

**Local Transport Bill  
Second Reading 20 November 2007**

**A briefing from Campaign for Better Transport**

Campaign for Better Transport, formerly Transport 2000, is an independent campaigning and research body that represents the key transport interests of around 40 environmental groups, transport organisations and transport unions. We bring together people who seek to reduce the environmental and social effects of transport through encouraging less use of cars, lorries and planes and more use of rail, buses, trams, cycling and walking.

We welcome the Local Transport Bill, but we feel there are some key changes to be made if it is to lead to serious improvements in the provision of sustainable local transport. Below are 5 key areas on buses and governance that concern Campaign for Better Transport. Below these is a joint briefing on the road pricing and climate change aspects of the Bill, which we produced with CTC and Living Streets.

**1) Watchdog with regional offices, powers and funding, supported by the Traffic Commissioners**

**We were delighted to see that the Government has made provision for a new passenger watchdog for bus users in the Bill. We want to make sure this watchdog is independent, statutory, government-funded, and that it has the regional offices it needs to be effective.**

We suggest that the bus passenger watchdog must have regional offices as well as a national one, and that its contact details must be available 'on every bus used for stage carriage services in England'. (Part 4, [64-65])

The Traffic Commissioners should have a new duty to promote high quality bus services through the setting and policing of national minimum standards, following recommendations from the new bus passenger watchdog. (Part 1, [2])

As part of the new punctuality performance regime, the Secretary of State should be given a duty to produce guidance on appropriate bus speeds and journey times for different areas. The Traffic Commissioners should use this information to regulate timetables. (Part 4, [54-56])

We would like clarification as to whether the DfT will pay for the increased resources needed for effective Traffic Commissioners.

**2) Competition law reform**

**We believe that a broader approach is required to competition within the bus industry, which will promote and allow agreements between operators that are in the public interest while continuing to prevent action that would be against the public interest.**

We commissioned an opinion from John Swift QC (a pre-eminent authority on competition law) and his colleague Gerry Facenna on the exercise of powers under the Competition Act with respect to the bus industry. They concluded that the revised schedule 10 criteria could be applied to all agreements between

operators, rather than simply to those involving local authorities: “*the Local Transport Bill could be amended to require the OFT to assess agreements between bus operators by reference to likely economic effect and questions of passenger benefit. Moreover, we see no reason why the modified competition test proposed in the draft Bill for voluntary partnership agreements and related agreements could not be applied more generally to all agreements between bus operators.*”

We therefore maintain that the Bill should introduce a wider remit for the revised public interest/competition test (Schedule 10 test and associated guidance from the OFT), so that it applies to all agreements, including those between operators. (Part 3, [40])

### **3) More tools for local authorities to plan bus networks**

**We believe the Bill needs to offer more tools to local authorities who want to plan bus networks better, but without introducing Quality Contracts.**

**We seek clarification on what constitutes an ‘admissible objection’ to the inclusion of frequencies, timings and fares within a Statutory Quality Partnership. We believe that this amendment to the draft Bill is likely to put a significant obstacle in the way of effective partnership working, but would like to see further guidance on this before we take a firm view. (Part 3, [12, 6B])**

We believe that the ITS should include a framework for introducing long term, area wide Quality Partnerships. We think a 10-15 year planning framework is appropriate for bus policies. This would allow a range of stakeholders (including bus passenger watchdog) to link bus policies with wider long term policies within an area-wide Quality Partnership framework. (Part 3, [12-17])

We support the ATCO proposal for Tendered Network Zones. We therefore suggest that the Local Transport Bill should introduce powers for local authorities to put forward ‘registration restrictions’ and ‘registration criteria’ which the Traffic Commissioners would enforce, without requiring that this be done within a partnership framework. These restrictions could cover timings, frequencies and fares. (Part 3, [12-17])

### **4) Quality Contracts need to be a realistic option**

**We believe that Quality Contracts should be a realistic option for local authorities as part of wider sustainable transport policies that support public transport and reduce reliance on the car, and we think the Bill needs to be changed to ensure this is the case. If this doesn’t happen, the legislation risks becoming like the Transport Act 2000, another white elephant containing powers for local authorities that can’t realistically be used. We support the points made by local authorities on this.**

The current process envisaged for approvals and appeals is too time-consuming for local authorities. The Approvals Board should play a ratification role only, ensuring that local authorities have followed the required process for introducing Quality Contracts, including consultation with local people. (Part 3, [21-23]) This is important from a democratic point of view as well – local authorities must have the power to make decisions about Quality Contracts, as well as about road-pricing schemes.

We do not see the need for a Transport Tribunal, the creation of which would result in a two tier system for appeals against Quality Contracts. (Part 3, [24])

The Bill needs to provide more protection for local authorities during the implementation of a Quality Contracts scheme. Stronger provisions are needed for TUPE; there needs to be an obligation on the new

operator to transfer staff to ensure continuity of employment. (Part 3, [38]) Pensions should also be protected.

In the transitional period after a Quality Contracts scheme has been agreed, the Traffic Commissioners should be given additional powers to extend the notice period for withdrawals of existing services, to ensure services changes are consistent with the planned Quality Contracts scheme, and to allow the local transport authority to replace any withdrawn services. (Part 3)

#### **5) Integrated Transport Authorities must democratically represent their regions**

**We believe that Integrated Transport Authorities must democratically represent their regions and as such maintain the current PTA arrangements. Voting members of ITAs should be made up of councillors who have an opportunity to take advantage of outside expert knowledge as advisors or contributors.**

We believe that the section regarding the number and appointment of the members of the ITA (Part 72) requires clarification to ensure that legislation does not allow the Secretary of State to be able to impose non-elected nominees to sit on the ITS.

#### **For further information:**

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# **Local transport means sustainable transport**

## **Local Transport Bill**

**Second Reading - November 20th 2007**

### **A briefing from Campaign for Better Transport, CTC and Living Streets**

We are keen to ensure that the Local Transport Bill paves the way for the sustainable provision of local transport. The Bill needs to put forward a vision of how the transport sector can play its part in reducing carbon emissions and improving the environment.

Climate change in particular is a huge challenge that must be looked at explicitly in the context of these legislative changes.

### **Road pricing**

We believe that the Bill should ensure that revenue from road pricing schemes can only be spent on sustainable transport projects and measures that encourage modal shift to walking, cycling and public transport and decrease the need to travel (Part 6)

The Government itself recognises that road building is only a temporary solution to congestion because of induced traffic; building a new road creates new demand. We believe that using road pricing revenues to fund local road construction would only lead to an increase in motorised traffic.

Directing the proceeds towards positive alternatives to car dependence would increase public acceptability of road pricing, as well as providing local authorities with additional revenue funding for public transport and 'smarter choice' measures such as personalised travel planning and cycle training. Evidence suggests these are far more cost-effective ways to tackle congestion – and they support (rather than undermining) wider health, social and environmental objectives too.

### **Climate change duty**

We welcome the retention of an environmental duty (Part 2, clause 8) but would prefer to add a more widely drafted duty to mitigate climate change (i.e. not merely to have regard to Government policies on the issue), thereby giving local authorities the freedom to go beyond the policies of the Government of the day in tackling the issue.

This clause should remain exclusive to environmental matters, with climate change being addressed specifically in parallel guidance.

We believe that the new Integrated Transport Authorities should be charged with a duty to reduce carbon emissions in the transport sector in line with government targets for overall reductions currently being established through the Climate Change Bill.

We welcome the inclusion in the Bill of a duty to have regard to environmental matters, and that this duty encompasses climate change. However, it is important that a Climate Change Duty is singled out as a matter of special concern. With the Climate Change Bill recently introduced to Parliament, we feel that the potential proposed national targets and 5-yearly budgets should provide a guide to the expected savings to be made from local transport.