

Report author: Ed Hammond, (020) 7187 7369,
ed.hammond@cfps.org.uk

This briefing, the twenty-second in our policy briefings series, looks at public transport in local areas. Public transport helps to knit together communities, but since the mid-1980s local authorities have had few responsibilities around public transport provision. More recently, however, councils have recognised the vital way in which transport provision impacts upon all their services – on the local economy, on health outcomes, on education – and have sought to take steps to enhance their influence.

On the buses, this has led to a desire for more detailed local specification of services – delivered through means such as integrated transport authorities and the agreement of so-called “quality partnerships”, as well as council funded transport schemes. On the railways, the opportunities for influence are less significant – but there are still opportunities for local authorities to influence Department for Transport franchise specifications, and to engage with Train Operating Companies (TOCs) over things like station maintenance, service frequency (up to a point) and car parking provision at major stations.

There is a clear role for scrutiny in helping to bolster the transparency and accountability of external providers of public transport services.

This briefing does not cover aviation or road transport, or public transport services owned or operated by councils themselves; it covers public transport in England and Wales only. This briefing also does not cover public transport infrastructure projects such as Crossrail or HS2.

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1. Introduction

- 1.1 Public transport in the UK is, in governance terms, fragmented. Different systems of accountability apply to different modes of transport, in different parts of the country. Large companies, delivering services to millions of people through local subsidiaries, are often unwilling to engage with wider groups of stakeholders, other than where required by law or contract. Complex contracts and franchise arrangements, governed by detailed central plans set by central Government or Integrated Transport Authorities, tend to typify the operation of public transport. At first sight, this can make it appear a difficult area for scrutiny to try to influence. However, there are opportunities to engage with transport providers and, as we shall demonstrate, opportunities by doing so to influence decisions which have a significant impact on local people.
- 1.2 Public transport has a significant impact on the vitality (or otherwise) of local economies¹, and on the cohesion of local communities. The availability of public transport affects employment levels² and people's ability to be able to undertake education and other activities. Public transport provision is therefore an obvious subject for scrutiny, but providers can sometimes be unwilling to engage because of a perception that there may be few areas where scrutiny can add value – given the technical complexity of some of the issues under discussion. Where O&S can clearly demonstrate that their approach will add value, we know from previous experience that providers of both bus and rail services will, in fact, be willing to be involved. This can often relate to reviews not wholly related to public transport – for example, the night-time economy, disability access, commuter parking at railway stations and so on.
- 1.3 Because public transport provision is a complicated and highly technical area we will set out a glossary below of some of the key terms to assist practitioners in understanding the landscape.

2. Buses

Background: deregulation and the current position

- 2.1 History - Bus services in England and Wales were deregulated in 1986, shortly before the full breakup of the National Bus Company (NBC) in 1988. Bus services had been regulated since the creation of Traffic Commissioners in 1931, who presided over what were essentially a large number of local monopolies until the state takeover

¹ “Creating growth, cutting carbon: making sustainable local transport happen” (DfT, 2011) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/3890/making-sustainable-local-transport-happen-whitepaper.pdf

² “Method of travel to work in England and Wales 2001-2011” (ONS, 2011); see also analyses of the ONS Labour Force Survey

of a number of bus companies in the 1950s and 60s and the subsequent creation of the NBC in 1969.

- 2.2 Deregulation allowed any commercial provider to provide any bus service (with the introduction of competition on single routes, and in single areas, and the abolition of road service licensing). The breakup of the NBC and the privatisation of its various subsidiaries led initially to some local competition between competing firms³. However, in more recent years, mergers and takeovers have resulted in the establishment of effective local monopolies operated by one of a few large companies, such as Stagecoach and Arriva. In areas where more than one provider exists, many services now tend to be designed to complement each other rather than to directly compete – particularly where those operators run services in areas covered by an Integrated Transport Authority. Competition does, of course, still exist
- 2.3 In modern technical literature, bus providers are sometimes referred to as PSV (public service vehicle) operators, or similar.
- 2.4 The current position - Outside London, and outside those areas where Integrated Transport Authorities and quality partnerships operate, the registration and operation of bus services remains the exclusive responsibility of the Traffic Commissioners⁴. There are seven Traffic Commissioners covering eight regions of Great Britain. They are independent, but are appointed by the Department for Transport. Their role is “to champion safe, fair and reliable passenger and goods transport” (they are also responsible for HGV operators).
- 2.5 The licensing of PSV operators is generally a routine matter handled by the Commissioners’ staff, who are civil servants working for VOSA (the Vehicle and Operator Services Agency). However, the Commissioners do have the right to hold inquiries into licensing, and to impose financial penalties upon certain operators.
- 2.6 Commissioners do not approve or manage specific routes – their role relates to the certification and approval of the operators themselves.
- 2.7 Local authorities have no formal role in the licensing of PSV operators (although see the section below on Quality Contracts).

Integrated Transport Authorities

- 2.8 In six metropolitan areas in England and Scotland, Integrated Transport Authorities (ITAs) have existed since 2008⁵. ITAs have a role in planning and directing transport provision across a wide geographical area. Passenger Transport Executives (PTEs) direct in

³ Leading occasionally to “bus wars” – notably those in Darlington and Oxford in the 90s.

⁴ <https://www.gov.uk/government/publications/traffic-commissioners>

⁵ Between 1986 and 2008 these bodies were known as Passenger Transport Authorities (PTAs). Before 1976 their role was carried out by the former metropolitan counties.

detail how rail and bus transport within their areas are designed, although they are directly responsible for delivering public transport services in only a couple of areas.

- 2.9 The work of ITAs (and transport authorities more generally) is directed by local transport plans (LTPs) which also cover rail and other modes of transport. Local transport plans are prepared by all transport authorities (including unitary and county councils).

Specification and “quality contracts”: relationships with councils

- 2.10 Transport authorities were given additional powers to influence bus services in their areas as a result of the Local Transport Act 2008. Previously, co-ordination of bus services by local transport authorities was difficult, as attempts could fall foul of competition law, with the Office of Fair Trading determining that such attempts at co-ordination were anti-competitive. Now, three different kinds of strategic approach can be taken by Local Transport Authorities (LTAs) and Integrated Transport Authorities (ITAs):

- Voluntary Quality Partnerships (an agreement between the LTA and transport operators);
- Statutory Quality Partnerships (service specifications set down by the LTA that operators have an opportunity to influence, and to which they can object);
- Quality Contracts (a system essentially akin to bus franchising where the above two mechanisms cannot deliver the terms of an area’s local transport plan).

- 2.11 The scope of partnerships – partnerships can specify a wide range of issues, such as⁶:

- Fare levels and other ticketing issues, recognising that these issues make a big difference to local use of public transport. This can include integrated ticketing between different modes and transport and different providers, fare “zones” across a geographical area, the establishment and promotion of retail networks, and other measures to simplify fares;
- Vehicle specification, such as emissions standards and accessibility. This can also incorporate cleanliness, driving standards, destination displays on buses and at bus stops and other safety concerns;
- Branding. In many PTE areas, there is PTE-wide branding (Centro in the West Midlands, or Nexus in Tyne and Wear) of all public

⁶ This list is summarised from a series of national “position statements” set out by the Passenger Transport Executive Group (PTEG) and the Confederation of Passenger Transport. The position statements can be found at http://www.buspartnership.com/index.php?fuseaction=position_statements.main

transport providers. Marketing and customer relationships may also be covered, including joint advertising and route maps;

- Data sharing, for contract management and performance management purposes;
- Taking a “network approach” – ie treating all services within the area as a network for the purposes of planning and design of future services;
- Infrastructure and street furniture, such as bus stops and bus lanes, to which common standards could be applied. This could also cover infrastructure improvements, for which the partnership could provide a framework for prioritising;
- Bus timings, including data collection and sharing and redesigning services and aspects of local infrastructure to minimise delays;
- Enforcement. This involves revenue protection/ticket inspection and the enforcement of byelaws by staff, and the involvement of the police.

2.12 Partnerships can cover individual routes, larger numbers of routes, or large geographical areas where multiple operators provide services. The latter tend to predominate in areas covered by Integrated Transport Authorities, where this kind of strategic activity is easier to carry out.

2.13 Voluntary partnerships - The Local Transport Act provides a means of ensuring an integrated bus network within the context of bus deregulation. Now, voluntary agreements between local transport authorities and bus companies can be entered into “Voluntary Quality Partnerships” without risking breaches of the law. In order to make a judgment as to whether a partnership might breach competition law⁷, there is a three-stage test to be considered:

1. Does the agreement contribute to the attainment of the bus improvement objectives? (secure better vehicles or facilities or secure other improvements in local services or reduce congestion or air/noise pollution);
2. Are the restrictions imposed on the bus operator indispensable in order to achieve (1) above?
3. Does the agreement allow the operator that is party to the agreement the possibility of eliminating competition?

2.14 Statutory partnerships – these partnerships allow the LTA to establish standards or requirement which operators are required to meet, if they wish to run services in the area covered by the partnership. The competition test set out above applies to these kinds of partnership as well.

⁷ “Guidance on the application of competition law to certain aspects of the bus market following the Local Transport Act 2008” (DfT / Office of Fair Trading)
http://www.offt.gov.uk/shared_offt/business_leaflets/general/oft452.pdf

2.15 Powers to establish statutory partnerships have existed since 2000, but until the passage of the Local Transport Act 2008, only one such partnership had been established. The 2008 Act sought to make changes to make them easier to set up. The Act established several new powers for LTAs which include:

- Registration restriction, under which the LTA can require the local Transport Commissioner to bear in mind the content of the partnership before registering or deregistering a bus service. This is to prevent another operator, not subject to the partnership, establishing a service and so producing “destabilising competition”;
- Stipulations around frequencies of services and fares, unless there is an admissible objection from a provider;
- Phasing, requiring certain standards around services and fares to apply from a particular time, rather than for everything to be required from the start of the term of the SQP.

2.16 Quality Contracts – a Quality Contract Scheme allows an LTA/ITA to establish a franchise arrangements for bus services in a given area, instead of on-street competition between a number of providers⁸. Before 2008 it was the case that a QC approach could only be taken if this was the “only practicable way” to deliver improvements to bus services but a less onerous test now applies⁹. This public interest test has five components:

- The QC will result in an increase in the use of bus services compared with the situation as it exists on-street today.
- The QC will bring benefits to persons using local services by improving the quality of those services
- The QC will contribute to the implementation of the local transport policies.
- The QC will contribute to those policies in a way which economic, efficient and effective
- Any adverse effects of the proposed scheme on operators will be proportionate to the improvement in the well-being of persons living or working in the area

2.17 This test does, however, require that a strong evidence base be prepared, and that detailed arrangements be put in place not only to plan the nature of services once a QCS has been established, but also to manage the transition phase during which network services are put out to tender. There are risks involved in establishing QCSs, in that they place a significant amount of financial liability on the LTA¹⁰, and

⁸ The Government has issued statutory guidance on quality contracts schemes:

<https://www.gov.uk/government/policies/improving-local-transport/supporting-pages/increasing-the-use-of-buses>

⁹ House of Commons Library Note SN624 “Buses: franchising” (2012)

¹⁰ The “case against” has been made by a number of commentators, but some of the main points are summarised in a statement by TAS, transport consultants operating in West Yorkshire -

are difficult to modify during their period of operation without the need to resubmit a new scheme for approval. The “lead in” time for the establishment of a scheme could be lengthy, leading to issues around non-cooperation on the part of existing providers.

- 2.18 For these reasons (and the high evidential bar) areas have been slow to establish Quality Contract Schemes. The West Yorkshire ITA is in the process of designing one¹¹. Tyne and Wear ITA is also considering a similar approach. In both areas there has been opposition from existing local bus providers.
- 2.19 There is no extant, operating QCS anywhere in the country yet (as of March 2013). However, a number of ITAs are seriously considering their introduction.

Government funds

- 2.20 The Government has made available a number of funds to finance improvements in bus services. Two of the more significant of these are funds for Better Bus Areas, and the Green Bus Fund.
- Better Bus Areas – this £50 million fund was opened to bids by a minimum of 10 local authorities, to finance the improvement of bus services in local areas¹². It has recently been announced that BBA funding will not be available in those areas establishing Quality Contract Schemes¹³;
 - Green Bus Fund – this involves the availability of £25 million of funding for bus environmental improvements. £5 million of this is being used to retrofit older London buses with new technology; the rest is available for providers to bid for across England¹⁴.

3. Railways

Background: rail franchising

- 3.1 Rail franchising was introduced in 1995 following the privatisation of British Rail. The first sets of franchises (1995 until around 2006) separated long distance and commuter rail. Complex financial arrangements were put in place to manage income and expenditure, given that historically only high speed Intercity routes, and commuter routes in London and the South East, have proven to be profitable.

<http://www.tas.uk.net/content/inside-edge/69-quality-contracts-a-licensed-form-of-larceny-for-the-21st-century>

¹¹ <http://www.wymetro.com/news/releases/qualitycontracts/>

¹² <https://www.gov.uk/government/publications/better-bus-areas-fund>

¹³ <https://www.gov.uk/government/publications/better-bus-areas-fund>

¹⁴ <https://www.gov.uk/government/organisations/department-for-transport/series/background-to-the-green-bus-fund>

Hence, the Government needed to put in place a subsidy system for most TOCs¹⁵.

- 3.2 Control of rail infrastructure passed to Railtrack, a private company. At Government level, alongside the Office of Passenger Rail Franchising a Rail Regulator was created, mainly to oversee consumer issues such as fares. The Rail Regulator was subsequently replaced by the Office of Rail Regulation which, in 2006, took on a wider range of economic and safety regulation.
- 3.3 In the mid-2000s, changes to the franchising regime saw commuter and regional franchises being merged with long distance franchises to increase their financial sustainability.

The “Long Term Planning Process” (LTPP) and its role in planning rail services

- 3.4 The Long Term Planning Process (LTPP) is the process by which strategy for the railways is discussed, agreed and set by Network Rail, the Department for Transport, and other stakeholders. This process concentrates significantly responsibility for decision-making on rail services in the hands of the Government, in the interests of developing detailed strategic plans that cover rolling, 5-year periods, known as “Control Periods”. For each Control Period a “High Level Output Specification” is prepared which sets key objectives¹⁶
- 3.5 Network Rail will produce a delivery plan to determine exactly how and when the various objectives in the HLOS will be completed.
- 3.6 Route Utilisation Strategies - On the basis of the HLOS, Network Rail periodically produces Route Utilisation Strategies (RUSs) which set out short, medium and long term plans for rail services on particular routes. An RUS is an extremely detailed document that is used as the basis for franchise specification (the process by which the Department of Transport decides what levels of service a franchisee should provide, when a rail franchise is up for renewal). Network Rail is required to prepare RUSs by the Office of Rail Regulation as “condition 1” of its network licence¹⁷.
- 3.7 There is a single “Network RUS” that sets out strategy for the whole country, and a number of “Geographical RUSs” that look at particular routes. Each individual RUS covers either a strategic route – for example, the West or East Coast Main Line – or a geographical area,

¹⁵ Technical information about the operation of the rail subsidy – calculated per passenger mile – can be found at <https://www.gov.uk/government/publications/rail-subsidy-per-passenger-mile>

¹⁶ “Railways Act 2005 Notice”, DfT, 2012
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/3641/railways-act-2005.pdf

¹⁷ The full list of conditions applying to the network licence can be found at <http://www.rail-reg.gov.uk/server/show/ConWebDoc.6847>

such as Wales, or London and the South East. As such, some stations or lines can be served by services covered by more than one RUS.

- 3.8 Network Rail is now in the process of preparing the second generation of RUSs, having completed the first generation in 2011. The process is a rolling, continuous one (ie having completed the first generation, work immediately started on the second generation).
- 3.9 The content of RUSs – each RUS must meet what is called the “route utilisation objective”. This objective is, “the effective and efficient use and development of the capacity available on the network, consistent with the funding that is, or is likely to become, available during the period of the route utilisation strategy and with the licence holder’s performance of the duty”¹⁸.
- 3.10 RUSs make forecasts, and contain detailed analysis, on passenger and freight patterns over a ten year period based on set assumptions about use and capacity. There is a requirement for RUSs to be reviewed every six months, with a view to revising the RUS should these assumptions need to materially change in light of significant changes in Government policy.
- 3.11 RUSs tend to be subject to significant levels of consultation – principally, with a set of stakeholders that includes the rail industry and Passenger Focus. They afford an important opportunity for influence by local authorities on the planning process.

Rail access

- 3.12 Most passenger rail services are provided by train operating companies selected by the Department for Transport as part of an open competitive process (see below). However, where a company identifies a market for a service not currently provided by a franchisee, it may apply to Network Rail as an open access provider. Open access providers buy train paths from NR which they can use to deliver their service¹⁹.

Franchising – the systems and consultation²⁰

- 3.13 Towards the end of a franchise term, the Department for Transport starts to develop a new franchise specification. This specification will set out – in great detail – the franchisee’s duties for its period of operation. There is a trend for longer franchises now, in response to the fact that short franchises earlier in privatisation made it uneconomic

¹⁸ Guidance on Route Utilisation Strategies, Office of Rail Regulation, 2009

¹⁹ Network Rail provide details on open access licensing at <http://www.networkrail.co.uk/asp/2369.aspx>

²⁰ More detail on franchising can be found in the House of Commons Library Note, “Railways: franchising policy” <http://www.parliament.uk/briefing-papers/SN06521>

for franchisees to make significant investments in infrastructure or rolling stock.

- 3.14 The general approach that has been taken since 2006 is that the Department for Transport will base its specification on the relevant RUS. Specifications tend to be detailed, setting out core requirements in terms of trains per hour on certain routes, despite earlier plans by the Government to allow franchisees more commercial freedom²¹.
- 3.15 Specifications are consulted on by DfT before being formally published as part of an invitation to tender. The consultation period is usually the only opportunity that local authorities and other stakeholders have to influence its contents, and future service patterns. Integrated Transport Authorities have a more formal role in directing rail service frequencies, and operating rail services, in certain areas, which will be taken into account in the RUS²².
- 3.16 Franchisees are responsible for operating services according to the specification, carrying out maintenance at some stations, and paying a premium to the Department for Transport (although some TOCs still receive a subsidy).
- 3.17 Forthcoming consultations – the national franchising plan has been put on hold as a result of significant concerns raised during the exercise for the award of the InterCity West Coast franchise. This means that, because of the delay, ten rail franchises are up for re-let either imminently, or in the next two years. This will provide the opportunity for scrutiny functions to engage – firstly, in the drafting of franchise specifications and secondly as potential franchisees demonstrate a willingness to engage in order to succeed in the competitive process. Following a review by Richard Brown²³ it is likely that more fundamental changes will be made to the franchising regime in the future. .

Stations

- 3.19 All railway stations on the National Rail network are owned by Network Rail, but most are operated and maintained by train operating companies. Since 1996 all stations have been classified in one of six categories, from “A” (for mainline termini and other so-called “national hubs”) to “F” (for small, unstaffed stations). There is no regular process in place to reclassify stations, although a national review was carried out in 2009.

²¹ <http://www.networkrail.co.uk/aspx/4449.aspx>

²² “Enhancing the PTE role on rail in the city regions” (PTEG / Atkins, 2010)
<http://www.pteg.net/NR/rdonlyres/78F41B84-5F10-49CC-A7EA-0BE22ADB457D/0/PTEGRailpowerspaperfinal.pdf>

²³ “The Brown Review of the Rail Franchising Programme”,
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/49453/cm-8526.pdf

- 3.20 Station classification is used as a mechanism to establish where funds for improvement should be directed. In recent years DfT has made available significant amounts of money, through the £150million National Stations Improvements Programme, which arose from the Network Rail Stations Strategy. The NSIP aims to tackle common issues about the environment in stations, including:
- Car parking;
 - Better integration with other modes of transport such as buses and cycles;
 - Maintenance of roofs, platforms etc;
 - Passenger safety.
- 3.21 The Stations Strategy uses the classification system to define the scope of improvements at different kinds of station²⁴. For less important stations, TOCs are required only to maintain them to the minimum extent required for their safe and efficient use²⁵. This is part of Network Rail's broader approach to asset management.
- 3.22 The Station Strategy proposed a modular approach to improvements that would see the same designs being used for the same features around the country, as a means of realising economies of scale²⁶.
- 3.23 Network Rail takes a slightly different approach to those stations that it manages itself.
- 3.24 The Stations Strategy sits within the broader context of the HLOS, which sets broad objectives for station maintenance and improvement. The Network, and Geographical, RUSs all identify particular stations as targets for improvement, and this strategy filters through into franchise agreements, requiring TOCs to carry out maintenance. Often more significant improvements will be covered by larger funds into which TOCs can bid, or major schemes such as the NSIP. For other improvement work TOCs are expected to built everyday maintenance and improvements into their plans and projections, but there is no specific incentive for them to do this and few franchise agreements impose rigorous requirements on station upkeep and presentation.
- 3.25 In urban areas covered by ITAs, those bodies do often fund station improvements, and in London, Transport for London franchises London Overground Rail Operations Ltd (LOROL) to operate a concession on its behalf to run the London Overground (a small network of inner city rail services) which do impose wide ranging requirements on station standards.

²⁴ Stations Strategy (Network Rail, 2007), appendix 1

²⁵ Stations Strategy (Network Rail, 2007), appendix 1

²⁶ Stations Strategy (Network Rail, 2007), chapter 12

3.26 The Stations Strategy makes provision for the promotion of Station Travel Plans, documents produced by TOCs which set out how stations fit within the wider travel network (which, for many stations, focuses on the needs of commuters). There is no requirement for these Plans to be produced but such a requirement may form a feature of future franchises.

4. Transport providers: integration with local authorities

4.1 We have noted above that the opportunities for local authorities to influence strategic decision-making on the railways is limited to responses to formal consultations at set times, and engagement with TOCs on issues such as station maintenance.

4.2 On the buses, there is arguably more opportunity for local authorities to influence, particularly through ITAs and where Quality Partnerships operate.

4.3 The main area of influence in both areas lies in the remit of local transport plans. These documents are required to be prepared by strategic transport authorities (county councils, unitary authorities, integrated transport authorities). They link planning for transport purposes with development planning, and with wider strategy for “modal shift” (persuading people to use rail and bus transport rather than private cars for certain journeys).

4.4 LTPs can set out in some detail possible service specifications for bus and rail travel. Where LTPs are set by an integrated transport authority, that body can, through Quality Partnerships and partnerships with rail providers (including rail services directly provided by a Passenger Transport Executive) directly influence service patterns.

4.5 Local authorities have taken a leading role in planning and delivering tram and light rail networks in cities including Nottingham, Sheffield and Manchester.

5. Implications for scrutiny

5.1 The opportunities to influence transport providers can appear to be quite limited for scrutiny. There are a few examples of scrutiny reviews of public transport issues, however, that demonstrate that, with the right subject and the right approach, success is possible. In fact, getting involved at the right point in the process (in the case of rail, at the point of specification, or during the development of a RUS) provides a significant opportunity to influence future public transport patterns for residents, which will have a knock-on impact on economic development.

5.2 In some respects, relationships between rail and bus providers and other stakeholders are often heavily circumscribed, with

accountabilities sitting either at national level, or with structures such as ITAs. Given that transport providers are not “named partners” who are required to engage with scrutiny, there is no compunction upon them to attend meetings or to take account of scrutiny’s recommendations.

5.3 Consequently, success will come of being able to build up positive working relationships with these partners. In some areas this may be difficult, but as we shall see below, there are plenty of opportunities for scrutiny to be able to demonstrate its potential value to a provider.

5.4 Bus companies will engage with councils through ITAs where they exist, and through quality partnerships, but may be unwilling to engage in other ways. Similarly, train operating companies see their accountabilities lying upwards to the Department for Transport, and downwards to the travelling public through local passenger consultative groups. They tend to be unwilling to engage with local authorities, although there are examples of successful engagement, through scrutiny, on issues such as station maintenance and management.

5.5 Some of the principal practical steps that scrutiny can take to engage with transport providers might include – for local transport authorities:

- Reviews of the LTP, as it is developed, to ensure that it accurately takes account of the views and needs of local people, and engages with the council’s other planning policies, particularly the LDF;
- Reviews of transport priorities as set by the ITA (where an Integrated Transport Authority exists) and the impact of their decisions;
- Consideration of the relative merits and demerits of VQP, SQP and QCS schemes, to add some independent assurance into the decision-making process;
- Where Quality Partnerships exist, using their terms to engage with bus providers on issues of concern to local passengers, and seeking to bring about improvements – particularly where issues might cut across the responsibility of the council and its partners (for example, children’s services, healthcare, community cohesion and development, community safety, local skills and the economy – using the powers that scrutiny has to engage with partners who operate in these areas). There is also (lesser) scope for having these conversations with train operating companies;
- Where more formal arrangements – such as Quality Contracts – exist, understanding what, if any, role there can be for scrutiny in having some oversight over contract monitoring;
- Using station classification, and the requirements of the HLOS on station improvements, to engage with train operating companies on the facilities provided to passengers;
- Engaging with DfT franchise specification exercises, by carrying out research that feeds into a formal council response to a specification consultation (possibly involving taking evidence from local people).

- 5.6 For non-transport authorities (shire districts), the opportunities are more limited and probably lie in joint work with the county. Inevitably, transport providers will be less willing to work with authorities with which they do not have an existing relationship as an authority producing a LTP. That said, where a Quality Partnership exists that covers one, or a number of, bus routes within a district's boundaries, there would be logic in any scrutiny of providers happening at this level.

Joint working implications

- 5.7 Because of the nature of public transport provision, it may be that councils will want to join together to look at issues which cross administrative borders. Transport corridors are often drivers of economic growth, and this approach will lend itself well to reviews which also wish to focus on this issue.

Building relationships with transport companies

- 5.8 There are a number of strategies that can be used by scrutiny to engage transport operators in its work in a spirit of consensus. Examples of some of these in practice can be seen in the next section.

- 5.9 For bus companies:

- Developing an evidence base for Quality Partnerships or for the adoption of Quality Contracts;
- Tying transport issues in to wider scrutiny work – on educational outcomes, housing, health etc;
- Seeking to engage transport providers as witnesses for reviews, rather than attempting to directly “hold them to account”. This does not preclude making recommendations directly to transport providers, where such recommendations are positive and realistic and it is agreed that the provider(s) will provide a substantive response to such recommendations.

- 5.10 For train companies:

- Engagement around the time that franchise specifications are being developed. Scrutiny can talk to existing franchise holders, and to Network Rail, about the specification and franchise process, and can attempt to influence its content²⁷;
- Discussions around wider services provided to their customers – for example, how train services link in with local bus services;
- Discussions on station maintenance. There may be potential for using scrutiny to build links between TOCs and other local groups to take on joint responsibility for station maintenance and improvement, including joint financing of improvement initiatives.

²⁷ We are not currently aware of any local authority which has attempted to do this.

There are a couple of examples (cited below) of councils carrying out work into this kind of issue.

- 5.11 Scrutiny has no formal powers over transport providers (they were not named in the Local Government and Public Involvement in Health Act 2007). Scrutiny practitioners should remember that both bus and train companies are likely to have their own consultative forums, set up specifically to canvass the opinions of local people on services. There is also a national body – Passenger Focus – that exists to champion the interests of public transport users, and which campaigns on their behalf nationally and locally. A number of the reviews we cite below have succeeded because they engaged early with these other local and national groups.
- 5.12 Some councils have transport consultative bodies and boards, particularly those that currently directly operate bus services, or did so in the past. It may be that the members of such bodies can be co-opted onto scrutiny groups, where appropriate.
- 5.13 Experience suggests that it is particularly important for scrutineers to speak to council officers in service departments before directly approaching transport providers, particularly where scrutiny proposes to look at issues that may be locally controversial.

6. Examples of recently undertaken scrutiny work

- 6.1 There are a number of councils who have recently undertaken scrutiny investigations into transport-related issues. Readers will note, building on the principles discussed elsewhere in this report, the theme of scrutiny playing a supportive role to the council in its engagement with transport providers, rather than scrutiny trying to actively influence those providers itself. In this context recommendations tend to be addressed to the council's executive rather than external partners (although this is not always the case).
- Basildon: looking at commuter parking at two local rail stations. This review, which is a former Good Scrutiny Award winner, involved the council engaging with the train company to enhance parking provision. It succeeded in bringing about tangible improvements to the facilities at two stations, by working closely with the rail company responsible for station maintenance.
 - Canterbury: looking at the impact of High Speed 1. This examined the effects on commuters of new high speed services in Kent, including the impact of those using normal train services.
 - Devon: looking at rail services in the county, and taking evidence from train companies as well as Network Rail. The review recommended a more joined up approach to lobbying of Government and the rail industry on services in the area.

- Hartlepool: looking at the development of a local transport interchange. This involved some liaison between scrutiny and local bus providers, although no direct oral evidence was given.
- Hertfordshire: looking at rail services in the county; this review successfully engaged with train operating companies and working on the principle that while the council could not direct rail companies to take action, it could seek to influence them. In Hertfordshire's case this was carried out through a council Rail Strategy. This was an approach that made it easier to engage with TOCs. The recommendations made by scrutiny focused on enhancing the council's relationship with TOCs, rather than in formally recommending to TOCs that they take action on various priorities.
- Leeds: carrying out a piece of work on the arrangements for transport strategy in the Leeds city region. This review focused on ensuring that plans for a strengthened Integrated Transport Authority – including governance arrangements – were sufficiently robust.
- Stoke: looking at bus subsidies, in particular the likely consequences of a reduction in subsidies on bus users. The review concluded that it would be economic to retain a subsidy for certain (not all) local services, based on detailed analysis of ridership.
- Worcestershire: looking at the systems in place for concessionary travel for 11-19 year olds.

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