reduced to release resources to improve service levels on other parts of the network. By definition, this will reduce the amount of revenue generated in a given network, as the strongest revenue earning routes will be less attractive and revenue will decline, whilst the ‘new’ elements of the network will not generate sufficient revenue to make up for the decline. Alternatively, if frequencies on the core network are maintained, additional resources would be required to meet other network aspirations. Either way would require additional revenue support at some stage to repair a potentially damaged or distorted network.

Network strategies would also become a political decision, with local politicians deciding on service frequencies, and not the customer. The business risk for commercial operation therefore moves from the operator to the LAs or a regional JTA and their politicians, who have to answer for the success or otherwise of a franchised network to the electorate. Furthermore, operators will get paid, regardless of whether their services are attracting sufficient passengers to cover costs, as they would have no commercial incentive for growing the market. Any losses will have to be met from the public purse.

The role of LAs as defined by the 1985 Transport Act is based on filling gaps / maintaining services that are not met by the commercial bus market. In most of urban south east Wales, the bus network is provided by a mix of operators that cover small, medium and large independent / family owned businesses, two significant LA operations run at arms-length by Cardiff and Newport City Councils and two subsidiaries of the major UK bus Groups (First and Stagecoach). Community Transport, operated under Section 19 or 22 Permit, supplements the established bus network, particularly in the most rural areas (Monmouthshire and the Vale of Glamorgan) and in those communities in the urban areas, which are remote from the main public transport networks.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	*
No	

Please explain your answer.

It is necessary to scrutinise and be satisfied that the procedures and assessments undertaken by a LA or regional JTA, and the decisions taken, are robust and ensure compliance with the relevant legislation, but also to resolve disputes that might arise between the different parties and ensure that the consumer interest is protected.

The Traffic Commissioner covering North East England performed this role in determining (the ultimately unsuccessful) proposals submitted by Nexus for a proposed Quality Contract Scheme in Tyne and Wear. It is suggested that the Traffic Commissioner for the Welsh Traffic Area could perform a similar role in determining any franchising proposals being prepared by a LA or regional JTA in Wales.

Q12. Do you have any other comments on the proposed process for franchising?

Prior to the 1985 Transport Act which introduced 'deregulation' of local bus services, the trend in bus passenger usage was showing an almost continuous decline which, to a certain extent, has not been reversed since the Act came into force. It has also led to a reduced perception in the quality of bus services provided. This decline is not a consequence of the regulatory framework governing local bus service operation. Instead, it is driven more by various social and economic factors, such as rising car ownership and use; planning and land use policies; the decline of large industrial employers with set shift patterns; and the growth of internet shopping, with the related decline in the town centre retail offer.

The North East of England spent 2 years developing the business case for franchising, only to have it rejected as an option as it was financially unviable. Transport for Greater Manchester is currently spending £11.5m on a feasibility study to explore franchising, which will potentially have the same outcome as the North East of England.

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

The Consultation document does not set out the terms and conditions of the permit and its duration etc., which would be determined by the franchising authority. This situation could result in inconsistencies and differences arising between neighbouring franchising authorities and create potential difficulties for bus

operator(s), which serve these adjacent areas, leading to fragmented networks. If franchising arrangements are introduced, then it would be sensible to have a national framework and guidance in place to promote consistency.

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	*
No	

Please explain your answer.

Local bus services in Wales are provided by a variety of operators ranging from small, independently owned family businesses to LA owned companies and subsidiaries of the major publicly owned bus groups.

Franchise contracts should reflect the characteristics of the area being served in terms of its geography, highway network and transport provision.

The London style franchising model ensures that small, medium and large scale operators are not disadvantaged in this process with invitations to let both individual bus routes as well as a network of bus routes being covered by the franchises. As a consequence, bus operators with small and medium size fleets can become involved in the franchising process without incurring any significant resource implications.

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

This scenario is most likely to arise if an incumbent commercial operator is unsuccessful in becoming the operator of the franchised bus service(s) and decides to discontinue operating its existing commercial bus services and disposes of / transfers its assets such as depots and vehicles.

To ensure that the franchising authority does not act unlawfully against a commercial decision taken by a private company, an option could be to extend the period required to register the withdrawal of those bus services that are to be taken over under the franchising process. This requirement would provide a new franchised bus operator with sufficient time in which to take over the existing operations or set up new operations.

To facilitate a transfer of operations (or establish new operations), work carried out during the initial stages of the franchising process (such as research and planning) would need to be thorough and detailed, so that the operational and resource implications of the new local bus service franchise could be identified.

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

In the provision of local bus services, it could be argued that the lack of commercial bus operations along a strategic urban route or during the tendering of a local bus service contract could be examples of a market 'failure'. However, as previously highlighted, it could also be argued that commercial local bus services are competing in the market place for passengers against the car and train. Generating an increased interest in tendering for local bus service contracts could be achieved through more targeted funding, better timetabling, scheduling and vehicle utilisation, and encouraging diversification amongst those bus companies not currently involved in local bus service operation.

If LAs or regional JTAs can demonstrate that they have robustly but unsuccessfully explored these options, then only under this scenario should a LA or regional JTA contemplate operating bus services directly in-house. Alternatively, if local needs can be met by flexible and innovative services, combined with home to school and / or adult care transport needs on a more cost effective basis than the private sector, then this may be more appropriate with an Operator's licence, rather than the currently restricted Community Permit system.

Q16a. In what circumstances do you think this would be appropriate?

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

Yes, but the LA or regional JTA should demonstrate how it can achieve better value for money for the public sector, offer a potential solution towards improving local bus service provision within its area, as well as meeting the goals of the Well-being of Future Generations (Wales) Act 2015. In this case, the expectation would be an abject failure of the commercial sector to meet the passenger transport needs of the LA or regional JTA, or in a niche / flexible transport solution that could be delivered more cost effectively ;in house' than by the commercial market (such as Caerphilly CBC's Connect2).

Several local Councils in Wales have had previous experience of running their own bus companies. Since 1986 all but two of these have sold to other operators or ceased trading, the two surviving operations are currently loss making.

Under no circumstances should arms-length bus companies be used in a way that undermines the operation of commercial local bus services. To reiterate, whilst this Council is supportive of these powers being available, it does not envisage a need to establish an arms length company to operate bus services in an area where the commercial transport providers are meeting passenger needs. However, where there has been an abject failure of the market to provide an acceptable level of bus service, or a lack of competition in the market to sustain an affordable network of socially necessary services, this option should be available to local authorities.

Q17a. In what circumstances do you think this would be appropriate?

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

Yes. It is important that the travel scheme reflects the wider demographic changes that are taking place across Wales and in particular, an ageing population and an older workforce. This proposal would appear to take account of these changes and is in line with changes already made in the English scheme.

The impact of any change to the age criteria will need to be fully assessed, especially with regards to any unintended consequences, bearing in mind that there are significant health and (healthy) life expectancy inequalities in some areas, especially our more deprived communities. For many, including some in their early sixties this scheme may be relied upon, and we must be mindful of the huge issue of loneliness and social isolation for Older People. It may also be worth considering that less people on buses may well equal fewer buses and bus services, and the potential impacts of this.

Q19. Do you agree that an incremental change is the most appropriate method?

Yes. This will protect existing card holders and allow a gradual transition.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	*
No	

Please explain your answer.

Yes, but the requirements placed on bus operators should not become onerous in terms of the ongoing resource commitments, as this will have a negative impact on their commercial viability.

Data on timekeeping and reliability would assist the LAs or regional JTAs in carrying out their strategic role overseeing the highway infrastructure.

This should be a collaborative approach on a regional level – for example through a regional traffic control system that makes better use of existing data and expanding data feeds covering traffic delays, journey times and parking availability system.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	*
No	

Please explain your answer.

The role of the LA (working through the regional JTA) is to maintain a comprehensive local bus network within the resources it has available, and to react to withdrawal of services or journeys within a network. The LA or regional JTA needs timely information on passenger usage as soon as the change is confirmed, to enable alternative cost effective solutions to be found. This exists in many LAs, where close relationships have been developed with the bus operators and changes to services that will negatively impact on passengers are shared in commercial confidence with officers before the changes are registered. These prior discussions with the local authority can often assist operators in finalising their plans, particularly if sensible revisions to the tendered network can be made to complement the changes made to the commercial network. Where these relationships don't exist, having the power to obtain information that will inform the tender process will help the LA or regional JTA to achieve the most cost effective solution.

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	*
No	

Please explain your answer.

Yes, this is consistent with the previous consultation work undertaken between the Licensing Expert Panel and Welsh Government lead on taxi reform in Wales. It is also consistent with recommendation 2 made by the “Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]” and the Law Commission review “Reforming the Law of Taxi and Private Hire Services” [2012]”.

National standards would ensure that taxi services are delivered consistently across Wales and deal with any perceptions of any unnecessary inconsistency across Councils.

Separate National Standards should be defined for vehicles, drivers and operators.

Q23. Are there any matters which you would like to see contained in any national standards?

Separate national standards should be defined for vehicles, drivers and operators.

The following matters should be included, although this is not an exhaustive list:

- Enhanced DBS and Barring List checks (certificate of good conduct for overseas applicants) for drivers, operators, proprietors and dispatchers. Anyone taking or holding an individual's personal information should have to be vetted to ensure that that person is safe and suitable ("fit and proper").
- Medical fitness and specifically the requirement of Group 2 Medical Standards and the need for the applicant's full medical history to be noted by the completing GP. Standards should also consider consistency of the issue of exemption certificates in terms of Equality Act duties.
- Immigration checks specifically the Right to Work in the UK
- Suitability of applicants and licence holders. The Institute of Licensing has published guidance on determining the suitability of applicants and licence holders in the hackney carriage and private hire trades. The criteria used in this guidance should be incorporated into any national standards
[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)
- Nationally-recognised vocational qualifications to include disability quality and awareness training, safeguarding awareness training (Child Sexual abuse / Exploitation, County Lines), practical driving standards test, communication skills and literacy, customer care, handling of emergencies, managing conflict etc.
- Knowledge and suitability test (literacy, numeracy, highway-code, conditions, local area knowledge).
- Foreign driving licences

Caerphilly CBC support the comments of the Licensing Expert Panel and recommend the following matters be included in relation to vehicles:

- National Inspection Standards and frequency of inspections and testing including the criteria for testing. Consideration should also be given to suitability, independency and availability of testing stations and how they are approved e.g. consider if use of Trade owned testing stations are appropriate.
- Design and appearance and internal spatial requirements of vehicles including the approach to identify taxis and private hire vehicles.
- The information which should be contained on any vehicle identification source (plates, door signs).
- Standards for specialist (including Wheelchair accessible vehicles) and novelty vehicles, such as stretched limousines, wedding and funeral cars, omnibuses and pedicabs.
- Taxi Meter standards including the criteria for Pulse and GPS meters.
- The use and standards for CCTV within vehicles, both audible and video as outlined in recommendation 17 & 18 "Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]". The Information

Commissioner's Office has produced advice for councils and other organisations in using surveillance and CCTV systems in licensed taxis. A national standard should take account of this advice.

<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand> The LGA Guidance has also now been published.

<https://www.local.gov.uk/developing-approach-mandatory-cctv-taxis-and-phvs> The cost of fitting CCTV within licensed vehicles particularly for small businesses may require subsidy from Welsh Government.

- Record Keeping including the retention period required. The Panel believe that ideally records should be kept for every journey undertaken, however, there are obvious practical difficulties with taking this approach. A better option would be to use technology to better the safeguarding processes. The use of CCTV, trackers and GPS systems would not only provide a more robust system for record keeping, but would also not place an administrative burden on taxi drivers.
- Environmental considerations such as vehicle emission standards.

The standards for some of the points recommended above are included in guidance already and should be taken into account when developing any national standards, such as the Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

The latter is under review and the Department for Transport is currently consulting on its document- [Taxi and Private Hire Vehicle Licensing – Protecting Users](#).

Caerphilly CBC also recommends mandating training for all individuals involved in the licensing decision-making process. Consistent and appropriate training of officers, councillors and Magistrates' legal clerks (for appeals) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Finally, any national standards developed should be consistent with criteria implemented in England to reduce variations in driver, vehicle and operator requirements especially around the border areas.

Q24. Are there any matters which you think should be excluded from any national standards?

There are no matters that should be excluded, although national standards should not duplicate other legislation.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

The main obstacle will be incorporating the national standards into the 10,000 vehicles and 12,000 drivers currently licensed in Wales and the provisions that will need to be in place for transitional arrangements and grandfather rights. Consideration will also need to be given to finding suitable consistent standards which work for both urban and rural areas.

Q26. What would be the best approach for determining the content of national standards?

There are already a number of national policies in place which have been adopted by a number of Welsh Local Authorities in order to provide a level of consistency between areas, such examples include:

- National Inspection Standards for hackney carriage and private hire vehicles, and
- Institute of Licensing Guidance on determining the suitability of applicants and licences in the hackney carriage private hire trade.

There are also some excellent examples of local taxi licensing policies and standards in place which have been developed and applied at a local level.

Welsh Government will first need to establish what policies and standards are already in place in Wales and then draw on the knowledge of licensing practitioners who have expert practical experience of undertaking taxi licensing work on a daily basis.

The All Wales Licensing Expert Panel have extensive knowledge and experience in the taxi licensing field and should be involved in the development of national standards.

It is suggested that Welsh Government would also need to engage with passenger safety groups and operator representatives by way of meetings, seminars and workshops.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

The previous Welsh Government consultation on Taxi and Private Hire Vehicle Licensing in Wales [WG31865] referred to “national standards for all taxis and private hire vehicles, set by Welsh Ministers, with the power for local licensing authorities to set additional conditions where it is appropriate to do so”

Although the White Paper makes no reference to minimum national standards, it is worth noting that the Caerphilly CBC would not recommend that local licensing authorities be permitted to set additional local conditions above the national standard.

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	suspend
No	revoke

Please explain your answer.

We support the view of the Licensing Expert Panel and believe that the revocation of a vehicle licence should be the responsibility of the home Licensing Authority. Where it is proposed that action is taken to revoke a licence, it is imperative that the licence holder is afforded the opportunity to be heard i.e. the opportunity of a fair hearing; this is a requirement of Article 6 Human Rights Act which protects your right to a fair trial. The Licensing Authority that has issued the licence will also have invaluable local knowledge about the licence holder, have immediate access to the history of the vehicle and any complaints received and should be responsible for recovering any fees associated with taking the enforcement action. It is noted that proposals in relation to fee setting are not included in the White Paper.

We believe however that it is appropriate for any authorised officer from any Licensing Authority area to have the power to suspend immediately (Section 68 Local Government (Miscellaneous Provisions) Act 1976) a licence of any vehicle operating in their area (irrespective of where it was licensed) where there is an immediate public safety risk e.g. defective tyre, or potentially where the vehicle fails to meet the national standards e.g. missing door signs / back plates. The authority that issues the suspension, would then report the matter to the home Licensing Authority for them to consider whether to lift the suspension or take further action.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	*
No	

Please explain your answer.

We consider this of benefit to aid the home Licensing Authority in order to determine whether any further action is required e.g. improvement notice / advisory / warning. For example introducing a system of issuing Fixed Penalty Notices would bring taxi and private hire enforcement in line with other areas of local government. Some method of referral scheme would need to be developed to notify the issuing Licensing Authority, however the practical implications of this would need further consideration.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

The All Wales Licensing Expert Panel has previously been in discussion with Welsh Government about introducing the power to stop and direct taxi and PHVs. This would be a useful and beneficial addition to the enforcement options currently available to local authorities.

Currently Licensing Authorities are unable to attach conditions to hackney carriage driver licences, some local authorities have Byelaws in place and the Panel would recommend incorporating any relevant component of these into national standards

We recommend other enforcement provisions be introduced by Welsh Government such as where a driver refuses a fare due to the short distance involved or for cases of overcharging.

In addition, we would recommend mandating training for all individuals involved in the licensing decision-making process (as mentioned above). Consistent and appropriate training of officers and councillors (this should also include Magistrates' legal clerks) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	*
No	

Please explain your answer.

The establishment of a mandatory national database of all licensed drivers is critical, however this database should be expanded to include vehicle and operators, proprietors and dispatchers to support stronger enforcement. This must be established quickly.

In the interim, the National Anti-Fraud Network (NAFN) currently provides an online register of taxi and private hire drivers who have been refused or had their licence revoked. The database includes the reasons for any refusal or revocation, along with the relevant Licensing Authority details. Welsh Government must introduce legislation to mandate its use as a priority. The Licensing Expert Panel has agreed in principle to use this database and at the time of this consultation response all local authorities in Wales were progressing this.

In addition any national database must be able to accommodate or link in with an equivalent database in England to avoid duplication of data entry and ensure public safety particularly around the border areas.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

The Common Law Police Disclosure provisions have been highlighted as a significant concern by the Licensing Expert Panel previously. These proposals do not cover this issue. Caerphilly CBC agree with the comments of the Licensing Expert Panel and would suggest the current disclosure provisions be reviewed to ensure that all relevant information of crimes and conduct by taxi and private hire drivers, including arrest, charge and conviction information, is shared with the Licensing Authority immediately.

It is appreciated that Welsh Government may be limited in influencing this suggestion but it is essential to ensure all drivers, operators, proprietors and dispatchers are safe and suitable. Any influence Welsh Government could have on this to improve information-sharing on public safety grounds would be welcomed

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	*

Please explain your answer.

Caerphilly CBC would **not** support the proposal on the information provided, as there is no evidence to support the need to redirect the existing taxi and PHV licensing function away from Local Authorities. At this stage there is no detail contained within this white paper as to how the JTA would undertake the licensing function and therefore it is very difficult to be able to answer this question. Caerphilly CBC feel that insufficient research has been undertaken in respect of this proposal and that Welsh Government must produce a far more detailed explanation on how the JTA would work. On receipt of that information this Authority would then be in a better position to comment on the proposal. Our overriding concern is the protection of the public, and there is nothing contained within this proposal which suggests that public safety is at the forefront of this proposal.

In addition, Local Authorities have a duty to consider the WG's Framework for Managing the Night Time Economy in Wales. Authorities need to consider the transport need of their local evening and night time economy as part of an integrated

approach, which includes the importance of taxis and PHVs. Partnership working between key local agencies such as the Police (including transport Police), licensing and the taxi trade offer the best opportunities for achieving sustainable late-night transport environments that also promote safety. Removal of the duty from Local Authorities would not be beneficial to implementing plans for improving the night time economy as a whole.

The Licensing Technical Panel have confirmed they would be happy to consider the evidence for Welsh Government’s proposals and to work with them further to ensure any reform of taxi and private hire vehicle legislation is robust, enforceable and improves public safety.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	*
No	

Please explain your answer.

Yes, Caerphilly CBC believe that local authorities should continue to have responsibility for taxi and PHV licensing. Whilst it is appreciated that the Licensing function requires strengthening as mentioned in option B, it is recognised that licensing at the local level works well. Additional evidence is requested from Welsh Government to justify the contrary to continuing with Local Authority responsibility

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

Caerphilly CBC believe that the current proposals contained within the White Paper fall far short of the reform that taxi and private hire licensing so desperately requires. The previous set of proposals contained within the Taxi and Private Hire Vehicle Licensing in Wales [WG31865] would have introduced a robust taxi licensing regime which was fit for the 21st century and afforded local authorities the necessary tools to protect the public, tackle cross border working and introduce more powers for better enforcement. Instead, what is now being proposed is a quick fix. The existing legislation is archaic, not fit for purpose and requires fundamental reform with new primary legislation.

A viable alternative however is readily available by considering in more detail the recommendations of the “Ministerial Working Party into Hackney carriage and Private Hire Licensing in England [2018]” which builds on the work undertaken by the Law Commission “Reforming the Law of Taxi and Private Hire Services [2012]”.

These recommendations offer far more and would modernise the legislative framework, introducing appropriate regulation and giving licensing authorities the necessary enforcement tools to better protect the public. The recommendations, if implemented, would also ensure that inconsistencies between Welsh and English authorities, particularly along the border, are negated.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

Welsh Government must have regard to the Welsh Standards as set out by the Welsh Language Commissioner. It is important that applicants are able to apply in their language of choice. Positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks.

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

No comment

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

See above

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

In addition to earlier comments, the consultation document has been considered by the council's Cabinet during a Policy Development Meeting held on the 20th March 2019. In respect of National Standards, Cabinet Members expressed a view that there should be independent testing facilities for taxi/private hire vehicle MOT's / Compliance Tests. Furthermore there should be an age restriction on vehicles first plating. Finally that the take up of Electric Vehicles should be encouraged by the licensed trade.

The Consultation document was also considered by Members the Taxi & General Committee at the meeting held on the 25th March 2019 who approved the content of the response to Welsh Government but wished to express their concern over the taxi & private hire vehicle function being transferred to a Joint Transport Authority.

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	

Please explain your answer.

It is good practice that Local Authorities work together in the planning and operation of local bus services. Bus services do not stop at Council boundaries and local authorities across Wales already have a record of working regionally together. There is also a role for local authorities to work across boundaries and not just within Wales.

Bus infrastructure, operating standards and public transport information are where a national or regional approach works better both for local authorities and the travelling public.

Provision of local bus services and commissioning of the services can also have standard terms and conditions across authorities. (Some examples of this are already in place).

It is easier for operators to work within a regional environment on administration and provision of information where duplication currently often takes place.

Staff Resources vary amongst authorities and sharing of resources will help to overcome some of the issues that some authorities are facing.

Financial administration and sharing of documents would also be easier in a regional or sub regional environment.

Powers already exist for collaborative working on elements of bus provision including Statutory Bus Quality Partnerships and joint ticketing arrangements. These historically have been difficult to implement due to the current funding arrangements (one year) where statutory bus quality partnerships have a minimum timescale of five years and the next paper should consider these matters in detail.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

REFERENCE WP134

We propose that a National Transport Authority could determine policies and legislation, funding levels, set standards for infrastructure contracts, procurement, Standards Information and ticketing.

The consultation does not mention and set out the role of Transport for Wales within the proposed structures. Consideration could be given to the Transport for Wales being the the national body to carry out these functions working.

Below this there could be Regional Transport Authorities (the number should be determined as three may not be sufficient to carry out all the operational aspects of a JTA).In SE Wales the Cardiff Capital Region Transport Authority has been formed through the City Deal Partnership (currently on a non-statutory basis). The Regional Transport Authorities functions should therefore include managing Infrastructure projects, upgrading and upkeep of same, management of bus stations, budgetary control, procurement of local bus contracts, quality bus partnerships, quality bus standards, administration of concessionary fares and Regional BSSG allocations.

Taking into consideration the comments above, in relation to the proposed options then option 2 would be the more appropriate.

Q3. Is there another organisational structure for JTAs that we should consider?
Please explain your answer.

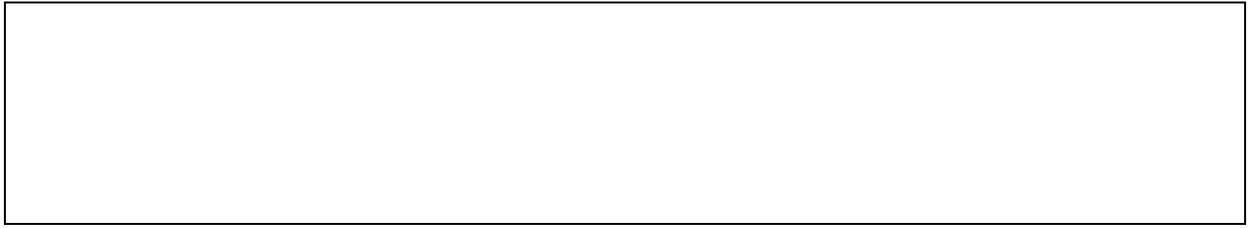
An alternative to the proposed structure which may be more workable is to have the National Transport Authority with the functions mentioned above in Q2. Underneath this NTA, there could then be Three or Four Regional Authorities again with similar functions to those mentioned above but with sub -regional working for more localised or operational matters.

This model may also see benefits through reduced implications for current staff and their transfers, which would be dependent upon the services and functions that sit within each body. Whilst we support the principles of collaborative working, responsibility for some transport functions (e.g. Schools and Social Services) could remain with individual Local Authorities.

In the event of this scenario, it is essential that the local authorities maintain a sufficient staffing structure to service these functions and that key staff within current Passenger Transport Units are not all lost to a Regional JTA where suitable candidates are not available to backfill these roles.

This is the reason that we support the sub- regional working option as all functions could then be clearly defined and transferred with minimal disruption. It should also be noted that the organisational structures proposed will require appropriate funding and resources to deliver the finalised and defined functions.

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Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

In respect of Representation by Ministers it is not clear whether the proposal reflects the attendance of the Minister (or Deputy Minister) or an officer representative.

There may be merits in the attendance of a Minister to promote partnership working and information sharing but local accountability is a cornerstone of local authority processes. The transfer to a JTA could replicate the processes followed by Local Authorities with decisions being undertaken by regionally elected members.

The appropriateness of a Welsh minister(s) should reflect the processes for scrutiny and responsibility. This position may be compromised if the Minister represents an underperforming JTA(see Q5).

There should be no conflict of interest with Ministers setting national transport objectives if Ministers have voting powers on a national or regional JTA and this , will need to be clarified through the definitions of functions, accountability and responsibilities that will sit with each body

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

Welsh Ministers could issue guidance and direction on policies and legislation but should not be involved in how the operational functions of a JTA are discharged.

Where a JTA is failing to exercise its functions effectively intervention by the Welsh Ministers could be supported as long as it is clearly defined in legislation on how this is undertaken and clear as to what interventions could be made by Welsh Ministers and for how long.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

The division of the functions does give a balance to strategic functions being carried out on a national basis and regional authorities delivering them in relation to buses. The relationship between TFW and the transport authorities needs to be clearly defined and consideration needs to be given to what other functions may be transferred to enable greater integration between services such as rail, Metro, Local and National highways networks, Local/Regional housing developments, and Land

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use planning.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

There are other functions that could be transferred to a Regional or sub regional JTA.

In addition to what is mentioned in Q6 consideration should be given to Regional Transport Plans, air quality issues, freight, air, health transport, schools transport, active travel, community & IRT Transport..

Monitoring of local bus services is also very important and could be undertaken by the Regional Authorities if resources are made available.

RTA's should also work closely with Local authorities over civil parking enforcement and moving traffic offences to ensure bus networks are moving freely.

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

No	

Please explain your answer.

Powers already exist Under Local Transport act 2000 for Local Authorities to enter into voluntary or Quality bus partnerships. Voluntary Welsh bus quality standards are already in place which recognises the benefit to the travelling public on implementing this approach. Bringing in an enhanced partnership scheme would be complicated. Cross boundary issues with English borders where a different scheme may be in operation would also prove a challenge. The proposition as it stands with the current resources available to authorities it is anticipated that this would be highly unlikely to succeed. The legislation needs to be much easier to put in place this is the reason why quality bus contracts and partnerships haven't achieved the volume as they were first set out to achieve due to their complex nature in setting them up and the resources required to do so. Current funding arrangements also prohibit this type of partnership to be implemented. Consideration may be given to forming Bus Alliance model/Quality Partnership agreements with operators which may be a more workable alternative and easier to implement than the proposed EQP's

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

No	

Please explain your answer.

There are a number of issues with these proposals. There is no mechanism for reviewing local bus services or routes and deciding on what is delivering and meeting the needs of the travelling public. An EQP may work on some commercial corridors it would not work for smaller operators or marginal services. Each EQP will need to be tailored to meet local circumstances but include the minimum standards to be met by each party and not be prescriptive. For example, in terms of frequency, an EQP could state a minimum of X buses per hour during the daytime along a corridor with the bus operator having the commercial freedom to increase this frequency in response to passenger demand.

Proposals for an EQP place more of an onus on local bus operators to deliver

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improvements and meet quality standards as opposed to local authorities. This arrangement could make it difficult for both parties to work collaboratively and agree a satisfactory outcome of their discussions as without some improvements to infrastructure will be difficult to deliver.

In relation to the voting mechanism – Does each of the bus operators in that area carry equal weight, irrespective of the size of their operations?

Public consultation – only focuses on existing passengers. What about potential passengers who currently do not travel by bus?

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

No	

Please explain your answer.

Franchising bus services should be used as a complete last resort, if these are to be introduced then there would need to be a total market failure.

The cost of franchising bus routes in Wales would not be achievable or sustainable particularly where patronage is sparse.

Comparison with London and what TFL have done is misleading. London is a concentrated area with other interventions such as Red Routes, congestion charging, civil parking enforcement and moving traffic offences which these proposals do not address.

In achieving a franchising model all other issues such as delays and journey times should be addressed.

It may work where you have a good commercial network but if that is in place already then a voluntary partnership or quality partnership may be more appropriate if the resources were in place to offer improvements in partnership with the bus operators.

It may be acceptable to have the power to franchise but clear definition and the resources to enable this would be key.

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Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	

Please explain your answer.

<p>If franchising is brought in by a local authority then agree that it should be assessed by an independent body. The traffic commissioner may be the best option in scrutinising any proposals put forward by a local authority or regional authority.</p>
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Q12. Do you have any other comments on the proposed process for franchising?

<p>Yes. In many ways we already have the tools available to us to franchise a service. In rural areas most services are already subsidised and are section 63 services where local authorities can set the criteria under which that service runs. To achieve modal shift we need to provide passengers with a frequent service, reliable timetable and reduce journey times. Clean buses, polite drivers, safe and appealing bus infrastructure is critical to success. Standards have dropped on all these points as it has typically now come down to what can be achieved by local authorities with the money they have and if resources are not increased in some way then franchising would not make a difference. We can use the powers we have to set quality standards, improve infrastructure, frequency of services and ticketing. What is needed is a review of funding and how it is distributed both to authorities and bus operators. If funding levels returned to pre 2011 levels then we would be able to achieve a lot more than we can at present. Franchising is a last resort we should look to work with operators to improve services and infrastructure and tackle the congestion problems that we all face.</p>

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

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This would require the legislation to be clear and precise as if franchising is achieved in one LA area and not in neighbouring areas especially where services cross borders into England where other schemes may be in place. It will cause issues for operators. There are no clear terms and conditions of these permits set out in the consultation so difficult to comment further on this.

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	

Please explain your answer.

Yes. Local bus services in Wales are provided by a variety of operators ranging from small, independently owned family businesses to local authority owned companies and subsidiaries of the major publicly owned bus groups.

Franchise contracts should reflect the characteristics of the area being served in terms of its geography, highway network and transport provision.

The London style franchising model ensures that small, medium and large scale operators are not disadvantaged in this process with invitations to let both individual bus routes as well as a network of bus routes being covered by the franchises. As a consequence, bus operators with small and medium size fleets can become involved in the franchising process without incurring any significant resource implications.

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

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If an incumbent commercial operator is unsuccessful in becoming the operator of the franchised bus service(s) and decides to discontinue operating its existing commercial bus services and disposes/transfers its assets such as depots and vehicles or de-registers services before the franchise begins, in this case temporary contracts could be put in place in the same way as if a company ceased trading under current powers.

To ensure that the franchising authority does not act unlawfully against a commercial decision taken by a private company, an option could be to extend the period required to register the withdrawal of existing bus services that are to be taken over under the franchising process. This requirement would provide a new franchised bus operator with sufficient time in which to take over the existing operations or set up new operations.

To facilitate a transfer of operations (or establish new operations), work carried out during the initial stages of the franchising process (such as research and planning) would need to be thorough and detailed so that the operational and resource implications of the new local bus service franchise could be identified.

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

Yes. Municipal bus companies existed before de-regulation. Bus services could be run as in house services as some are currently under section 22 permits. These services could be integrated with school transport health and community transport to provide a more cost effective solution than running bus services alone. There will be occasions when only bus services should be run where corridors dictate. The ability to run these under an operator's licence would be beneficial.

Q16a. In what circumstances do you think this would be appropriate?

This would be appropriate where market failure has arisen where no tenders have been received or only one tender has been received that is economically impossible for the authority to support with their resources. Where most services are non-commercial local authority run services should be benchmarked against tender costs /Service provision and where best value/higher service levels can be achieved by running them in house it should be a possible solution. These services should be reviewed on a regular basis and if the market improves benchmarked against that

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market by procurement/ quality scoring.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

If a local authority chooses to run services then they should not be allowed to tender for any other local bus contracts in other authorities unless it was under a collaborative working agreement where best value is achieved on cross boundary services. If other operators express an interest in running services in that area then they could be tendered and benchmarked against an in-house service.

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

Yes, but the local authority must demonstrate how it can achieve better value for money for the public sector, offer a potential solution towards improving local bus service provision within its area as well as meeting the goals of the Well-being of Future Generations (Wales) Act 2015. In this case, the expectation would be a failure on the commercial sector to meet the passenger transport needs of the Council, or in a niche / flexible transport solution that could be delivered more cost effectively 'in house' than by the commercial market (such as Grass Routes).

Governance will also be key into how these are set up and unlike some of the current situations that still exist they should not become detached from the values of the Local Authority. The direction in how they operate and what services they run should be made by the shareholder on any proposals brought forward by the management.

Q17a. In what circumstances do you think this would be appropriate?

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This would be appropriate where there is market failure or minimal tender submissions, where operators cease trading or if current bus services were not delivering outcomes despite interventions.

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

If an arm's length company is tendering in other areas then it has to be under the same terms and conditions as other commercial operators. They should tender against companies both in the LA area and any other areas that the company wishes to run services and they should not register competing services against other commercial operators where these are in place unless that company is deemed to not be providing an acceptable service. If they want to register a competing service then this could be scrutinised by an independent arbiter such as the Traffic commissioner.

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Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

Yes. The proposal should take into account the changes in the demographics of the population where we have an ageing population and also people working much longer so the alignment with retirement age would be a sensible approach.

Q19. Do you agree that an incremental change is the most appropriate method?

Yes an incremental change would be the best way to manage the proposal with a protection on existing card holders.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	

Please explain your answer.

The data should be easy to collate and sharing this data should not be commercially sensitive.
Data could also be collected by bus operators on where they have delayed journey times which may help Local Authorities in exploring solutions to overcome the issues they face with congestion or other junction delays.
The Local Authority should also provide the operators with any data they have on the highway network which might impact the running of services and work with the operators to overcome any issues.
Having a single source of data collection would also help when planning networks.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

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Yes	
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Please explain your answer.

The local authority role is to maintain a comprehensive local bus network within the resources it has available and to react to withdrawal of services or journeys within a network, the LA needs timely information on passenger usage as soon as the change is made, to enable alternative cost effective solutions to be found.

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Please explain your answer.

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Q23. Are there any matters which you would like to see contained in any national standards?

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Q24. Are there any matters which you think should be excluded from any national standards?

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Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Q26. What would be the best approach for determining the content of national standards?

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

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Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	
No	

Please explain your answer.

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Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Please explain your answer.

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Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

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Information-sharing

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Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Please explain your answer.

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Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

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Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Please explain your answer.

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Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	

Please explain your answer.

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Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

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Q36a. What effects do you think there would be? How positive effects could be increased, or negative effects be mitigated?

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

IMPROVING PUBLIC TRANSPORT

RESPONSE OF RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL TO THE WELSH GOVERNMENT CONSULTATION

Q1) Do you agree that it is important for local authorities to work together with regard to local bus services? Yes/No? Please explain your answer to this question.

Yes. It is widely recognised that in terms of coverage and passengers carried, bus services are the principal public transport mode that link communities in Wales, assist social inclusion and provide substantial economic benefits to these communities. On this basis, it is important that local authorities work together with regard to bus services.

Most of the unitary local authorities in Wales are small in geographical area (particularly in the urban areas of South East Wales) and as a consequence, many inter-urban bus services do not operate wholly within a single local authority area. The potential lack of co-ordination and co-operation between neighbouring authorities may negate the investment being made by one authority in local bus service and highway infrastructure improvements if, for example, continuing delays are being experienced on these services as a result of traffic congestion occurring elsewhere along the routes.

The lack of consistency in quality standards, such as the provision of bus stop infrastructure between local authorities, is used as an example by the Welsh Government in its consultation document and is another relevant example as to why it is important for local authorities to work together with regard to local bus services.

Rhondda Cynon Taf Council supports the principles of collaborative working and following the establishment of the unitary local authorities in Wales in 1996, there has been a history of collaborative, regional working amongst the local authorities in South East Wales.

There are major benefits that accrue from a regional approach to managing and commissioning bus services which will provide opportunities to achieve economies of scale. It had been recognised that due to the size and structure of the local authorities, the skills based knowledge of their staff needed to be pooled through joint working relationships. This approach has ensured that policies and funding has been prioritised and targeted in areas that reflected travel to work patterns and the coverage of the local bus network in South East Wales. Notwithstanding this, due to the local nature of local bus service operation, it was recognised that consideration needed to be taken of the local conditions in each area and that local accountability was retained.

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Q2) Please provide comments on the proposed organisational structures. Which is your preferred option and why?

There is a strong case for regional working, which is widely supported by LAs and numerous stakeholders. Regional JTAs are supported by RCT and the CCRTA. Current legislation includes reference to the need for an authority to be accountable to the communities that it serves. The creation of appropriate regional organisations could achieve this requirement.

Making regional working statutory under JTA arrangements would give regional JTAs a permanent footing which would endure beyond political cycles.

It is imperative that adequate resources are available to establish JTAs and that sustainable long term funding is identified and secured for JTAs in order to enable the role to be effectively delivered.

The case for, and the role of, a national JTA is unclear beyond the current arrangements, where Welsh Government effectively sets Transport Policy and commits funding to its transport priorities, with its wholly owned delivery body, Transport for Wales (TfW), having an evolving role in providing transport services, programme/project delivery and technical advice to Government and others.

In any future scenario, it is critical that roles and responsibilities are clearly established so that;

- i. There is no duplication
- ii. Accountabilities are clear
- iii. Roles and Responsibilities are allocated to the body best placed for delivery
- iv. Governance is appropriate to the role
- v. The transport offer is seamless from a user perspective.
- vi. Strong regional and national coordination and collaboration, especially related to policy development, funding and prioritisation.

RCT via the CCRTA would wish to work with Welsh Government, TfW, other regions and operator representatives in developing the dedicated White Paper setting out future arrangements for regional JTAs.

Co-production of the detailed White Paper would enable clarity on optimising how a regional JTA would operate in conjunction with LAs, TfW, WG and transport operators, together with the details of;

- i. Footprint of regional JTAs
- ii. Funding streams (including clarity on potential precept)
- iii. Make-up of the JTA Board including voting rights
- iv. Extent of functions to be undertaken
- v. Resources (Staff implications for JTAs and residual staffing for LAs to deliver functions not covered by a JTA)
- vi. Potential for phased and continued transition of LA functions to regional JTAs
The role of JTAs in supporting Regional Cabinets to deliver economic growth.

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Q3) Is there another organisational structure for Joint Transport Authorities that we should consider? Please describe.

Please refer to the response at 2

In considering the role of a regional JTA, consideration must be given to the wider regional situation where City Deals and Growth Deals, jointly agreed between Central, Welsh and Local Government, have catalysed activity towards a regional approach to Economic Growth through investment, upskilling and improved physical and digital connectivity.

The regional JTAs should therefore be the bodies that deliver the transport aspirations of these regional bodies to enable green growth aligned with the Wales Transport Strategy, National Transport Plan and the National Transport Finance Plan.

It is advocated that the Welsh Government should retain responsibility for publishing these national plans, informed by TfW and the regional JTAs.

Government decisions around programming and prioritisation of transport investment should involve the JTAs, with statutory Regional Transport Plans (RTPs) establishing regional priorities and eliminating the need for bidding for strategic transport projects.

Ongoing 5 year funding arrangements should be agreed for delivery of the RTPs

Q4) Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

The consultation document sets out the reasons why it is considered necessary for Welsh Government Ministers to be represented on a JTA or any committee of a JTA. These reasons are acknowledged. Further discussion will be needed to clarify and justify the need for Welsh Government Ministers to sit as members of a future JTA. RCT supports the view that this model or composition of JTA memberships should not be promoted as it would blur the relationship between Welsh Government and local government, diluting local democracy.

There is the potential conflict of interest where the Minister is represented on the JTA but also has powers to step in where a JTA is failing.

Whilst a JTA first has to clear the public perception of additional bureaucracy and the costs that may come with it, Ministerial membership could pose a barrier to the effectiveness of a JTA due to conflicting roles. The White Paper proposes that “Welsh Ministers be given new powers to issue guidance and directions to JTAs in relation to their functions, and have intervention powers in respect of all functions discharged by the JTAs.”

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Where such a model of JTAs exist, it would be especially difficult to see where a Minister stands in cases where the addressing of local circumstances, demands or needs is at variance with Welsh Government priorities and policy imperatives.

JTAs should not be seen as an extension of the Welsh Government. The Welsh Government must limit itself to the role of setting policy directions and strategic guidance, whilst JTAs must be given the democratic freedom to find local solutions to local public transport problems within the context of local circumstances, which can differ from one LA area to another and from region to region.

A JTA needs the assurance that where conflicts arise between a JTA and the Welsh Government, a Minister should not be placed in the awkward position of wearing two caps, firstly as the issuer and enforcer of guidance and secondly, and also as, the implementer of guidance by virtue of a Minister being a member of a JTA. Local democratic accountability should not be sacrificed for a JTA.

Where the Welsh Government is able to provide a compelling case for Welsh Ministers sitting as members of a JTA, the RTA would need to be able to have a full and frank discussion how to limit ministerial membership to ex-officio non-voting membership. Framed in this way, it is acknowledged that the representation of Welsh Ministers on a JTA could assist two-way discussions with stakeholders to develop appropriate, sustainable standards.

Whilst current dialogue is good, historically the ability to have a meaningful discussion with policy officials to achieve sustainable progress has on occasions been challenging; therefore, opportunities to promote mutual understanding between stakeholders is welcomed.

Q5) Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

Local bus services across Wales are operated in areas with a wide range of different characteristics (economic, topographical, geographical, social etc.) and a variety of conditions and issues for local authorities and bus operators to address. It is important that a 'one size fits all' approach is not taken by Welsh Ministers in the event of being granted powers to issue guidance and directions. But these powers could potentially assist to achieve a consistent approach and common standards through (for example) procurement and information provision.

The ability of Ministers to direct JTAs through guidance could potentially assist to achieve a consistent approach, for example a suite of common standards for infrastructure provision (reflecting urban and rural differences, but with a common corporate regional identity).

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However, with regards to Welsh Ministers being able to intervene in the event of a JTA failing to exercise its functions, the legislation will need to set out the terms and circumstances under which this intervention will take place. For example, how will it be determined that a JTA is failing to exercise its functions effectively, how will the intervention be applied and for how long? This is a matter that will need to be explored during formulation of the detailed White Paper.

If local government is to be judged on the performance of a JTA, then local government must have the ability to control the decision making process.

Within a fair, inclusive and consensus-lead approach, the majority view of democratically appointed members must be able to prevail in any decision making process. The acknowledged step-in rights of the Minister will serve to provide assurance to partners and stakeholders.

Whilst RCT fully support aspirations to raise the quality of service, this must be achieved in a financially sustainable way.

Q6) Is the proposed division of national and regional functions appropriate?

The responses to questions 1-5 cover this matter. Co-production of the detailed White Paper between WG and the RTA will clarify further.

Q7) Should any other transport functions be transferred to a JTA? Please describe.

The areas that should initially be transferred are those that align with the title of the White Paper; Improving Public Transport. It is therefore appropriate to assume all public transport functions and resources would be pooled under a JTA.

There is a tension between public transport functions and residual responsibilities of LAs that will need to be resolved.

For example, consideration needs to be given to;

- those functions associated with educational and adult care transport, as they predominantly tend to be combined under Integrated Transport Units within individual LAs.
- Transportation Planning staff responsible for Regional Transport Plans, who receive technical support (land-use and transport modelling, etc) from Transport for Wales.
- whether Traffic Regulatory powers, which are fundamental to efficient bus operations, should be available to JTAs or subject to agreement with LAs?

A phased approach may be appropriate and this is one of the primary areas for detailed consideration and agreement to inform the formulation of a subsequent White Paper.

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Q8) Do you think that legislation is required to secure the benefits of enhanced partnership working? Yes/No? Please explain your answer to this question.

No. It is important that enhanced partnership working between public transport operators and public bodies is centred on passengers and focusses on the outputs that passengers have regularly highlighted in surveys as being important to them. Whether these outputs or 'benefits' can be secured through legislation is questionable.

Rhondda Cynon Taf Council believes that there is no need for any new legislation to establish enhanced partnerships in Wales. As set out in the consultation document, the Transport Act 2000 provided the original legislation for a local authority to establish a Partnership Scheme, with the Local Transport Act 2008 making it easier to implement. The Welsh Government's Voluntary Welsh Bus Quality Standard recognises the key benefits to passengers of such an approach in terms of:

- a consistent minimum standard across Wales, which also enables local authorities to respond to local needs,
- similar flexibility to adjust the percentage split between essential and enhanced standards, and
- the ability to add or remove standards over time in order to continually drive-up overall standards.

The Council believes that a move towards more enhanced partnership working (through an alliance between various parties and stakeholders) is the only cost effective and practical way in which the necessary improvements in bus service provision, sought by both passengers and potential passengers and which contribute to economic growth and community cohesion, can be achieved.

These standards must evolve and act as an incentive to deliver tangible improvements for passengers and the tax payer. The Welsh Government should set the parameters but not 'micro manage' the determination of the actual 'quality standards', which should be able to reflect local market conditions. At the same time, they should be fair and attainable for bus operators and deliver a balanced and achievable outcome that is inclusive and does not impact on those bus services that operate on the margin of sustainability. Whilst the protection of the BSSG funding scheme by Welsh Government over the last 6 years is welcomed in the current financial climate, there has been a reduction in the funds available in real terms. Simply adding additional requirements within the same budget envelope is not sustainable, with a risk there will be a lower number of bus routes, albeit with higher quality provision, than currently in operation.

Q9) Do you agree with our proposals for Enhanced Quality Partnerships, in particular the proposed process for developing and making EQPs? Yes/No? Please explain your answer to this question.

No. Establishing an Enhanced Quality Partnership (EQP) will require the commitment of a number of parties, with each party bringing a particular expertise to the Partnership,

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and is only likely to work effectively along those corridors that contain the strongest commercially viable bus services.

With timekeeping, reliability, the quality of the waiting environment and provision of information at bus stops being important considerations for passengers and integral to their decision to travel by public transport (instead of other modes), it would appear inappropriate that a proposed EQP will not require local authorities to invest in infrastructure features along a route (or across a network) covered by an EQP.

Furthermore, it is important that the determination of the 'service standards' should reflect local market conditions and not be to the detriment of marginal bus services or the smaller, independently owned bus companies that operate a significant proportion of the local bus services across Wales.

Rhondda Cynon Taf Council considers that a move towards a Bus Alliance Model / Quality Partnership Agreement between various parties and stakeholders is the only cost effective and practical way in which the necessary improvements sought by bus passengers and potential bus passengers can be achieved. An Alliance could be developed on a regional basis, with confirmed outputs and targets, with local Agreements tailored to suit local circumstances. The key components are trust and an understanding of what each party can effectively deliver.

These could encompass:

- bus priority through pinch point locations,
- enforcement of bus lanes and parking restrictions, mitigating the impact of road works,
- the operation of modern, low emission vehicles that are clean and well maintained,
- simplified fares and ticketing,
- improved service frequencies,
- the provision of well maintained roadside facilities for passengers and
- installation of raised kerbs to assist passengers with mobility difficulties.

In terms of the EQP process described in the consultation document, the Council notes that the mechanism for reviewing and establishing whether a local bus network (or route) is delivering and meeting local needs is not described. It supports the suggestion that an EQP could include a requirement to take into account wider strategic, social, environmental and economic issues that could be impacted by local bus services.

It appears that the proposals for an EQP place more of an onus on local bus operators to deliver improvements and meet quality standards ("requirements to be met by the bus operators") as opposed to local authorities ("actions to be taken by the local authority"). This arrangement could make it difficult for both parties to work collaboratively and agree a satisfactory outcome of their discussions.

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Other concerns of Rhondda Cynon Taf Council relating to the establishment of an EQP cover:

The voting mechanism - will the votes of the bus operators carry equal weight, irrespective of the size of their operations?

Public consultation – only focuses on existing passengers. What about potential passengers who currently do not travel by bus?

In summary, the Council prefers the establishment of a Bus Alliance Model / Quality Partnership Agreement (it does not require the enactment of new legislation) and it has concerns over a number of aspects of the proposed EQP process. It believes that these need to be addressed before any proposals are taken forward.

Q10) Do you think that the proposed scheme provides a more workable option for the franchising of local bus services? Yes/No? Please explain your answer.

Franchising would not address traffic congestion, which is one of the main issues affecting the reliability of local bus service operations in the urban areas of south east Wales and requires additional resources to be committed to maintain service frequencies as journey times increase.

Perhaps more fundamentally, the implications of continuing to fund the entire bus network under a franchise regime needs to be considered. Since 2011/12, as public bodies have strived to maintain core services against a background of continued austerity measures, the Welsh Government and most LAs have cut their revenue support for bus services. The combined reduction in revenue support for subsidised services in the region, following reductions in BSSG (formally LTSG) from the Welsh Government and the LA's own revenue support grant is significant and the tough financial settlements predicted in future financial years will put further pressure on budgets.

Franchising could be a consideration when the commercial bus network is unresponsive to local transport needs, and may be influenced by factors other than demographics and population density. For example, many operators have failed due to cut throat tendering and first past the post tendering, encouraged by LAs seeking to balance funding against delivery without any regard for quality or sustainable supplier safeguards. In essence the 1985 Transport Act is still fit for purpose so long as operators are still viable and LAs (working through a regional JTA) are funded to set appropriate standards of quality.

The extent of a bus network in any given area is defined by the revenue generated. This is made up of fares paid by passengers, revenue support (through service subsidy and BSSG / kilometre support), concessionary fare reimbursement and revenue from season tickets (e.g. for school / college transport), whilst factors such as cost / productivity, vehicle speed, highway conditions and bus priority measures determine if it is possible to serve communities in a cost effective manner. Any changes in this mix of

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revenues will have a direct impact on the cost of providing bus services and therefore the level of service provided.

In a commercial market, operators direct their resources to those services that generate the highest levels of patronage and therefore income. As with any business, operators need to generate profit to replace assets, pay interest on borrowings, repay loans and reward shareholders of their business for their investment / risk. In one of the presentations at the Bus Summit in Wrexham in January 2017, the TAS Partnership highlighted that a return of 10% to 13% was necessary to sustain a robust local bus operation, but highlighted that a 10% profit level had not been achieved in a single year collectively across Wales over the past 24 years.

Franchising perhaps has a role in areas where the balance of the network is biased towards subsidised routes, rather than towards commercial provision. However, for the majority of urban areas in south east Wales, there is concern that franchising will lead to higher overall costs for the funding authority, particularly if franchising reduces interest in the bus market and leads to reduced competition of provision.

To put this in context, growth on many of the most successful routes has been achieved through improving frequencies – often to a level of ‘turn up and go’, where services run at least every 10 minutes along corridors and additional demand is generated to sustain this level of service. However, this level of service is often contrasted with other corridors where the demand for travel can only sustain much lower frequencies of provision, or where support has to be used to provide links between places or at times that are unlikely to generate sufficient demand to be commercially sustainable.

In a franchise environment, decisions would need to be made on where resources are targeted. With limited or no additional funding, frequencies would need to be reduced to release resources to improve service levels on other parts of the network. By definition, this will reduce the amount of revenue generated in a given network, as the strongest revenue earning routes will be less attractive and revenue will decline, whilst the ‘new’ elements of the network will not generate sufficient revenue to make up for the decline. Alternatively, if frequencies on the core network are maintained, additional resources would be required to meet other network aspirations. Either way would require additional revenue support at some stage to repair a potentially damaged or distorted network.

Network strategies would also become a political decision, with local politicians deciding on service frequencies, and not the customer. The business risk for commercial operation therefore moves from the operator to the LAs or a regional JTA and their politicians, who have to answer for the success or otherwise of a franchised network to the electorate. Furthermore, operators will get paid, regardless of whether their services are attracting sufficient passengers to cover costs, as they would have no commercial incentive for growing the market. Any losses will have to be met from the public purse.

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The role of LAs as defined by the 1985 Transport Act is based on filling gaps / maintaining services that are not met by the commercial bus market. In most of urban south east Wales, the bus network is provided by a mix of operators that cover small, medium and large independent / family owned businesses, two significant LA operations run at arms-length by Cardiff and Newport City Councils and two subsidiaries of the major UK bus Groups (First and Stagecoach). Community Transport, operated under Section 19 or 22 Permit, supplements the established bus network, particularly in the most rural areas (Monmouthshire and the Vale of Glamorgan) and in those communities in the urban areas, which are remote from the main public transport networks.

The London model of franchising is often used as an exemplar of provision, but there are some significant differences when compared with the provision in south east Wales. Buses are far more efficient serving areas of high population density, which in London is 5,523 per km². In south east Wales, the average is 748 per km², ranging from 109 to 2,535 per km² across the region. The proportion of households without a car in London 41%. In south east Wales it is 24.7%. Public funding per head of population in London (excluding concessionary fare reimbursement) at just over £76 is around 7.5 times higher than in Wales. In south east Wales, direct revenue support for bus services (including the LA and kilometre support elements of BSSG) is just over £10 per head of population. Concessionary travel reimbursement in London is reimbursed at over 90% of the average adult single fare. In Wales it is 69.18%.

There have been significant policy decisions in London that support bus provision, including the adoption of 'Red Routes', the introduction and increase of the congestion charge, high cost and limited car parking, significant investment in new, bespoke and more environmentally efficient buses, staff and network management, including the enforcement of moving traffic offences. This has enabled seamless and integrated ticketing to be delivered across all modes, a stable and integrated public transport network, consistent and high quality infrastructure and information, innovative technologies and many other tangible passenger benefits. However, to achieve this model in Wales, with much lower population densities, higher levels of car ownership and far wider and diverse travel patterns would have huge resource implications for the Welsh Government and the LAs (working through a regional JTA). Furthermore, it is notable that even against these significant differences, bus patronage in London has still declined by 2.3% in the year to March 2017.

The administration and monitoring duties associated with a proposed bus franchising scheme could be both bureaucratic and expensive and it is questionable whether the expertise is currently available to deliver this provision. Other issues could arise, including the long term employment security for bus company staff in the event of a franchise being lost, and how quickly could a franchisee respond to changes in passenger needs. It should be noted that there is limited protection for pensions and that in London, wages have declined in real terms, along with poorer terms and conditions for staff, as operators cut margins to maintain franchised contracts. In common with any industry that loses its business as a result of government policy, the

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bus industry in Wales is likely to seek compensation should such a loss occur as a result of the creation of a franchising scheme. Finally, the finance model for operators in a franchise model is quite different, with vehicles on operating leases, rather than outright purchase through capital or loans. This model is predicted to increase the costs of operation and operators will take this into account in their pricing.

Perhaps more fundamentally, the funding of an entire bus network under a franchise regime is flawed, particularly in the current economic environment, where public bodies are striving to maintain core services against a background of significant funding cuts from Central Government. This does not lend itself to franchising and could do irreparable damage to a network.

A regional partnership approach, based on the West Midlands Bus Alliance model, where clear outputs are defined and agreed by operators, LAs (working through a regional JTA) and other stakeholders that commit to delivering some of the positive outputs of the London model, as outlined above would be a more appropriate solution. To achieve a step change, particularly in the provision of information ticketing and infrastructure, it is inevitable that additional revenue and longer term funding commitments are required.

Aligning this with policies that support bus priority will improve network efficiencies, and promote passenger growth and an environment where bus networks can develop organically. A Bus Partnership Alliance could address wasteful competition, perhaps through voluntary partnerships and promote more co-ordinated resources that offer new journey opportunities for passengers.

The threat of franchising as a last resort, would encourage reluctant operators to take a more positive and proactive approach to such partnership working.

Q11) Do you think there should be a requirement for the assessment to be subject to an independent audit? Yes/No? Please explain your answer.

Yes. If a local authority does decide to proceed with the franchising of local bus services, then the process should be subject to an independent audit. An independent body should carry out this task. This is in order to not only scrutinise and be satisfied that the procedures and assessments undertaken by a local authority, and the decisions taken, are robust and ensure compliance with the relevant legislation, but also to resolve disputes that might arise between the different parties and ensure that the consumer interest is protected.

The Traffic Commissioner covering North East England performed this role in determining proposals submitted by Nexus for a proposed Quality Contract Scheme in Tyne and Wear. It is suggested that the Traffic Commissioner for the Welsh Traffic Area could perform a similar role in determining any franchising proposals being prepared by a local authority or Regional JTA in Wales.

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Q12) Do you have any other comments on the proposed process for franchising?

Market research studies, such as those undertaken by Transport Focus, have consistently shown that the key features highlighted by passengers which comprise a quality bus service include reliable journey times, overall journey times and fares which are competitive with the private car, courteous and helpful staff, comfortable and clean vehicles that are easy to board and alight, frequent and stable services, safe and pleasant stops and stations to wait for the buses and clear and up-to-date information on journeys. These features are all incorporated in the proposals drawn-up a while ago on behalf of the Welsh Government to create a Welsh Quality Standard for Buses. These proposals could be implemented under existing legislation and would not require a franchising model.

Nexus in the North East of England spent two years developing a business case for franchising which was ultimately unsuccessful.

Prior to the 1985 Transport Act which introduced 'deregulation' of local bus services, the trend in bus passenger usage was showing an almost continuous decline which, to a certain extent, has not been reversed since the Act came into force. It has also led to a reduced perception in the quality of bus services provided. This decline is not a consequence of the regulatory framework governing local bus service operation but a consequence of various social and economic factors such as rising car ownership and use levels, planning and land use policies and the decline of large industrial employers with set shift patterns.

In answer to Q10, Rhondda Cynon Taf Council has previously indicated what action should be taken in order to raise the quality standards of local bus services and achieve passenger benefits. The Council believes that the nature and management of the local bus network in Rhondda Cynon Taf is not, in itself, a critical issue for passengers, as opposed to service quality standards.

Q13) Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

The issuing of permits will have resource implications for a local authority, if it becomes a franchising authority. However, in terms of the overall franchising process, this duty should not be too onerous.

The Welsh Government's consultation document does not set out the terms and conditions of the permit and its duration etc, which would be determined by the franchising authority. This situation could result in inconsistencies and differences arising between neighbouring franchising authorities and create potential difficulties for bus operator(s) which serve these adjacent areas and lead to fragmented networks.

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If franchising arrangements are introduced, then it would be sensible to have a national framework and guidance in place to promote consistency.

Q14) Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process? Yes/No? Please explain your answer.

Yes. As previously highlighted in the replies to Q4 and Q5, local bus services in Wales are provided by a variety of operators ranging from small, independently owned family businesses to local authority owned companies and subsidiaries of the major publicly owned bus groups.

Any arrangements to let franchise contracts should reflect the characteristics of the area being served in terms of its geography, highway network and transport provision. Without reducing the barriers to entry, the London style franchising model ensures that small, medium and large scale operators are not disadvantaged in this process with invitations to let both individual bus routes as well as a network of bus routes being covered by the franchises. As a consequence, bus operators with small and medium size fleets can become involved in the franchising process without incurring any significant resource implications.

Other benefits to the franchising process if SMEs can become involved include widening the Expressions of Interest and running a competitive process, promoting efficiency of operation and becoming flexible to allow the local bus network to evolve as passenger demand changes.

Q15) What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

The transition period will be vitally important in ensuring that the change from a deregulated operating environment to a system of franchised bus service(s) is straight forward and will not result in a temporary loss of services. This scenario is most likely to arise if an incumbent commercial operator is unsuccessful in becoming the operator of the franchised bus service(s) and decides to discontinue operating its existing commercial bus services and disposes/transfers its assets such as depots and vehicles.

To ensure that this does not happen, and to ensure that the franchising authority does not act unlawfully against a commercial decision taken by a private company, one option could be to extend the period required to register the withdrawal of existing bus services that are to be taken over under the franchising process. This requirement would provide a new franchised bus operator with sufficient time in which to take over the existing operations or set up new operations.

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To facilitate a transfer of operations (or establish new operations), work carried out during the initial stages of the franchising process (such as research and planning) would need to be thorough and detailed so that the operational and resource implications of the new local bus service franchise could be identified. A phased implementation may assist the transition process and avoid disruption.

Q16) Do you think that local authorities should be able to run bus services directly ie. in-house services? In what circumstances do you think this would be appropriate? What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no local authority has an unfair advantage in a deregulated market, and why?

Generally, the market for local bus services is a complex structure with demand for and supply of services being influenced by a variety of factors, some of which are controlled by the operators (eg. fares and service frequencies) and local authority (eg. traffic management and town centre parking charges), whilst others are external to the market (eg. strength of the local economy and employment levels).

In pure economic terms, if the market for a particular product or service displays any 'failure' or 'imperfection', then there may be occasions for public sector intervention. This normally warrants targeted funding or policy interventions rather than public ownership.

In the case of the provision of local bus services, it could be argued that the lack of competition along a commercial bus route or during the tendering of a local bus service contract could be examples of a market 'failure'. However, as previously highlighted, it could also be argued that commercial local bus services are competing in the market place for passengers against the car and train. Generating an increased interest in tendering for local bus service contracts could be achieved through more targeted funding, better timetable scheduling and vehicle utilisation and encouraging diversification amongst bus companies not currently involved in local bus service operation.

Alternatively, local needs could be met by flexible and innovative services and on a more cost effective basis than 'conventional' local bus service provision. If local authorities can demonstrate that they have robustly but unsuccessfully explored these options then only under this scenario should a local authority contemplate operating bus services directly in-house. The safeguards that should be put in place for doing this are discussed under Q17.

Q17) Do you think that local authorities should be able to set up arms length bus companies to operate local bus services? In what circumstances do you think this would be appropriate? What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no local authority has an unfair advantage in a deregulated market, and why?

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If a local authority decides to establish an arms length bus company under new legislation, there must be a requirement for a solid business case to be made for undertaking this course of action – even if the conditions highlighted in Q16 are satisfied. The company could become a social enterprise whereby profits would be reinvested in the business and not paid to any shareholders.

Notwithstanding this, the local authority must demonstrate how it can achieve better value for money for the public sector, offer a potential solution towards improving local bus service provision within its area as well as meeting the goals of the Well-being of Future Generations (Wales) Act 2015.

The creation of an arms length bus company should not be at the expense of a local authority fulfilling its role as a public body meeting the needs of its community and it should not compromise the ability of both Members and officers to fulfil their responsibilities. These particular individuals will be subject to directors' duties under the Companies Act 2006 and will also be subject to codes of conduct. It is important that, in discharging their duties, they avoid a conflict of interest arising and will act in the best interests of the bus company and not the local authority.

Under no circumstances should these arms length bus companies be used in a way that undermines the operation of commercial local bus services. For example, in terms of the allocation of departure stands in town and city centres and the frequency and fares charged on services operated by a local authority owned bus company that shares part of its route with a commercial local bus operator.

Safeguards will need to be established in these situations. This could involve the timings of journeys of a local authority operated bus service being at least 15 minutes behind a bus service operated by the private sector or fares being no less than those charged. There would, however, be scope (along the common sections of route and across the wider network) for greater co-ordination of timings and inter-availability of tickets between these services – which would offer considerable passenger benefits.

Q18) Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age? Please give reasons for your answer.

The all-Wales concessionary travel scheme is now well established and has demonstrated wider economic and social benefits to users (such as making journeys more affordable and has reduced isolation), it is important that the travel scheme reflects the wider demographic changes that are taking place across Wales. In particular, an ageing population and an older workforce.

This proposal would appear to take account of these changes but the impact of any change to the age criteria will need to be fully assessed, especially with regards to any unintended consequences, bearing in mind that there are significant health and life expectancy inequalities in the more deprived communities in Rhondda Cynon Taf. For

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many, including some in their early sixties this scheme may be relied upon, and we must be mindful of the huge issue of loneliness and social isolation for Older People. It may also be worth considering that less people on buses may well equal fewer buses and bus services, and the potential impacts of this.

Q19) Do you agree that an incremental change is the most appropriate method?

Yes. This method is equitable and ensures that existing concessionary pass holders falling outside the eligibility criteria continue to benefit and do not lose their entitlement.

Q20) Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets? Yes/No? Please explain your answer to this question.

Yes, the underlying concept is supported by Rhondda Cynon Taf Council. However, it is important that the requirements placed on bus operators do not become onerous in terms of the ongoing resource commitments and the impact this will have on their commercial viability.

If this concern can be satisfactorily addressed, and a collaborative approach is adopted, the potential benefits to both passengers and regional transport / local authorities will be considerable. For example, in terms of fares and ticketing, the release of data would enable potential passengers to plan their journey and compare the costs of public transport and motoring whilst data on timekeeping and reliability would assist the regional transport / local authorities in carrying out their strategic role overseeing the highway infrastructure.

However, to be effective, other information should also be released to the public to assist them in making an informed choice about which transport mode to choose in advance of their journey. For example, data covering traffic delays, journey times and parking availability supplied through a local authority's traffic control system.

Consideration should be given to the format of this data and the platforms for making it available. In particular, the growth of internet and mobile phone technology offers many possibilities for accessing the data in terms of online and apps applications whilst the provision of accurate and comprehensive information at the bus stop (real time, fares etc) should not be overlooked.

Q21) Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are cancelled or varied, and where appropriate, disclose this information as part of the tendering process? Yes/No? Please explain your answer to this question.

Yes. The ability of bus operators to frequently cancel or vary their commercial local bus services, and the impact this could have on the wider local bus network in an area, can make accurate budget and strategic planning for local authorities very difficult. This is

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particularly the case if an extra burden is being placed on local authority resources to fund replacement bus services and maintain up-to-date publicity and information.

As both the highway and planning authority, local authorities are able to take an overview of the overall potential impact on the journey opportunities for residents in the event of local bus services being cancelled or varied within their area. Where close relationships don't already exist, the requirement for local bus operators to make the information, behind their decision to cancel/vary a bus service, available to local authorities will inform the tendering process and ensure that prospective tenderers (in the event of the local authority deciding to fund a replacement bus service) submit competitive bids based on more accurate information that is provided. This requirement will also enable local authorities to identify and determine measures that will help to sustain the viability of the commercial local bus network in their area. For example, timekeeping data could help identify congestion pinch points across the highway network.

Q22) Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales? Yes/No? Please explain your answer to this question.

Yes. This is consistent with the previous consultation work undertaken between the Wales Licensing Expert Panel and Welsh Government Lead on taxi reform in Wales. It is also consistent with recommendation 2 made by the "Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]" and the Law Commission review "Reforming the Law of Taxi and Private Hire Services" [2012]".

National standards would ensure that taxi services are delivered consistently across Wales and deal with any perceptions of any unnecessary inconsistency across Councils.

The Licensing Committee Members of Rhondda Cynon Taf Council wish to ensure that the level of standards currently applies in Rhondda Cynon Taf are at least maintained if not increased and that they not decreased as our paramount consideration must be to ensure public safety.

Q23) Are there any matters which you would like to see contained in any national standards?

Separate national standards should be defined for vehicles, drivers and operators. The following matters should be included, although this is not an exhaustive list:

- Enhanced DBS and Barring List checks (certificate of good conduct for overseas applicants) for drivers, operators, proprietors and dispatchers. We believe that anyone taking or holding an individual's personal information should have to be vetted to ensure that that person is safe and suitable ("fit and proper").

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- Medical fitness with consideration specifically of the requirement of Group 2 Medical Standards and the need for the applicant's full medical history to be noted by the completing GP. Standards should also consider consistency of the issue of exemption certificates in terms of Equality Act duties.
- Immigration checks specifically the Right to Work in the UK
- Suitability of applicants and licence holders. The Institute of Licensing has published guidance on determining the suitability of applicants and licence holders in the hackney carriage and private hire trades. The criteria used in this guidance should be incorporated into any national standards
[https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_\(16_May_2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf)
- Nationally-recognised vocational qualifications to include disability quality and awareness training, safeguarding awareness training (Child Sexual abuse / Exploitation, County Lines), practical driving standards test, communication skills and literacy, customer care, handling of emergencies, managing conflict etc. In Rhondda Cynon Taf, we require applicants to hold a BTEC qualification covering these aspects.
- Knowledge and suitability test (literacy, numeracy, highway-code, conditions) and local area knowledge specific to each licensing authority as is currently required in Rhondda Cynon Taf.
- Foreign driving licences validation.

In addition, RCT Licensing Authority agree with the Expert Panel's recommendation for the following matters be included in relation to vehicles:

- National Inspection Standards and frequency of inspections and testing including the criteria for testing. Consideration should also be given to suitability, independency and availability of testing stations and how they are approved.eg. Consider if use of Trade owned testing stations are appropriate.
- We do not believe that trade owned testing stations are viable, as historically it has been viewed that vehicles tested by peers do not always meet the standard of the checks by our testing station. There may be a conflict of interest, which is not consistent with the ultimate goal of protecting public safety.
- Design and appearance and internal spatial requirements of vehicles including the approach to identify taxis and private hire vehicles.
- The information that should be contained on any vehicle identification source (plates, door signs).
- Standards for specialist and novelty vehicles, such as stretched limousines, wedding and funeral cars, omnibuses and pedicabs.
- Taxi Meter standards including the criteria for Pulse and GPS meters.
- The use and standards for CCTV within vehicles, both audible and video as outlined in recommendation 17 & 18 "Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]". The Information Commissioner's Office has produced advice for councils and other organisations in using surveillance and CCTV systems in licensed taxis. A national standard should take account of this advice.

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<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand> The LGA Guidance has also now been published.

<https://www.local.gov.uk/developing-approach-mandatory-cctv-taxis-and-phvs> If however this standard is applied, it may present a burden to small businesses and the cost of fitting CCTV within licensed vehicles particularly for small businesses may require subsidy from Welsh Government.

- Record Keeping including the retention period required. We support the Wales Licensing Expert Panel view that ideally records should be kept for every journey undertaken, however, there are obvious practical difficulties with taking this approach. A better option would be to use technology to better the safeguarding processes. The use of CCTV, trackers and GPS systems would not only provide a more robust system for record keeping, but would also not place an administrative burden on taxi drivers.
- Environmental considerations such as vehicle emission standards or electric vehicle considerations.

The standards for some of the points recommended above are included in guidance already and should be taken into account when developing any national standards, such as the Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010), although this is in need of updating.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

Rhondda Cynon Taf Licensing Authority agree with the Expert Panel request for mandating training for all individuals involved in the licensing decision-making process. Consistent and appropriate training of officers, councillors and Magistrates' legal clerks (for appeals) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Finally, any national standards developed should be consistent with criteria implemented in England to reduce variations in driver, vehicle and operator requirements especially around the border areas.

Q24) Are there any matters which you think should be excluded from any national standards?

There are no matters that should be excluded, although national standards should not duplicate other legislation.

Q25) What practical obstacles might there be to setting common national standards for both taxis and PHVs?

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The main obstacle will be incorporating the national standards into the 10,000 vehicles and 12,000 drivers currently licensed in Wales and the provisions that will need to be in place for transitional arrangements and grandfather rights.

Consideration will also need to be given to finding suitable consistent standards that work for both urban and rural areas that will maintain public safety but not be overly burdensome or cost prohibitive and a barrier to maintaining a sustainable, affordable taxi and private hire service for those who need it.

Q26) What would be the best approach for determining the content of national standards?

There are already a number of national policies in place that have been adopted by a number of Welsh local authorities, including Rhondda Cynon Taf, in order to provide a level of consistency between areas, such examples include:

- National Inspection Standards for hackney carriage and private hire vehicles, and
- Institute of Licensing Guidance on determining the suitability of applicants and licences in the hackney carriage private hire trade.

There are also some excellent examples of local taxi licensing policies and standards in place that have been developed and applied at a local level.

Welsh Government will first need to establish the policies and standards already in place in Wales and then draw on the knowledge of licensing practitioners who have expert practical experience of undertaking taxi-licensing work on a daily basis.

It would be remiss of Welsh Government to disregard any policies, standards or procedures which have been developed by licensing professionals and which actually serve to provide a robust service against a backdrop of legislation which is woefully inadequate and outdated.

Rhondda Cynon Taf Council would support the recommendation from the All Wales Licensing Expert Panel, which consists of managers and team leaders who have extensive knowledge and experience in the taxi-licensing field, that that Panel should be actively involved in the development of national standards. We also consider that representation from elected members who have experience of representation on Licensing Committees should also be engaged in this process.

It is suggested that Welsh Government would also need to engage with passenger safety groups and operator representatives by way of meetings, seminars and workshops.

Q27) Please provide any other comments or proposals around national standards that were not covered in the above questions.

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The previous Welsh Government consultation on Taxi and Private Hire Vehicle Licensing in Wales [WG31865] referred to “national standards for all taxis and private hire vehicles, set by Welsh Ministers, with the power for local licensing authorities to set additional conditions where it is appropriate to do so”

Rhondda Cynon Taf Licensing Authority believes that the National Standards should be sufficiently robust that local standards would not be required. In the absence of National Agreement on any proposed National Standards however, Local Elected Members on RCT Licensing Committee have expressed the view that they would wish to retain the power to set local standards. We however agree with the Wales Licensing Expert Panel view that this would defeat the object of ‘national standards’, and would complicate matters for local officers taking enforcement action against vehicles licensed in another area found trading in their area.

Q28) Should a local authority be able to revoke or suspend a licence relating to ANY vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer to this question.

Rhondda Cynon Taf Council, supported by the view of Licensing Committee Members believe that the revocation of a vehicle licence should be the responsibility of the home Licensing Authority. Where it is proposed that action is taken to revoke a licence, it is imperative that the licence holder is afforded the opportunity to be heard i.e. the opportunity of a fair hearing; this is a requirement of Article 6 Human Rights Act that protects your right to a fair trial. The Licensing Authority that has issued the licence will also have invaluable local knowledge about the licence holder, have immediate access to the history of the vehicle and any complaints received and should be responsible for recovering any fees associated with taking the enforcement action.

RCT Licensing Authority believes however that it is appropriate for any authorised officer from any Licensing Authority area to have the power to suspend immediately (Section 68 Local Government (Miscellaneous Provisions) Act 1976) the licence of any vehicle operating in their area (irrespective of where it was licensed). This could be in circumstances where there is an immediate public safety risk e.g. defective tyre, or potentially where the vehicle fails to meet the national standards e.g. missing door signs / back plates. The authority that issues the suspension, would then report the matter to the home Licensing Authority for them to consider whether to lift the suspension or take further action. If this was introduced, National Procedures for the reporting of issues between local authorities should be established.

Q29) Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer to this question.

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The Committee Members of Rhondda Cynon Taf Licensing Authority consider this of benefit to aid the home Licensing Authority in order to determine whether any further action is required e.g. improvement notice / advisory / warning.

For example introducing a system of issuing a Fixed Penalty Notice would bring taxi and private hire enforcement in line with other areas of local government. Some method of referral scheme would need to be developed to notify the issuing Licensing Authority, however the practical implications of this would need further consideration.

Q30) Please provide any other comments or proposals around enforcement that were not covered in the above questions.

Rhondda Cynon Taf Licensing Authority are aware that The All Wales Licensing Expert Panel has previously been in discussion with Welsh Government about introducing the power to stop and direct taxi and PHVs. This would be a useful and beneficial addition to the enforcement options currently available to local authorities.

Currently Licensing Authorities are unable to attach conditions to hackney carriage driver licences, while some local authorities have Byelaws in place. It is recommended incorporating any relevant component of these into national standards

Rhondda Cynon Taf Licensing Authority also agree with the Expert Panel in recommending other enforcement provisions be introduced by Welsh Government such as where a driver refuses a fare due to the short distance involved or for cases of overcharging.

The Committee Members of Rhondda Cynon Taf Licensing Authority recommend mandating training for all individuals involved in the licensing decision-making process (as mentioned above). Consistent and appropriate training of officers and councillors (this should also include Magistrates' legal clerks) is essential to ensure those applying standards are competent to do so. The content of the training should form part of national standards.

Q31) Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared? Yes/No? Please explain your answer to this question.

Yes. The establishment of a mandatory national database of all licensed drivers is critical, however this database should be expanded to include vehicle and operators, proprietors and dispatchers to support stronger enforcement. This must be established quickly.

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In the interim, the National Anti-Fraud Network (NAFN) currently provides an online register of taxi and private hire drivers that have been refused or had their licence revoked. The database includes the reasons for any refusal or revocation, along with the relevant Licensing Authority details. Welsh Government must introduce legislation to mandate its use as a priority. Rhondda Cynon Taf Licensing Authority has agreed in principle to use this database.

In addition, any national database must be able to accommodate or link in with an equivalent database in England to avoid duplication of data entry and ensure public safety particularly around the border areas.

Further considerations as to who the data controller would be is essential, to ensure that all local authorities are fully compliant with all Data Protection legislation.

Q32) Please provide any other comments or proposals around information sharing that were not covered in the above questions.

Rhondda Cynon Taf Licensing Authority are aware that 'The Common Law Police Disclosure' provisions have previously been highlighted as a significant concern by the Licensing Expert Panel. These proposals do not cover this issue.

Rhondda Cynon Taf Licensing Authority recommend the disclosure provisions be reviewed to ensure that all relevant information of crimes and conduct by taxi and private hire drivers, including arrest, charge and conviction information, is shared with the Licensing Authority immediately.

It is essential to ensure all drivers, operators, proprietors and dispatchers are safe and suitable. Any influence Welsh Government could have on this to improve information-sharing on public safety grounds would be welcomed.

Q33) Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)? Yes/No? Please explain your answer to this question.

No. Rhondda Cynon Taf Licensing Authority support the stance of the Licencing Expert Panel by **not** support the proposal on the information provided, as there is no evidence to support the need to redirect the existing taxi and PHV licensing function away from Local Authorities. Elected Members of Rhondda Cynon Taf Council sitting as the Licensing Committee unanimously agreed that Local Authorities should retain this statutory function.

At this stage there is no detail contained within this white paper as to how the JTA would undertake the licensing function and therefore Committee Members and all officers alike feel it is very difficult to be able to answer this question. It is felt that insufficient research has been undertaken in respect of this proposal and that Welsh Government must produce a far more detailed explanation on how the JTA would work

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for Rhondda Cynon Taf Licensing Authority to make an informed comment on the proposal. Our overriding concern is the protection of the public, and there is nothing contained within this proposal which suggests that public safety is at the forefront of this proposal.

In addition, Local Authorities have a duty to consider the WG's Framework for Managing the Night Time Economy in Wales. Authorities need to consider the transport need of their night time economy as part of an integrated approach, which includes the importance of taxis and PHVs. Partnership working between key local agencies such as the Police (including transport Police), licensing and the taxi trade offer the best opportunities for achieving sustainable late-night transport environments that also promote safety. Removal of the duty from local authorities would not be beneficial to implementing plans for improving the night time economy as a whole.

Rhondda Cynon Taff Licensing Authority would be happy to consider the evidence for Welsh Government's proposals and to work with them further to ensure any reform of taxi and private hire vehicle legislation is robust, enforceable and improves public safety.

Q34) Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)? Yes/No? Please explain your answer to this question.

Yes, Rhondda Cynon Taf Licensing Authority believe that local authorities should continue to have responsibility for taxi and PHV licensing. Whilst it is accepted that the Licensing function requires strengthening as mentioned in option B, it is recognised that licensing at the local level works well. This view is supported by Elected Members on the Council's Licensing Committee.

Additional evidence is requested from Welsh Government to justify the contrary to continuing with local authority responsibility.

Q35) Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

Rhondda Cynon Taf Licensing Authority agree with the thoughts of the Wales Licensing Expert Panel that the current proposals contained within the White Paper fall far short of the reform that taxi and private hire licensing so desperately requires. The previous set of proposals contained within the Taxi and Private Hire Vehicle Licensing in Wales [WG31865] would have introduced a robust taxi licensing regime which was fit for the 21st century and afforded local authorities the necessary tools to protect the public, tackle cross border working and introduce more powers for better enforcement. Instead, what is now being proposed is a quick fix and offers nothing more than a superficial solution. The existing legislation is archaic, not fit for purpose and requires fundamental reform with new primary legislation.

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Rhondda Cynon Taf Council would strongly assert that the radical, ambitious and exciting plans previously proposed by Welsh Government should be actively revisited. A viable alternative however is readily available by considering in more detail adopting the recommendations of the “Ministerial Working Party into Hackney carriage and Private Hire Licensing in England [2018]” which builds on the work undertaken by the Law Commission “Reforming the Law of Taxi and Private Hire Services [2012]”.

These recommendations offer far more viable solutions and would modernise the legislative framework, introducing appropriate regulation and giving licensing authorities the necessary enforcement tools to better protect the public. The recommendations, if implemented, would also ensure that inconsistencies between Welsh and English authorities, particularly along the border, are negated.

Q36) We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there might be? How could positive effects be increased, or negative effects be mitigated?

Welsh Government must have regard to the Welsh Standards as set out by the Welsh Language Commissioner. It is important that applicants are able to apply in their language of choice. Positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks.

Q37) Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

See above.

Q38) We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

It is noted that proposals in relation to fee setting are not included in the White Paper.

Executive vehicles have not been specifically mentioned and we would wish to understand if these are going to be included in the consultation for PHV or considered separately. National Standards would be required for these types of vehicle although it is known that conditions currently vary considerably between the local authorities.

Rhondda Cynon Taf County Borough Council - 26 March 2019

REFERENCE WP135

Improving Public Transport – WG Consultation

Response to Welsh Government consultation: Improving Public Transport

The **Well-being of Future Generations (Wales) Act 2015** is a bold and ambitious piece of legislation unique to Wales. It sets out a vision of the Wales we want, through seven national well-being goals: a more prosperous Wales, a resilient Wales, which supports healthy, functioning ecosystems and recognises the limits of the global environment, a healthier Wales, a more equal Wales, a Wales of more cohesive communities, a Wales of vibrant culture and a globally responsible Wales. It also establishes the sustainable development principle; a fundamental part of how public bodies and public services boards must now operate. The principle is made up of five ways of working that public bodies are required to follow when applying sustainable development. These are:

- Looking to the **long term** so that we do not compromise the ability of future generations to meet their own needs;
- Understanding the root causes of issues to **prevent** them from occurring or getting worse;
- Taking an **integrated** approach so that public bodies look at all the well-being goals in deciding on their well-being objectives;
- **Involving** a diversity of the population in the decisions that affect them; and
- Working with others in a **collaborative** way to find shared sustainable solutions.

Transport has been a priority area for the Commissioner since 2017 as it has a key role to play in connecting and supporting the well-being of people in Wales. To date we have worked with Welsh Government to support the revision of the Welsh Transport Appraisal Guidance (WelTAG 2017) and supported engagement on the development of a new national Transport strategy. We have worked closely with Transport for Wales to ensure the procurement of the new rail franchise embedded the five ways of working and encouraged an approach that would maximise the delivery of the seven well-being goals. We have also published a report – [Transport fit for Future Generations](#) – which highlights how Wales should be prioritising investment in public transport and active travel instead of building new roads.

The business-as-usual approach to transport planning in Wales is no longer fit for purpose and is far removed from where we need to be in terms of supporting a low-carbon, resilient, prosperous and well-connected Wales of the future that improves health, addresses poverty and inequality and supports cohesive communities. A recent article for NESTA summarises the challenge well and why it's critical to involve people: "For most of its history, transport has remained largely unchanged, characterised by slow incremental innovation and costly infrastructure. While trying to overcome these issues and cope with increasing stress on the system the industry has largely forgotten the users"¹.

The reality is that our transport needs are changing, and old solutions are no longer adequate. As our population ages over the next few decades the growing demand will be for accessible public transport services which allow people to live independently for longer, across all parts of Wales. Over the same period a higher and higher percentage of people are likely to be living in urban areas, where public and active transport will much more efficient and socially beneficial transport priorities than private car ownership. As our "Transport fit for Future Generations" report shows a future-fit approach to transport planning should catalyse a green economy, making people, goods and services mobile in ways that do not cost the earth –

¹ <http://www.nesta.org.uk/blog/transport-mobility-innovation-transport-sector>

environmentally and financially. It should give us travel options that are low-or zero-carbon, mitigate air pollution and promote environmental resilience. The emphasis must be on the right thing and it should equalise opportunities for all, play a role in supporting healthy lifestyles, improve community cohesion, and create a well-connected Wales for now and for the future. We need to seek transport solutions that make the biggest contribution to improving our health, to improving the economic prospects of all our communities, to meeting our obligations on climate change and to maintaining and enhancing nature.

As Future Generations Commissioner I would like to clearly see how the Well-being of Future Generations Act has been taken into account to shape the proposals within the consultation. The preferred options should be the ones that maximises contribution to the well-being objectives and goals. Looking at the five ways of working, for example long-term, how do the proposals consider new technologies will also affect how we travel and what sort of infrastructure our transport system needs to invest in. Battery-only cars and self-driving cars are predicted to become much more common alongside low-tech active travel alternatives such as walking and cycling, changing the way that our roads need to function and altering the patterns of where there is more and less demand for roads. It is crucial that Wales' approach to transport planning in the future is one that places low-carbon solutions at the heart of its strategy.

We welcome the need for improvements in local bus services and in the licensing of taxis and private hire vehicles, however it is critical for the consultation to recognise current situation and challenges, and explain how proposals will support decarbonisation, improved air quality, health and economic prosperity, and the four elements of well-being – economic, environmental, social and cultural:

- transport is dominated by private care use and as a sector contributes to 13% of Wales' carbon emissions, and these haven't reduced significantly since 1990;
- 25% of Welsh families have no access to a car but a recent prediction by the World Economic Forum predicted that kids born today will never get to drive a car;
- Public health Wales estimates that air pollution contributes to 2,000 deaths a year in Wales (6% of total deaths);
- buses account for more than 80% of public transport in Wales but are in long-term decline;
- rail has less than a fifth of the passenger journeys of buses but it is predicted that by 2026 an additional 7.5 million rail journeys will be taken.

We welcome the consultation's aspiration to improve the integration and provision of public transport in Wales – we need to see a significant increase in modal shift and clean energy as outlined in *Low Carbon Wales*². We also need to integrate and align this strategy with other transport policies to ensure we are able to develop a coherent, integrated transport system, that makes best use of resources and enables healthy, more equal and resilient lives and communities. We have not been involved in the development of this consultation and it was disappointing not to see any references to the Well-being of Future Generations Act despite the Minister's foreword referring to the need for a "sustainable integrated transport system, providing choice and opportunity as a viable alternative to the motor car, to drive forward our economy and our communities to greater prosperity".

Two of the five ways of working are clearly key to this approach – integration and collaboration – and although these are referred to throughout the document, it misses the other three ways of working (long-

² <https://gweddiill.gov.wales/docs/desh/publications/190321-prosperity-for-all-a-low-carbon-wales-en.pdf>

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**Future
Generations**
Commissioner
for Wales

term, prevention and involvement) and does not refer to Welsh Government's well-being objectives or the national well-being goals.

I would expect to see a clear consideration of all five ways of working, including for example clear evidence of how you've considered future trends to inform your proposals. Have you considered potential negative impacts? Technology presents a good opportunity for sharing information regarding bus services, and integration with other modes (rail, walking, cycling) – to what extent have you explored this? Despite stating that you want public transport to help reduce pollution none of the proposals refer to decarbonising transport eg by adopting electric or hybrid vehicles. How are you going to ensure that procurement exercises (franchising) will be done in line with the Act? Setting out requirements now that align with the low carbon pathway, before local authorities begin franchising, will ensure that the contracts are given to innovative organisations that have (or plan to switch to) low carbon vehicles.

I would expect to see an explanation of how you have considered how bus services can help tackle isolation in more rural areas, which in turn could improve mental health, also preventing inequalities for families that do not own a car. Encouraging people to choose to use public transport which prevents further deterioration of the environment and air quality problems. I would also want to see the same considerations set out for integration, collaboration and involvement.

Under the Act the Welsh Government must take all reasonable steps to meet their well-being objectives and I would expect to see how the proposal is doing this. In particular I would like to see how the proposals could contribute to the following objectives:

1. Tackle regional inequality and promote fair work - an integrated bus service and an integrated licensing system could reduce inequalities between city and rural regions. One of the steps for this objective is to “design major Welsh Government infrastructure projects to join up public services and other developments, to maximise regional benefits.”
2. Drive sustainable growth and combat climate change – moving towards more low carbon forms of transport, providing “viable alternatives to the car” is essential if Wales is to meet its carbon reduction targets and also tackle air quality. One of the steps to support this objective is to “accelerate the decarbonisation of our public services, creating new opportunities for businesses in Wales in the transition to a low carbon economy”.
3. Build resilient communities, culture, and language – you should clarify how your proposals could support this objective through connecting communities and tackling isolation if reliable and integrated bus service is to be provided
4. Deliver modern and connected infrastructure - the steps to support this objective include “create an integrated public transport network, covering the rail and bus networks, which is safe, reliable, affordable and low carbon” and “support increased use of low emissions vehicles, through investing in a network of charging points”. Again the consultation should be encouraging adoption of low carbon buses and taxis so it's disappointing to see that the proposals are not linked to these objectives or steps.

The Act provides a framework for public bodies to encourage them to think differently about today's issues, and to seek solutions that improve the well-being of people today as well as that of future generations. Welsh Government has to demonstrate how it is using this framework, and providing leadership for others, and this is sadly lacking within this consultation.

REFERENCE WP136



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for Wales

As you know my office has produced several frameworks to support public bodies on their journey towards sustainability. They set out prompts and questions to help public bodies apply the Act and ensure that their thinking takes into account all elements of the legislation (the well-being goals, the ways of working and well-being objectives). My frameworks can also be useful for scrutinising decisions and projects and to see the extent to which the Act has been used. I would like to see how these have been used to formulate this consultation and proposals. I would also like to see much greater transparency and evidence of the consideration of the Well-being of Future Generations Act in the design of this consultation.

Yours sincerely

*Future Generations Commissioner for Wales
Comisiynydd Cenedlaethau'r Dyfodol Cymru*

REFERENCE WP137

Please find below comments from the Liberal Democrat Group on Cardiff Council in response to the Welsh Government consultation on improving public transport.

Cardiff Council Lib Dem Group: response to Welsh Government consultation on improving public transport across Wales

JTA

JTAs offer benefits in terms of conformity of standards and possible integrated ticketing, which we believe is the 'holy grail' in delivering a joined-up and modern public transport system for Wales. There are, nonetheless, concerns that a single JTA could be overly centralised and unable to react to significant regional differences, not least between urban and rural authorities. However, the alternative model of a single national and three regional JTAs appears to risk creating a murky structure in which lines of accountability and decision-making become blurred.

The consultation does not do a good enough job of describing how a Welsh JTA model would improve front-line services, ensuring accessibility to services for all, who would be on these boards and whether passengers and employees would be represented? Furthermore, there is a lack of clarity about the financial resilience of the JTAs and whether the creation of these boards would actually take money away from front-line services in order to pay for back-office functions?

EQP

The principle behind the proposals for EQP/QPS is sound. It would provide clear accountability for decisions where there is currently little, especially regarding for the role local authorities would have to play in delivering bus services. However, such a model only works if the right funding is in place; if a council doesn't deliver on infrastructure then it's not really a very productive partnership.

Franchising

A bus franchising system has clearly worked elsewhere in the UK (not least London) but the result is only beneficial if there is consistency of approach across a JTA (whether national or regional). Contracting individual services out could lead to disparities in cost and customer experience / service.

There are also concerns as to whether bus companies would be financially viable under this model. Financial and contractual security for companies when tendering is essential if we are to move away from services being demand-led and subject to short-term demand pressures. Improved frequency of services, essential to encouraging new passengers, will require significant assurance from the JTA that franchises will be supported in establishing and running routes.

Finally, we believe there are important lessons to be learned from Transport for London in terms of TfL's ability not merely to control the provision of bus services but also their ability to negotiate for long-term funding settlements, to create a clear governance structure and to coordinate close integration between transport and other policy areas, not least health and the environment.

Cllr Joe Boyle
Leader, Lib Dem Group, Cardiff Council

REFERENCE WP138

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	
No	

Please explain your answer.

N/A

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

N/A

Q3. Is there another organisational structure for JTAs that we should consider? Please explain your answer.

N/A

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

N/A

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

N/A

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

N/A

Q7. Should any other transport functions be transferred to a JTA? Please describe.

REFERENCE WP138

N/A

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	
No	

Please explain your answer.

N/A

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	
No	

Please explain your answer.

N/A

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	
No	

Please explain your answer.

N/A

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	
No	

Please explain your answer.

REFERENCE WP138

N/A

Q12. Do you have any other comments on the proposed process for franchising?

N/A

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

N/A

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	
No	

Please explain your answer.

N/A

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

N/A

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

N/A

Q16a. In what circumstances do you think this would be appropriate?

REFERENCE WP138

N/A

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

N/A

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

N/A

Q17a. In what circumstances do you think this would be appropriate?

N/A

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

N/A

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

N/A

Q19. Do you agree that an incremental change is the most appropriate method?

N/A

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	
No	

REFERENCE WP138

Please explain your answer.

N/A

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	
No	

Please explain your answer.

N/A

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	X
No	

Please explain your answer.

National minimum standards should apply to both vehicles and drivers (both HC and PHV). They should also apply to operators. It should be clearly specified as to who the standards apply to.

Drivers should all be required to undertake an enhanced DBS with all barred lists included. It should be the most robust test available.

Drivers should be required to undertake a range of tests and qualifications across the Country. There should be no easy option council for drivers to gravitate to

Q23. Are there any matters which you would like to see contained in any national standards?

Clearly defined and consistent DBS checks
Equality training
Disability training
Safeguarding training

REFERENCE WP138

Customer service training
Driving standards test
Literacy and numeracy standards
Medical standard for drivers. Group 2 Medical should be mandated.

Consistent vehicle identification standards (Top Box, plates, side panels, internal plates)
Consistent minimum emissions standard
Vehicle safety standards
Consistent inspection regime to include supplementary vehicle standards.

Clearly defined and consistent operator conditions

Q24. Are there any matters which you think should be excluded from any national standards?

Vehicle Age Policy - This should be left to local licensing authorities to set
WAV – This should be left to local licensing authorities to set

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Political will. Whilst the current legislation is at odds with modern technology, many licensing authorities will be concerned at the loss of control over local issues.

It may be difficult to get agreement in respect of common national standards across the country.

Standards should be clearly defined to avoid widely differing interpretations.

It will be important to clarify how the licensing authority taxi licensing function will be funded.

Q26. What would be the best approach for determining the content of national standards?

A full and comprehensive scoping and consultation exercise should be undertaken.

A national working group should be set up to steer the determination process and assist with drafting regulations.

REFERENCE WP138

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

It is important that all licensing staff are fully and properly trained. In these matters. Licensing staff should be seen as professionals in their trade.

Should the function remain with the licensing authority, councillors **MUST** be properly trained in dealing with matters requiring their input. No councillor should take part in the licensing function without proper training.

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

A local licensing authority should be able to suspend but not revoke a licence. This should certainly be the case in relation to customer safety where it is apparent that immediate action should be taken to protect passengers. The powers under the current legislation could be widened to allow ALL licensing authorities to act upon relevant offences. Revocation should be the remit of the issuing authority as should the resolution of any matters which required the suspension of a licence. It should be the responsibility of the issuing authority to notify others.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

This should be somewhat easier if standard minimum conditions are applicable. The powers under the current legislation could be widened to allow ALL licensing authorities to act in matters where revocation or suspension is not the required solution.

Local Licensing Enforcement Officers should be empowered to issue Fixed Penalty Notices in respect of minor offences. Offences and sanctions to be set out in regulations.

REFERENCE WP138

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

Clarity in definitions and regulations will be of paramount importance.

Enforcement training and conflict awareness should be delivered to the enforcement team.

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	X
No	

Please explain your answer.

It is important that drivers, proprietors and operators are not allowed to apply elsewhere after being refused by a licensing authority without other licensing authorities being made aware of the fact. Customers are entitled to feel safe when travelling in HC/PH vehicles across the country.

There is a National database already in existence that records such information. This is National Anti-Fraud Network "Register of Revocations and Refusals." (NR3) which allows councils to record details of where a taxi or PHV licence been refused or revoked and allow local authorities to check new applicants against the register. Licensing authorities should be mandated to utilise it.

It is however important to ensure that only relevant information is recorded and managed.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

N/A

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	X

REFERENCE WP138

Please explain your answer.

It is important that licensing authorities are able to have local input into the licensing process.
Option B would enable licensing authorities to act where necessary

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	X
No	

Please explain your answer.

There are potentially a number of unintended consequences of removing local control of taxi licensing. Local licensing authorities have a wealth of knowledge relating to their areas which may impact upon licensing matters.

The existing framework should be retained and enhanced. Improving the licensing process by creating minimum standard conditions, supporting and enhancing the enforcement protocols and improving and mandating information sharing will support the local licensing authorities in delivering a licensing regime fit for the twenty first century and supporting customer and driver safety.

It is important that licensing staff are properly trained in such matters.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

Licensing staff should be recognised as professionals in their field. It is important that proper career progression and qualifications are put in place irrespective of whether option A or B is adopted.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

N/A

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Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

N/A

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

N/A

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

N/A

Part 1 – Bus services

Joint Transport Authorities (JTAs)

Q1. Do you agree that it is important for local authorities to work together with regard to local bus services?

Yes	
No	

Please explain your answer.

N/A

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

N/A

Q3. Is there another organisational structure for JTAs that we should consider? Please explain your answer.

N/A

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

N/A

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions, and to intervene where a JTA is failing to exercise its functions effectively?

N/A

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

N/A

Q7. Should any other transport functions be transferred to a JTA? Please describe.

REFERENCE WP139

N/A

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

Yes	
No	

Please explain your answer.

N/A

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes	
No	

Please explain your answer.

N/A

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

Yes	
No	

Please explain your answer.

N/A

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

Yes	
No	

Please explain your answer.

REFERENCE WP139

N/A

Q12. Do you have any other comments on the proposed process for franchising?

N/A

Franchising in practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

N/A

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

Yes	
No	

Please explain your answer.

N/A

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

N/A

Local authority bus services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

N/A

Q16a. In what circumstances do you think this would be appropriate?

REFERENCE WP139

N/A

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

N/A

Q17. Do you think that local authorities should be able to set up arms length companies to operate local bus services?

N/A

Q17a. In what circumstances do you think this would be appropriate?

N/A

Q17b. What, if any, safeguards do you think should be put in place with arms length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

N/A

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

N/A

Q19. Do you agree that an incremental change is the most appropriate method?

N/A

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes	
No	

REFERENCE WP139

Please explain your answer.

N/A

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

Yes	
No	

Please explain your answer.

N/A

Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes	X
No	

Please explain your answer.

National minimum standards should apply to both HC and PHV, drivers and operators. It should be clearly specified as to who the standards apply to.

Drivers should all be required to undertake an enhanced DBS with all barred lists included. It should be the most robust test available.

Drivers should be required to undertake a range of tests and qualifications across the Country. There should be no easy option council for drivers to gravitate to

Thought needs to be given to how vehicles licensed across the border in England will impact upon these national standards

Q23. Are there any matters which you would like to see contained in any national standards?

Clearly defined and consistent DBS checks
Equality training

REFERENCE WP139

Disability training
Safeguarding training
Customer service training
Driving standards test
Literacy and numeracy standards
Medical standard for drivers. Group 2 Medical should be mandated.

Consistent vehicle identification standards (Top Box, plates, side panels, internal plates)
Consistent minimum emissions standard
Vehicle safety standards
Consistent inspection regime to include supplementary vehicle standards.

Clearly defined and consistent operator conditions

Q24. Are there any matters which you think should be excluded from any national standards?

Vehicle Age Policy - This should be left to local licensing authorities to set

WAV – This should be left to local licensing authorities to set

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Political will. Whilst the current legislation is at odds with modern technology, many licensing authorities will be concerned at the loss of control over local issues.

It may be difficult to get agreement in respect of common national standards across the country.

Standards should be clearly defined to avoid widely differing interpretations.

It will be important to clarify how the licensing authority taxi licensing function will be funded.

UK/Wales cross border working may complicate matters.

Q26. What would be the best approach for determining the content of national standards?

A full and comprehensive scoping and consultation exercise should be undertaken.

A national working group should be set up to steer the determination process and assist with drafting regulations. The National Association of Licensing and

REFERENCE WP139

Enforcement Officers (NALEO) would be happy to assist in this process

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

It is important that all licensing staff are fully and properly trained. In these matters. Licensing staff should be seen as professionals in their trade.

Should the function remain with the licensing authority, councillors **MUST** be properly trained in dealing with matters requiring their input. No councillor should take part in the licensing function without proper training.

NALEO would be happy to assist with developing and delivering training to both officers and members.

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes	X
No	

Please explain your answer.

The safety of the public is of paramount importance. A local licensing authority should be able to suspend but not revoke the licence of any vehicle operating in their area. The suspension should immediately be referred to the issuing authority for resolution. This should certainly be the case in relation to customer safety where it is apparent that immediate action should be taken to protect passengers. The powers under the current legislation could be widened to allow ALL licensing authorities to act upon relevant offences. It should be clear in legislation or regulations that suspension may be used as an interim sanction where appropriate.

Revocation should be the remit of the issuing authority as should the resolution of any matters which required the suspension of a licence. It should be the responsibility of the issuing authority to notify others of suspension and or revocation.

Enforcement Officers should be empowered under Community Safety Accreditation Scheme (CSAS) by the Chief Constable to stop vehicles at roadside. NALEO offers training, accreditation and certification for such powers.

Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

REFERENCE WP139

Yes	X
No	

Please explain your answer.

This should be somewhat easier if standard minimum conditions are applicable. The powers under the current legislation could be widened to allow ALL licensing authorities to act in matters where revocation or suspension is not the required solution.

Local Licensing Enforcement Officers should be empowered to issue Fixed Penalty Notices in respect of minor offences. Offences and sanctions to be set out in regulations.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

Clarity in definitions and regulations will be of paramount importance.

Enforcement training and conflict awareness should be delivered to the enforcement team.

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes	X
No	

Please explain your answer.

It is important that drivers, proprietors and operators are not allowed to apply elsewhere after being refused by a licensing authority without other licensing authorities being made aware of the fact. Customers are entitled to feel safe when travelling in HC/PH vehicles across the country.

There is a National database already in existence that records such information. This is National Anti-Fraud Network "Register of Revocations and Refusals." (NR3) which allows councils to record details of where a taxi or PHV licence been refused or revoked and allow local authorities to check new applicants against the register. Licensing authorities should be mandated to utilise it.

It is however important to ensure that only relevant information is recorded and managed.

REFERENCE WP139

Use of a UK wide database will ensure that unscrupulous applicants are not able to cross the border from Wales to England or vice versa. Wales should not operate in a silo.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

It is vitally important that any data sharing protocol is UK wide.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes	
No	X

Please explain your answer.

It is important that licensing authorities are able to have local input into the licensing process.
Option B would enable licensing authorities to act where necessary

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

Yes	X
No	

Please explain your answer.

There are potentially a number of unintended consequences of removing local control of taxi licensing. Local licensing authorities have a wealth of knowledge relating to their areas which may impact upon licensing matters.

The existing framework should be retained and enhanced. Improving the licensing process by creating minimum standard conditions, supporting and enhancing the enforcement protocols and improving and mandating information sharing will support the local licensing authorities in delivering a licensing regime fit for the twenty first century and supporting customer and driver safety.

It is important that licensing staff are properly trained in such matters.

REFERENCE WP139

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

Licensing staff should be recognised as professionals in their field. It is important that proper career progression and qualifications are put in place irrespective of whether option A or B is adopted.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

N/A

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

N/A

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

N/A

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

N/A



27 March 2019

Public Transport Policy Team
Transport – Policy, Planning and Partnerships
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Dear Sir/Madam

Please find attached Veezu's responses to the questions posed in the Consultation Document on Taxi and Private Hire Vehicle Licensing in Wales.

As the largest Taxi and Private Hire Vehicle operator in South Wales we are delighted to contribute to the consultation process and we are very keen and committed to participate and assist in any way we can.

You will see that our responses are very detailed but we would also welcome the opportunity to discuss these responses, as well as the industry more broadly, as part of the continuation and development of the consultation process.

There are two issues that we think would benefit by further consideration away from this consultation response; Welsh language considerations and the provision of token schemes for taxi services to replace some bus services in some communities.

Both by virtue of the number of self-employed drivers that we have on our system in South Wales and our state-of-the-art dispatch system technology, we have a vast amount of visibility and data on how customers use Taxi and Private Hire Vehicle services and how the industry operates in our region and we would welcome the opportunity to share our knowledge and data with you as a means of assisting and working with you as you develop and shape your thinking around regulation of the industry. Our Safeguarding and Licensing Director has already invited your colleague at the Swansea consultation day, to visit us and view our operating system and I wish to extend that invitation formally.

REFERENCE WP140



Please call my office on 01633 415618 and I will get that in place quickly for you – you will benefit from the insight into how the industry and technology has moved on and is leading the way in improving passenger services in Wales.

We welcome this consultation process as an ideal opportunity to bring many improvements to the industry that we hope will result in a better, safer, more effective service to all users of this vital element of Wales' transport infrastructure.

Yours faithfully,

Nathan Bowles

Chief Executive Officer



Proposals for Taxi and Private Hire Reform

National standards

Q22

Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales? Yes/No? Please explain your answer.

Response:

Yes, totally. It is vital there is consistency across Wales so that the travelling public can be reassured that the quality, safety and passenger experience is consistent and of a high standard in every town and city.

Where licensing districts are not subject to Defra Clean Zone requirements it will also introduce a positive environmental and health benefit for all communities by introducing improved vehicle emission standards, enabling licensing policy to contribute to the wider issue of public health.

Consistency in standards is also a 'must' in setting the bar for decision making in respect of personal, vehicle and operating licences. It reduces risk caused by inexperienced decision makers and as with national legislation, eliminates time consuming and costly appeals. It frees up time for officers and Councillors and makes it easier for potential applicants to have a clear understanding of where they are placed against a criteria.

Q23.

Are there any matters which you would like to see contained in any national standards?

Response:

Training

1. Compulsory safeguarding training which is approved by agreement of Local Authority Children and Adults Boards and based upon actual attendance and positive participation. It is essential that internet based courses are not seen as acceptable. The question to be asked on internet based training is, 'who is actually taking the training and answering the questions?' It would be good practice to arrange refresher training which coincides with the driver 3 year licence renewal cycle.
2. Training to expected standards of service and safety during the lifetime of a licence.

During the lifetime of a Private Hire Operator or driver licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet the expected standard. A reasonable time scale of up to 3 months should be set for the training to be successfully undertaken by an approved training provider. If there is a refusal or failure to



attend, or the license holder does not attain the training accreditation, the licence should be suspended until remedied. The cost of such training will be borne by the licence holder.

Introducing this is immensely helpful to Officers and Councillors because it removes the ambiguity around when training is required and provides a pathway prior to possible suspension or revocation.

Drivers & Multiple Operators

Undoubtedly the lack of controls on drivers once licensed are of a significant concern. In many licensing areas drivers can partner with as many operators as they wish, or where there are some controls, they are not subject to enforcement. Partnering with multiple operators results in adverse consumer issues:

- Drivers abandoning a booking to take up a more lucrative one with another operator;
- Drivers accepting and queueing bookings and then declining the lower price ones leaving customers stranded;
- Drivers deliberately withholding services to App only Operators to inflate prices based on over demand (drivers set up Facebook Groups to organise this) then surge charge 6x or more;
- Creating confusion and concern to passengers as drivers swap about between operators;
- Drivers discard or wear multi operator livery;
- Drivers know they are less accountable and less traceable and professional behaviour is less important.

Drivers can evade licensing scrutiny by the operator if he or his vehicle is suspended or revoked and continue to move between operators. The public safety and safeguarding issues around this are significant and should be clearly addressed in this proposed legislation, with clear rules introduced to protect consumers where drivers partner with numerous operators.

Operators – Professionalising the industry

Operators are a vital link to the licensing authority and should have more licensing requirements placed upon them to contribute to the requirements and principles of licensing legislation, policy and conditions for example:

Data Protection –	Hold a recognised accreditation at all times
Complaints	Maintain a comprehensive complaints and outcomes/resolution register
Reporting requirement	Complaints involving sexual misconduct, sexual harassment, inappropriate sexual attention, racist behaviour, violence, dishonesty, breaches of equality.
Private Hire vehicles	The dangers around licensed vehicles not being easily identified are obvious. Magnetic signs are frequently lost



and stolen or drivers simply remove to engage in illegal activity.

National standards should move towards permanently affixed signage which crumples on removal, is hi-visibility reflective along with visor strips. There are excellent examples of this in some English licensing Authorities. Such a direction could look like:

- All vehicles will be required to have a licence plate affixed to the rear external bodywork, near and offside front doors, together with two non-illuminated windscreen 'visor style' signs affixed to the front and rear windscreens. Each licensed Private Hire vehicle shall have no signs or markings on it except those identified below.
- The name of the licensed Operator from which the vehicle receives bookings must be shown on the door livery plates in the manner approved by the Council. The Operator name must be in contrasting colours to the background with a colour scheme that is easy for all to distinguish the name. The Operator name must feature predominately across the space provided. An appropriate company logo may be incorporated into the detail of the plate but not at the expense of reducing the letter sizing significantly or making the name more difficult to read.

Private Hire Vehicle Proprietors

Currently' in most Local authorities an individual can licence a Private Hire Vehicle without any DBS checks or conditions placed upon how he operates his business.

In effect a criminal can register a car/s as licensed vehicles and hire them out to licensed drivers, suspended drivers, revoked drivers, or drivers without a licence. Conditions cannot be imposed on that person in current legislation other than on the vehicle. The responsibility for working to an operator is that of the driver, if licensed. Criminal gangs, sexual predators have access to vehicles and if anyone thinks that the application of magnetic signs will deter criminals, they are deluded.

This is a significant loophole in key legislation and must be closed.

Q24.

Are there any matters which you think should be excluded from any national standards?

Response: No



Q25.

What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Response:

Operators should play a significant role in driving standards up and this should be more than just a self-commitment (as it is currently). Instead it should be a demanding requirement on operators that leads to professionalising the industry.

Some local authorities may feel disenfranchised so it is important they are key players in ensuring the industry performs reputably and safely in every part of the country. The most difficult task in some areas could be the undue influence brought by elements of the trade using the argument of damage to their employment. The DfT statutory guidance is absolutely clear on this – public safety is paramount, and that is the message which needs to accompany the argument for the introduction of improved safety standards.

In respect of drivers not able to partner across several operators at once – it appears consumer choice is being stolen by the actions of some drivers who withdraw their services at peak periods of demand to create price surge points. This is clearly an area that should be further reviewed and is particularly unfair on the night time economy and its users making it unsafe for women and young people who cannot then either access or afford the required service.

Q26.

What would be the best approach for determining the content of national standards?

Response:

Firstly setting the likely high threshold so the debate level recognises the thrust of change; working with the industry leaders in Wales and recognising the potential for change. Using local market leaders as flagships for change.

Q27.

Please provide any other comments or proposals around national standards that were not covered in the above questions.

Response:

There is a concern that the DfT convictions criteria proposals do not sufficiently distinguish the individual circumstances and might be considered disproportionate in some areas.

Enforcement



Q28.

Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence? Yes/No?

Response:

Yes

Please explain your answer:

A national standard eases the way on this significantly. It also ensures that no vehicle can be considered to be in a 'safe area' away from its own licensing district. Additionally if a vehicle is unsafe, the decision needs to be taken there and then and a local authority should be able to be impactful on public safety issues in the interests of its own constituents.

This would also have a significant beneficial impact on vehicles licensed in England who chose to select the lowest possible licensing standard and engage in cross-border hiring, introducing the lowest standards and creating the highest risks to public safety.

Q29.

Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence? Yes/No?

Response:

Yes and No

Please explain your answer.

Basing the question around public safety, the answer is 'no'.

In dealing with conditions issues, the determining local authority may want to defer to the original licensing authority for the purpose of consistency on decision making or training options available to that authority.

Q30.

Please provide any other comments or proposals around enforcement that were not covered in the above questions.

Response:

Following the Rotherham scandal (and others) its needs to be recognised that enforcement of Taxi and Private Hire licensing is a challenging issue. It calls for expertise in that field and there needs to be a clear distinction around funding and shared services. Without doubt, specific enforcement capacity is lost within shared



services and every local authority should produce accounts to satisfy the existing legislation that funding is being used properly – it is a public safety issue. Introducing new legislation around funding should also clarify the current anomalies around the distinctions between administration and enforcement to enable a comprehensive and effective service.

Information-sharing

Q31.

Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared? Yes/No?

Response:

Yes - totally

Please explain your answer.

The failures to share intelligence and information across all the connected services has undoubtedly enabled criminals engaged in child sexual exploitation to go unchecked and continue to operate below the radar in licensing environments. So we believe that the information sharing should be even more enhanced.

Q32.

Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

Response:

The frailties of the current observance of the Human Rights Act by the Home Office guidance to Police services will continue to put the public at risk and damage the reputation of the trade generally and, when serious incidents occur threaten the reputation of decision makers and legislators.

Joint Transport Authority

Q33.

Do you agree with our proposal to redirect all of the existing taxi and PHV Licensing functions away from local authorities and into a national licensing authority (Option A)? Yes/No?

Response:

No

Please explain your answer.

Centralising such an administrative, enforcement, decision making and courts appeals function across the whole of Wales is impractical and will create a significant cost to the industry, a loss of localism and access to services. The volumes of incidents and decisions requiring attention would create a bureaucratic quagmire. This is a time when licensing needs much more scrutiny at local level with national standards creating consistency and the capability to act quickly and decisively.

Q34.



Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)? Yes/No?

Response:

Unreservedly YES

Please explain your answer.

Localism is important and the sensitivities around the licensing environment will benefit with the debate and contributions to improvements to the professionalising of the industry from across the widest range of communities. Centralisation is too detached, too distant for the diverse needs across Wales and centralisation cannot enhance the needs of so many groups or communities – neither can a centralised base of administrators get there, nor deal efficiently and effectively with the huge demand and range of issues.

Q35.

Please provide any other comments or proposals around responsibility for Taxi/PHV licensing that were not covered in the above questions.

Response:

There needs to be far more insight by officers and Councillors into how technology can beneficially improve passenger services, changes might be a challenge to understanding but not necessarily a threat and the leadership need to engage much more with leading Welsh companies to get the best community and passenger benefits. This is very achievable but the forums need to be less a place of negativity and concern and more a place of enterprise. National Standards will remove most of the weight from local authorities and perhaps encourage enterprise to enhance passenger services.

REFERENCE WP141

and wellbeing of the passenger. Currently, the quality of bus services and bus infra-structure varies hugely so that there is little consistency in how local authorities plan and implement transport policy, including a shocking lack of engagement with passengers. In Swansea, for example, First Cymru have withdrawn services with no warning so that individuals with sight loss are stranded at a bus stop with no idea of why their bus hasn't arrived and no way of finding out what has happened.

We commend the work of Traveline Cymru who bridge the gap for people with sight loss seeking accessible information on local bus services, but this is negatively affected by a lack of accessible information on bus stops. Traveline can give the time when a bus is expected, but there is often no information at all on the bus shelter and the phone number for Traveline Cymru is not displayed. Their services cease to be available after 8pm, often when people are most vulnerable and in need of information - unlike a sighted person, an individual with sight loss cannot easily locate a taxi rank as an alternative means of completing their journey. If this issue is to be addressed effectively across Wales, we need an agreed strategy setting out a consistent approach to providing accurate accessible bus service information, not the kind of local variation and lack of accountability which is the current situation.

Q2. Please provide comments on the proposed organisational structures. Which is your preferred option and why?

We do not wish to comment in detail on this question as our other responses will explain our priorities, what we are seeking is a structure that will facilitate the delivery of an inclusive all Wales bus service which supports independent safe travel for people with sight loss.

Q3. Is there another organisational structure for JTAs that we should consider? Please explain your answer.

Please see our response to question 2.

Q4. Do you have any comments on the proposal that the Welsh Ministers should be represented on a JTA or any committees of a JTA?

We have no comment.

Q5. Do you have any comments on the proposals that the Welsh Ministers should have powers to issue guidance and directions and to intervene where a JTA is failing to exercise its functions effectively?

REFERENCE WP141

With regard to intervention from the Welsh Government, we believe that it is essential for JTA's to be held to account, otherwise the good progress achieved to date could be lost. Specifically, we are pleased to note reference to the Quality Bus Standards in this consultation, but disappointed that the Accessible Transport Objectives are not mentioned. We wish to draw attention to recommendation 8 of the Petition Committee's report in February 2018.

We support the Welsh Government's proposals for statutory guidance on service quality, infrastructure and passenger information expectations for bus services in Wales. The Welsh Government should ensure that the needs of disabled people are reflected in any such guidance. This could include a strengthened requirement for the provision of audio and visual information on all operators.

We have yet to see how The recommendations of the Petitions Committee will be implemented, and as they apply to the quality of bus services, infrastructure and audio-visual passenger information, they are critically important to people with sight loss. It is very concerning that this consultation seems to have overlooked the importance of these considerations for disabled people, and in particular people with sight loss. We strongly agree that Welsh Government should issue guidance and directions and intervene where JTA's are failing. Transport is cited by people with sight loss as the most significant barrier to independence and quality of life and the absence of a reliable accessible bus service is a major contributory factor to a sense of loneliness and isolation. We explained this in our response to the Welsh Government's consultation on this issue and we would hope that a more joined up approach can be taken that recognises how important public transport is in linking our communities.

Proposed JTA Functions in relation to buses

Q6. Is the proposed division of national and regional functions appropriate?

Please refer to our answer to question 5.

Q7. Should any other transport functions be transferred to a JTA? Please describe.

We have No comment

Enhanced Quality Partnerships (EQP)

Q8. Do you think that legislation is required to secure the benefits of enhanced partnership working?

REFERENCE WP141

We have no comment.

Q9. Do you agree with our proposals for EQPs, in particular the proposed process for developing and making EQPs?

Yes

Please explain your answer.

We believe that EQPS could significantly improve delivery of bus services by understanding local priorities and through the introduction of additional quality standards. The EQP model should make it easier to engage with passengers, there are many local organisations of blind and partially sighted people who could be involved, where currently there is no mechanism or requirement for bus operators to engage with them. We are particularly interested in how complaints are handled and in how local authorities monitor how effectively bus operators deal with them.

In our experience, it is difficult for a blind or partially sighted person to make a complaint about a bus service, a lack of customer care or any aspect of information provision. There has been no commitment from operators or local authorities to develop a clear accessible process for handling complaints, each operator does it differently and many fail to make the complaints phone number accessible to those with sight loss. In comparison with how complaints about taxi services are handled, this is a real gap in quality monitoring.

In our experience, most local authority licensing officers have a clear process for dealing with taxi complaints, however, if a passenger with sight loss wishes to complain about any aspect of a bus service, they have first to locate a phone number, or try to access the operator's website. In spite of a legal requirement for web sites to be accessible, these are often difficult or impossible for people with sight loss to use. To address this issue, we suggest that local authorities should be the point of contact for bus complaints and EQPS could be the means of making that possible.

Franchising

Q10. Do you think that the proposed scheme provides a more workable option for the franchising of local bus services?

We have no comment.

Q11. Do you think there should be a requirement for the assessment to be subject of to an independent audit?

REFERENCE WP141

We have no comment.

Q12. Do you have any other comments on the proposed process for franchising?

We have no comment

Franchising in Practice and Permits

Q13. Do you have any comments in relation to the proposals for the issuing of permits in circumstances where franchising arrangements are in place?

We have no comment

Impacts of franchising on small and medium sized bus operators (SMEs)

Q14. Do you agree that as part of any arrangements to let franchise contracts, specific consideration should be given to how SMEs can be enabled to be involved in the procurement process?

We have no comment

Franchising Transition Arrangements

Q15. What transitional arrangements should be considered in order to ensure that bus services are not compromised during the process of preparing to franchise?

We have already referred to the need for accessible communication where bus services are concerned. People with sight loss often find out about changes or cancelled services by accident or not at all. They cannot read notices in newspapers, and local authorities often fail to use the mechanisms that exist to reach residents with sight loss.

We suggest that franchising arrangements should include a requirement to communicate in a range of accessible formats

Local Authority Bus Services

Q16. Do you think that local authorities should be able to run bus services directly (i.e. in-house services)?

Q16a. In what circumstances do you think this would be appropriate?

REFERENCE WP141

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

We have no comment.

Q17. Do you think that local authorities should be able to set up arm's length companies to operate local bus services?

Q17a. In what circumstances do you think this would be appropriate?

Q17b. What, if any, safeguards do you think should be put in place with arm's length bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market and why?

We are pleased to note that an expectation for local authorities running their own bus services is that they should be passenger focused. We are often astonished to find to what degree this is not the case with bus operators who are driven by commercial imperatives, and whose structures and processes are not open to public scrutiny. We are encouraged by positive engagement with Cardiff Bus who, in our experience, handle complaints from people with sight loss effectively, in stark contrast with a large operator in South Wales with whom we find it difficult to engage.

Eligibility age for the mandatory concessionary fares

Q18. Do you agree with the Welsh Minister's proposal to align entitlement to a mandatory concessionary fares pass with a woman's pensionable age?

The only comment we would like to make here is to support the continuation of current eligibility for blind and partially sighted people to be given a Concessionary Bus Pass.

We know that levels of disability and poverty are higher in Wales than in other areas of the UK and changes to welfare benefits mean that people have even less disposable income. Free bus travel is a huge benefit in itself and we encourage all those with sight loss to apply for a Bus Pass.

Generally, once an individual who loses their sight has learnt, with support, to use buses, they really value the availability of free travel. A Bus Pass encourages social inclusion and helps to enable independence and choice.

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Q19. Do you agree that an incremental change is the most appropriate method?

We have no comment.

Public transport information and monitoring

Q20. Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?

Yes

Please explain your answer.

We agree with this proposal, but are concerned that the legal requirement to make information accessible is not mentioned. This is a major oversight and means that such a measure could result in people with sight loss being no better off in terms of information on bus services than they are now.

The Equality Act 2010 requires anyone who provides a service to the public to make information about that service accessible and this includes transport operators. Currently, there is a random mix of online and print timetables, complaints processes and other important information which might or might not be offered in an accessible format. People with sight loss have no way of knowing whether or where this is available, unlike those with sight who are generally less dependent on bus services. This is hugely unfair and a significant disadvantage which legislation could address.

Given the Welsh Government's commitment to social inclusion, the requirements of the Wellbeing of Future Generations Act, the current work to combat loneliness and isolation and the Accessible Public Transport Objectives to which we have already alluded, we would want any new power to stipulate the requirement for the information to be accessible.

Q21. Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?

We have no comment.

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Part 2 – Taxis and private hire vehicles (PHV)

National standards

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales?

Yes

Please explain your answer.

People with sight loss often use taxis and they would not regard them as an occasional luxury, but as a necessity. It is increasingly difficult to access bus services in the evenings and even where they are available, frequency reduces after 6pm and can stop completely in rural locations. If people with sight loss are to take part in social activities, which are still predominantly organised out of working hours, they will often have to rely on a taxi for one or both elements of the journey.

The quality of the experience is even more important than for many sighted passengers as they are uniquely dependent on the driver for help to find the exact location rather than being dropped at the end of the street or a nearby convenient point, which is an option for sighted passengers able to see where they want to go. Passengers with sight loss need the taxi driver to stop as close as possible to their destination and it is very helpful if the driver can assist them to locate it exactly.

In our experience, ability and willingness to do this varies hugely. We would therefore wish to see training in sight loss awareness included in any national standards. In addition, refusal of service is still a regular experience for Guide Dog Owners who then have to report the driver to the local Licensing Officer, as well as dealing with the humiliation of being refused. Licensing Officers vary as to how effective and supportive they are and there is no consistent approach. Some taxi drivers receive a warning, some go to court, but Licensing Committees cannot always be relied on to contact the individual with sight loss in a format they can access, so they might not be aware of what action is being taken. Guide Dogs Cymru records all incidents reported to us, advising and supporting where appropriate. The following statistics give an overview of how much variation there is in how refusals are dealt with:

There were 38 reported taxi issues between January 2016 and January 2019; 5 suspensions, 3 warning letters, 1 court case- driver not guilty, 1 free journey, 1 fare refund, 10 Taxi firms'/licensing authorities took no action, 12 Guide Dog Owners took no further action, 5 Taxi firms dealt with driver personally.

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Q23. Are there any matters which you would like to see contained in any national standards?

Please see our answer to question 22.

Q24. Are there any matters which you think should be excluded from any national standards?

We have no comment.

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

We have no comment.

Q26. What would be the best approach for determining the content of national standards?

We would hope and expect that people with sight loss, as well as those with other disabilities are invited to contribute to the design and evaluation of training materials. We know that other disabled people have priorities which must also be addressed so the training needs to be balanced and appropriate with checks to ensure that all drivers receive it.

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

We have nothing more to add.

Enforcement

Q28. Should a local authority be able to revoke or suspend a licence relating to any vehicle operating in its area, even if it did not issue the original licence?

Yes

Please explain your answer.

We agree that local authorities should have this power, we have already explained that passengers with sight loss can be vulnerable and this would allow action to be taken as quickly as possible.

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Q29. Should a local authority be able to issue a lesser sanction in relation to any vehicle operating in its area, even if it did not issue the original licence?

Please see our answer to question 28

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

We have nothing more to add

Information-sharing

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared?

Yes

Please explain your answer.

We welcome this proposal for reasons explained in our answer to question 22.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

We have no comment.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)?

Yes

Please explain your answer.

We believe this would achieve greater consistency and have the potential for better enforcement, safeguarding, and quality monitoring of training.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)?

No

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Please explain your answer.

We have no further comment.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

We have no further comment.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

We have already highlighted to the Welsh Government the potential for audio announcements made in Welsh as well as in English to enhance understanding of the Welsh language. This is linked to the implementation of the Quality Bus Standards and to our comments on the provision of accurate accessible information such as time tables.

Q36a. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

We have no further comment.

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

We have no further comment.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We feel strongly that this consultation should take into account the report of the Petitions Committee referenced below. The Welsh Government accepted its recommendations, of which 8 and 11 are very relevant.

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Petitions Committee Report

Ensure Disabled People Can Access Public Transport as and When They Need It (P-05-710) – Report on the Consideration of a Petition

October 2017

<https://www.assembly.wales/laid%20documents/cr-ld11222/cr-ld11222-e.pdf>

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Dear Sir/Madam

I am writing to you because I have heard that the Welsh Government intends to raise the eligibility age for a bus pass, allowing free bus travel in Wales, from 60 to 65 (or possibly 67 in my case). Unsurprisingly there has been very little publicity given to this unfair proposal - I only found out about it by chance.

There has been almost nothing about this proposal in the media; otherwise I am sure many more people in my age group would have protested. Perhaps I am being unduly cynical, but I can't help wondering if the Welsh Government are trying to sneak it through unobtrusively while everyone is, quite understandably, preoccupied with Brexit. A Cruise counsellor specifically mentioned the bus pass at 60 as something for me to look forward to; although an intelligent and well-informed woman, she hadn't heard about this unfair proposal.

How can it be right or just for the Welsh Government to propose to discriminate on the grounds of age against people like myself, born through no fault of our own, due to circumstances beyond our control, in the 1960s rather than in the 40s or 50s? How can this be fair or morally acceptable? Surely any form of discrimination against any group of people because of things which they are beyond their control is wrong. People my age have already been hit by the raising of the retirement age.

Can you explain to me how it is fair that someone born in 1962, for example, should have to wait 7 years longer for a bus pass than someone born in 1959, only three years his/her senior?

I write in the hope that you are someone for whom fairness is important rather than an irrelevance, because I am beginning to have doubts about the Labour party in the Assembly's commitment to fairness for the reason I have outlined.

I know that life is often unfair, but surely the role of a Welsh Labour Government should be to minimise unfairness rather than promote it.

The Westminster Government has already raised the retirement age for someone like myself (born in July 1962) from 65 to 67, but then what can one expect from the Tories? They are not concerned about fairness; I don't think they ever have been. But I would have expected better from a Labour-controlled Welsh Assembly. Yet it appears that they are intending to penalise people like myself for having been born 3 or 4 years too late.

I realise that it might seem sad, or even pitiful, to a successful person with a well paid job that something like a free bus pass should mean so much. But, unfortunately, for many people my age there is little that is positive rather than negative to look forward to. There was the bus pass, which would be of great benefit to people who are not well off financially, and/or rely on bus services.

I am asking politely that you ABANDON THIS UNJUST AND UNACCEPTABLE PLAN.

I will come to Cardiff on my hands and knees to beg you to do so, if necessary, but it should not be necessary, since, if you have any sense of justice, you should do so anyway,..... A. Richards



Welsh Government Consultation

Improving Public Transport

Unite the Union

Unite is the largest trade union in the UK with 1.4 million members in a range of industries including transport, construction, financial services, manufacturing, print and media, energy, the voluntary and non-profit sectors, education, creative industries, local government and the NHS.

Part 1: Bus Services

Buses are a social and economic necessity especially for those on lower incomes and from disadvantaged groups as the main users of buses. In a recent ILO¹ report it found that women are less likely to have access to a private car and more likely to rely on public transport, as are those on lower incomes - support for fair and effective public transport is central to equality and social inclusion. It should not be left to market forces to determine where and when buses should run. Local councils must therefore have control over bus services not only through franchising but they must also have the ability to run buses themselves in the interests of the communities and the local economy.

Buses are an essential form of transport for thousands of people across Wales. Efficient and affordable buses are vital to the economy. Buses provide greater access to education and jobs and play a vital role in reducing emissions and road congestion. For the elderly and most vulnerable groups in society, buses are key to addressing loneliness and social exclusion. Yet funding for supported buses has been reduced by £10million in the last eight years², leaving many rural and some urban areas without public transport. It is vitally important for local authorities to work together to form an integrated bus network.

According to the latest data from StatsWales, the numbers of local bus passenger journeys in Wales is falling year on year³ and Unite is concerned about the impact this has on jobs and communities.

It is noticeable that throughout this white paper there is little mention of workers within the public transport sector. Our members in the passenger transport sector deserve to be rewarded fairly for the service they deliver keeping buses running and

¹ ILO report - [url](#)

² Campaign for Better Transport: Buses in Crisis [url](#)

³ StatsWales: [url](#)

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the economy going. However, with a squeeze on profitability around routes, bus companies have looked at other ways to reduce costs and have focused on worker's pay, terms and conditions. For example Cardiff Bus driving and engineering staff, 98% of whom are Unite members, have been informed that their pensions will be cut and the company is intent on making further cuts to terms and conditions including pay rates, overtime payments, partial paid breaks and occupation sick pay. Last year staff accepted a 1% pay increase, significantly below the increased cost of living.

Driver fatigue is gravely impacting on bus drivers. Unite has called for proper implementation of the European driving hours regulations in the UK as bus drivers are driving for longer periods and over greater distances than their European counterparts. This is a matter of public safety on our roads. Within the context of Brexit, the final settlement must retain all that we have fought for within the EU – from regulations on vehicle standards to health and safety legislation and we should, as a minimum, retain parity with that in Europe.

When subsidies are made to bus companies there must be complete transparency on how these funds are used. It should be incumbent upon the companies to deliver a bus service that takes account of the social and economic interests of the communities utilising the service as well as ensuring workers are given the support they require to fulfil their role.

Q1– Q7 Joint Transport Authorities

A single JTA for the whole of Wales with regional delivery boards would allow for strategic planning with varying characteristics based on demographics, geography etc. The JTA should comprise of all stakeholders involved with bus networks: Welsh government, local authorities, bus operators, community and trade union representation.

Unite believes that Welsh Ministers should be represented on the JTA as it would show commitment to the delivery of bus services in Wales, however as previously stated Unite believes that a JTA should have trade union representation also.

Unite supports the necessary intervention of the Welsh Ministers when required. Intervention at any level is required when an organisation is failing. Our members in Cardiff Bus have raised concerns over the operation of the company, not only with regard to withdrawal of routes around the city but in relation of members terms and conditions and an intervention in the running of Cardiff Bus has been requested by our members.

Q8 – Q9 Enhanced Quality Partnerships

Unite's past experience of partnerships has been a disappointing one. Trade unions are not consulted when partnerships are formed and all too often operators abandon the partnerships claiming commercial reasons and face no penalty. Enhanced

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partnerships should not be agreed solely between the local authority and operator but should include trade unions also.

It is unclear if existing bus operators can object to the setting up of the partnership. This gives the incumbent considerable power over new entrants' route which no other provider would have access to, giving advantage when putting in a bid. There should be a facility to revoke a partnership plan if the bus operator fails to provide the services as laid out on the proposals or scheme as defined and if it fails to run a bus based on users' needs.

Q10 – Q15 Franchising

When considering different models for franchising: contracts can be let for individual bus routes (as in London); for groups of routes at the depot level (as proposed by North East Combing Authority NECA); or for a whole region or city (as in other European countries). Each option has pros and cons. Factors to be taken into account are the need to minimize disruption to staff when franchises change hands (which is worst under the London model), and the effect of franchising on small operators (who risk substantial losses under region-wide franchising). The best option may be depot-level franchising with some actions to support small operators, such as franchising some routes individually, or taking municipal ownership of some depots and vehicles. Franchising powers to local transport authorities should require them to adopt minimum staff terms and conditions that must be met by all operators. This would prevent competition taking place on the basis of a 'race to the bottom' in employment terms and conditions, which has happened in London and has resulted in industrial relations problems and strikes by bus workers. There must be explicit acknowledgement of TUPE Regulations (Transfer of Undertakings (Protection of Employment) Regulations) are applied to bus franchising, to protect employees when franchises change hands.

The 'Licence for London' covering 25,000 bus workers in the capital was launched in January 2017 by Unite and the Mayor of London, Sadiq Khan, and puts an end to the previous system where bus drivers moving from one bus company to another would be paid the lowest driving wage as if they were starting their careers, even though they may have driven with another company at a pay grade equivalent to their level of service and experience. Unite's shop stewards, members and officers at London Busses are to be congratulated on this landmark achievement.

Q16 – Q17 Local Authority Bus Services

Unite is committed to a policy of full public ownership of buses as we see this as the best way for the bus system in Wales to operate in the interests of passengers, communities and the wider economy. Unite sees little benefit to bus users, communities or workers in private companies hiving off profits to pay to shareholders while fares rise, bus routes are withdrawn, public subsidy increases and the terms and conditions of workers in the industry are being eroded. Unite would argue that there should be clear provision that local authorities can set up and run

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municipally⁴ owned services and create a regulation zone around them that protects them from competition from commercial companies.

It also cannot be underestimated how much pressure local authority budgets are under and additional funding will be needed to from Welsh Government to assist local authorities with this.

Q18 – Q19 Eligibility age for the mandatory concessionary fares

Unite opposes raising the age of concessionary fare.

Q20 – Q21 Public Transport information and monitoring

Unite agrees that information should be disclosed relating to routes, fares, timetables and tickets.

PART 2 – Taxis and private hire vehicles

Q22 – Q27 National Standards

Unite has consistently called for a national minimum standard for taxi and private hire vehicles (phv), vehicles and operators and so welcomes the proposed legislative change which local authorities will have to regard when issuing licences.

It is an expectation of passengers that a minimum level of safety is regarded when they travelling by taxi or phv. By equalising minimum standards across the 22 local authorities in Wales, this would help to remove one of the major reasons for cross-border hiring where operators and drivers seek areas with the cheapest and least stringent licensing requirements. Cross-border hiring is used to describe a situation where phvs or taxis, work predominantly away from the area in which they are licenced, rarely, if ever, working in their own licensing area. And often this can be many miles from their home authority.

Q28 – Q30 Enforcement

The increase in cross bordering can be evidenced by the latest number of taxi and phv registered drivers in Cardiff when compared to other local authorities. 893 Hackney Carriage licences were issued by Cardiff Council in 2018, down by 5%, however phv are at 1,275 which is a 12% increase. When compared with Newport Council, one of Cardiff's neighbouring authorities, the number of licences issued to drivers with a Cardiff address has risen by 502% from 2016 to February 2019.

It will be necessary to introduce a change that requires private hire journeys to start or finish in the area of licensing for which the driver, vehicle and operator are

⁴ Transport for Quality of Life: Building a World Class Bus System for Wales [url](#)

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licenced. The triple lock licence requirement would continue to apply. Under this proposal private hire drivers will only be allowed to be offered and accept a journey when they are inside their home licensing area. Or for a journey that returns to their home area if they are outside their home licensing area when accepting the booking. A driver cannot be offered or accept a journey that doesn't start or finish within the driver's home licensing area. This proposal would be very easy to enforce as operators keep electronic records, and it would be a simple task to ascertain if operators and drivers were not conforming to the start and finish requirement.

Enforcement powers are urgently required to counter the growth of cross-border hiring.

At the moment a driver, vehicle or operator working outside of their home area are very unlikely to face any enforcement at all. The solution is to give enforcement officers powers to be able to enforce any licenced driver, vehicle or operator that is in their area.

With the advent of App based bookings there has been such a substantial increase in the number of cross-border hirings taking place that the Police submission⁵ to the UK parliamentary Task and Finish Working Group described cross-border hiring as "the single largest risk to policing nationally".

Although the paper references standards which will need to be met and that further consultation on their content will be required, it must be noted however, vehicle emission standards may be another standard that will vary according to the local licensing authority. Our members have raised concerns over Euro 6 emission standard or Ultra Low Emissions Vehicles from 2022. Under these proposals, a vehicle which is approximately 6.5 years old will be unlikely to get a licence. Consideration must be given to the financial burden this will place on drivers, many of whom are already reliant on working tax credits and housing benefit.

National minimum standards would be a minimum standard that local authorities could enhance if they desired to in order to meet local requirements. Local authorities would retain control over the operators, vehicles, and drivers that operate within their authority. This is important in allowing democratically elected authorities to reflect the local needs of the population. Licensing authorities would retain the ability to impose additional or higher requirements, where necessary.

Unite believes capping private hire licences is essential in allowing local authorities to manage the growth of the private hire industry. As mentioned previously Cardiff has seen a 12% growth in private hire numbers in just one year. This has led to increasing congestion, slower journey times and increasing pollution. Local authorities require the ability to cap private hire numbers in order to retain control over the area they represent.

Unite has long called for UK legislation regulations to protect worker's rights and employment conditions that are being exploited within the so-called gig economy. Operators are using bogus self-employment to deny private hire divers the minimum

⁵ Transport for London Taxi and Private Hire [url](#)

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wage, holidays and sick pay. Unite will support all measures to regulate the gig economy and ensure that all private hire drivers are properly classified as employees and entitled to full employment and worker's rights.

Q31 – Q32 Information Sharing

Unite agrees that there should be a database for relevant safeguarding information can be shared.

Unite's cab section puts passenger safety and wellbeing as a priority, and we endorse all measures which will improve safety standards.

Unite Taxi Education offers free road passenger transport training to taxi and private hire drivers to a level 2 NVQ.

Referring to the above issue of cross bordering and enforcement powers, a database of drivers and operators which would allow licensing authorities to populate and then check if an applicant or licenced driver has been refused a licence or suspended or revoked by another licensing authority would be beneficial.

Q33 – Q38 Joint Transport Authority

Unite believes Local Taxi boards made up of licensing authority, trade unions, the police and passenger representatives (including disability and women's safety groups) should be responsible for monitoring of supply and demand with the remit of developing the trade in a progressive and managed way.

The Welsh Language is part of Wales' cultural identity and it is important that people have the opportunity to speak it, however many of our members in the Cab section identify as BME and neither english nor welsh is their first language. This has caused barriers to work but also possibly to responding to this paper.

It must be noted that many of our members in this sector who self-identify as BME have raised concerns of the racist and threatening abuse they encounter as on a regular basis. More needs to be done this and Unite would welcome the opportunity to consult further on this.

Diana Holland

Unite Assistant General Secretary for Transport, Equalities and Food

For further information on this submission please contact:

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