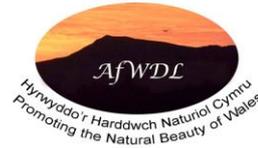


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Alliance
for
Welsh Designated
Landscapes



Cynghrair
dros
Dirfuniau Dynodedig
Cymru

**Improving Public Transport: A joint response from Campaign for National Parks and the Alliance for Welsh Designated Landscapes
March 2019**

1. Campaign for National Parks is the independent national voice for the 13 National Parks in England and Wales. Our mission is to inspire everyone to enjoy and look after National Parks – the nation’s green treasures. We have been campaigning for over 80 years to ensure that our National Parks are beautiful, inspirational places that are relevant, valued and protected for all.
2. Campaign for National Parks brings together a wide variety of people and organisations to address issues affecting National Parks and take action to keep these beautiful places safe and ensure that everyone can enjoy them. We draw on a large pool of experts among our members, many of whom are actively involved in designated landscapes and their communities, across Wales and England and further afield. We also work closely with the Alliance for Welsh Designated Landscapes.
3. The Alliance for Welsh Designated Landscapes represents the interests of National Parks, Areas of Outstanding Natural Beauty and other Designated Landscapes in Wales. The Alliance brings together the expertise of the Brecon Beacons Park Society, Friends of Pembrokeshire Coast National Park, Cymdeithas Eryri the Snowdonia Society, the Gower Society, Campaign for the Protection of Rural Wales (CPRW), National Trust Wales, Cymdeithas y Cerddwyr/ Ramblers Wales, RSPB Cymru, YHA Cymru, BMC Cymru and Wildlife Trusts Wales. Collectively we have long-standing involvement in the legal and policy framework for Designated Landscapes in Wales, and experience of the management challenges they face.
4. Together, we welcome the opportunity to respond to this consultation and have provided a short response to selected questions below. We start with some general comments to explain why the issue of improving access to National Parks and other Designated Landscapes is so important, and why the role of National Park Authorities in particular must be considered when making changes to the planning of public transport.

Why access to National Parks and other Designated Landscapes matters

5. Designated Landscapes contribute significantly to the health and well-being of the nation, by providing attractive, healthy places for recreation. They also make a significant contribution to the economy through tourism, farming, and other related businesses. We are very concerned that the major cuts to rural bus services in recent years have significantly reduced the opportunities for visiting Designated Landscapes, particularly for those who do not have access to a car. The need for many visitors to rely on the car also puts at risk the precious landscapes and wildlife in these areas and has a negative impact on many of the benefits they deliver, as a result of the increased carbon emissions and other negative environmental impacts.

6. National Parks receive public funding in recognition of their special qualities and the benefits they deliver. They are national assets, providing natural resources such as clean water and places of peace and tranquillity in a crowded island. They are therefore 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. The statutory purposes of National Parks are:
 - To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks
 - To promote opportunities for the public understanding and enjoyment of the special qualities of the National Parks
7. Currently many of those who might benefit the most from the health and well-being opportunities provided by Designated Landscapes 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 car¹ and rely on public transport for most of their journeys. While residents in rural areas generally have higher than average levels of car ownership, there is still a significant minority who do not have access to a car, and these people are increasingly isolated as local shops and services have closed. Bus services are, therefore, important for those who live in Designated Landscapes as well as those who want to visit them. Data on the National Parks indicates that there is currently a strong reliance on the car among visitors as a result of the limited transport options available - around 93% on average². High volumes of traffic can have a negative impact on the tranquillity and natural environment and 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.
8. While there is a need for improved public transport in all Designated Landscapes, it is particularly important to address the travel needs of visitors to National Parks, given that one of their statutory purposes relates to providing opportunities for people to enjoy these areas and improvements to public transport can contribute to both of the statutory purposes of National Parks.
9. For many years, Campaign for National Parks managed the Mosaic engagement programme which successfully recruited and trained hundreds of volunteer community champions to introduce thousands of people from urban areas to the physical and mental health benefits of National Parks. We targeted people from disadvantaged communities which are under-represented among visitors to National Parks. Evidence from the Mosaic community champions demonstrates both the difficulties of accessing National Parks without a car and the benefits of introducing new visitors to the Parks. They cite examples of mental health benefits for people who feel more relaxed and happier as a result of visits to National Parks. There are also examples of people who have been introduced to walking on visits to National Parks and as a result have started walking more for local journeys in their own communities. This has obvious benefits in terms of health and social inclusion.
10. Increasing the opportunities for visitors to reach Designated Landscapes is also good for the local economy in areas which rely significantly on tourism for their economic well-being.

¹ 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>

² <http://www.nationalparks.gov.uk/students/ourchallenges/tourism>

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. There is evidence³ that supported bus services generate between £2 and £2.50 in benefits to local communities for every £1 of local authority spend, as a result of improved access to work and leisure activities and reduced road congestion and carbon emissions. This is before you even take account of some of the wider benefits such as increased spending in local businesses, which has been identified in local surveys. For example, users of the Moorsbus in the North York Moors reported that they spend over £13 per person on average in local shops and cafes⁴. There are, therefore, strong economic development arguments for investing in improved bus services for Designated Landscapes.

11. 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. It is estimated that the GoLakes Travel Project in the Lake District saved over 41,750 tonnes of carbon in 2014-15⁵. Reducing the number of people who travel to Designated Landscapes 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 as providing environmental benefits. There are some locations within the Designated Landscapes where extremely high levels of car use are causing significant problems, and where serious consideration should be given to the introduction of visitor management strategies which include restrictions on car use as well as the promotion of public transport.
12. As the range of public services and facilities in rural Wales continues to decline, it is important to highlight the value of retaining a minimum level of public transport networks all year round, so that those living in these areas without the use of a car have the opportunity to travel to surrounding urban centres to access these services.
13. In this context, we welcome the success of the integrated Traws Cymru bus network, as this effectively provides the only opportunity for long distance travel in some parts of Wales, and particularly the Designated Landscapes, for those without access to a car. We look forward to the strengthening of this network in the future.

National Park Authorities' role in improving public transport

14. The 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'⁶. 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.
15. 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. Our responses to selected questions below highlight the specific examples we have identified of where changes are needed, but we would urge Welsh Government to ensure that NPAs' role is properly reflected in all the proposals. NPAs have a strong interest in improving

³ <https://www.gov.uk/government/publications/value-for-money-of-tendered-bus-services>

⁴ <http://www.moorsbus.org/passenger-survey.html> (figures used are for food/drink and shopping in 2016)

⁵ <https://www.cumbriatourism.org/wp-content/uploads/2015/09/annual-performance-report-2014-15.pdf>

⁶ Valued and Resilient: The Welsh Government's Priorities for Areas of Outstanding Natural Beauty and AONBs, July 2018, p11.

sustainable travel as they have a statutory responsibility to promote opportunities for public enjoyment and understanding of the Parks. It is impossible for them to do this effectively if they are not able to influence change to public transport in their area.

16. 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 at local and regional levels. This means that NPAs must be involved when local authorities are preparing local transport plans or planning changes to public transport, so that the vision and policies set out in local development plans is taken into account effectively.

Response to selected questions

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

17. 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. As we set out above, 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.
18. We endorse the principle of establishing regionally based Joint Transport Authorities (JTAs). It will be important that the remit of these bodies reflects the needs of rural Wales, and that they are not solely focused on the demands and transport needs of urban areas. Option 2 seems appropriate as this will ensure that the diverse needs of different areas of Wales would be better taken into account. While it would be expected that the unitary authorities would take the leading role in the JTAs, it would be important for NPAs to be recognised as statutory consultees of the JTAs.

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

19. We note that the Welsh Government is proposing to adopt a similar model for enhanced partnership working to the one introduced in England through the Bus Services Act 2017 and that the provisions of that legislation have been taken into account when developing the proposals for Wales. We hope, therefore, that the Welsh Government will already have taken note of the changes that the Campaign for National Parks secured to the English legislation to ensure that NPAs were listed as 'relevant local authorities' for the purposes of the consultation requirements relating to EQPs. Unfortunately, it is not currently clear that this has happened as the 'improving public transport' consultation document states that 'consultees could include all affected operators, bus passengers and passenger representatives, the Competition and Markets Authority and other local authorities.' NPAs must be included in the list of organisations to be consulted on a proposed EQP. In addition, 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.

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

20. We are pleased to see 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 plans and policies, particularly ones 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.

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

21. We would support the removal of obstacles to local authorities running their own bus services directly. In Designated Landscapes, this could provide the opportunity for local authorities to provide bespoke public transport services for visitors in partnership with other stakeholders in that area.

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

22. Yes, it is important that it is as easy as possible for people to find out about the alternative transport options that exist. This is true everywhere but is particularly relevant in Designated Landscapes where many of those seeking travel information will be visitors who may be unfamiliar with the area. Good promotion of sustainable transport initiatives helps ensure they are well-used and are thus more likely to continue. 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.

23. There is an urgent need for more support for measures to improve car-free access to Designated Landscapes, 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. Last year the Campaign for National Parks published a report, *National Parks for all: making car-free travel easier*⁷, which examined existing and current sustainable transport initiatives, and set 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.
24. The report includes some interesting 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 Bwcabus⁸ which operates in Carmarthenshire and Pembrokeshire, and combines fixed route scheduled bus services with flexible, bookable on-demand connecting routes and Vamooz⁹ in the Yorkshire Dales which allows on-demand shared journeys to be booked via an app. However, even successful examples such as Bwcabus often require some level of subsidy given the nature of the areas they serve and many face

⁷ 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_HIRES DPS.pdf

⁸ <http://www.bwcabus.traveline-cymru.info/>

⁹ <http://govamooz.co.uk/>

an uncertain future due to the reduced level of funding available for local buses following cuts to local authority budgets in recent years.

25. One of the key recommendations in the *National Parks for all* 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 or Vamooz 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.
26. Within Wales, innovative networks of public transport services with both a visitor and community focus have been operated within the National Parks. In Pembrokeshire, a network of coastal services operates with support from the NPA. In Snowdonia, the Snowdon Sherpa fulfils a similar role. The Brecon Beacons NPA had also funded jointly with adjoining local authorities the Beacons Bus services from surrounding urban areas, but these services have been withdrawn as a result of cuts in budgets. A particularly notable innovation here was the bike bus, enabling high levels of integration between bus and cycle transport, and there is a strong argument for reconsidering the case for better bus / cycle integration of this sort.
27. We support the sentiments for the “*need for improved passenger experience*” (p13) especially in those circumstances where the user experience of the journey is centred around a leisure based activity. The provision and availability of real time information to a variety of modern technology platforms both on board and at the road side is crucial in this respect. All too often in rural areas where no such provision is available, it is difficult to know if a bus is on time and expected, delayed or gone. This increases the chances of passenger disruption. Enhanced real time timetable information linked to mobile phone networks is commonplace in urban situations, but much less so in rural areas where services are less frequent and by their nature based on much longer route travelling distances. Reliability and certainty are therefore key factors in rural circumstances. New technology can provide this.
28. In order to deliver an effective service in Designated Landscapes 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 England and Wales 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 areas¹⁰. 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*¹¹.

¹⁰ <http://www.urbantransportgroup.org/resources/types/reports/scandinavian-way-better-public-transport>

¹¹ http://www.transportforqualityoflife.com/u/files/160120_Building_a_world-class_bus_system_for_Britain_FINAL1.pdf

29. Ultimately, significant improvements in local bus services will be dependent on better mechanisms to generate additional revenue to support these services, and all mechanisms to do so need to be available for consideration. Both the Welsh Government and local authorities need to give greater priority to funding support for bus networks.
30. Finally, it is important to consider this consultation in the context of the *Wellbeing of Future Generations (Wales) Act 2015*. A minimum standard of accessibility to facilities and services should be seen as a basic wellbeing requirement. The availability of public transport services for both residents and visitors in rural areas therefore takes on a higher significance than it might in urban areas, where services are more readily available within walking distance.

For further information about any aspect of this response, please contact Ruth Bradshaw, Policy and Research Manager, Campaign for National Parks (email:ruthb@cnp.org.uk, tel: 020 7981 0896).

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.

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 explain your answer.

REFERENCE WP052

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.

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.

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.

REFERENCE WP052

--

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.

--

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)

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 WP052

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 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 WP052

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?

--

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

--

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.

--

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.

--

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.

Suzy Lamplugh Trust advocates that national minimum standards for taxi and PHV licensing should be introduced across both England and Wales to ensure consistency across licensing requirements by each licensing authority.

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

I attach a copy of our report 'Steering Towards Safety in Taxi and PHV licensing' which outlines all our recommendations for national minimum standards. I also attach a copy of the report of the Task and Finish Group on Taxi and PHV licensing which includes most of our own recommendations (those not supported by us are outlined in our response at the end of the report).

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

We do not have a position on combining licensing areas. This is because we think the problems of inconsistency between neighbouring licensing authority policies would be resolved with the introduction of national minimum standards. We would like to emphasise the importance of having a public interest test to determine whether a cap on numbers will increase or reduce personal safety. Our concern would be a situation where a cap resulted in demand out-weighting supply, which may put passengers at risk if they are unable to hire a licensed vehicle for their journey.

REFERENCE WP052

We do not support proposals that Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator are licensed as we do not believe there is a personal safety reason for limiting the start and end-point of a journey. We believe that the current practice of drivers choosing which licensing authority to obtain their licence from based on less stringent safety checks would be resolved by the introduction of national minimum standards.

REFERENCE WP052

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

We see no practical obstacles in introducing national minimum standards for personal safety in taxi and PHV licensing.

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

Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards.

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

I refer you again to the attached copy of our report 'Steering Towards Safety in Taxi and PHV licensing' which outlines all our recommendations for national minimum standards.
I also attach a copy of the report of the Task and Finish Group on Taxi and PHV licensing which includes most of our own recommendations (those not supported by us are outlined in our response at the end of the report).

REFERENCE WP052

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.

Licensing authorities should be given powers to enforce national standards for all licence holders operating in their authority, and not be restricted to those licensed by their own authority. This is to enable all licensing authorities to uphold national standards.

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.

See above.

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

Currently, licensing officers are only authorised to carry out licensing checks on drivers that are licensed by their own authority. This is problematic as they are therefore unable to monitor taxi and PHV drivers who have been licensed by another authority but are operating within their area.

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	

REFERENCE WP052

Please explain your answer.

A national database of taxi and PHV driver licence revocations and refusals, as is currently being developed by the Institute of Licensing, the Local Government Association and the National Anti-Fraud Network, would minimise the risk of an unsuitable driver being given a licence in one authority having had a licence revoked elsewhere. We welcome the introduction of this and believe it should be mandatory for licensing authorities to consult this in all licensing decisions.

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

Holding a licence to drive any taxi or PHV vehicle must require compulsory enhanced DBS checks for all drivers; this is not currently a mandatory requirement for taxi/PHV drivers who are not contracted to drive 'vulnerable adults'⁴² or children. National minimum standards should require licensing authorities to carry out DBS checks on all licence holders at least every nine months when the DBS is fully updated by the police on all incidents relating to an individual. We are also concerned that licensing authorities may not be obtaining relevant and timely information about drivers' criminal activity from the police directly due to the constraints of the Quality Assurance Framework and the Common Law Police Disclosure Provisions. We therefore propose a review of the Quality Assurance Framework and CLPD Provisions to reflect the need to disclose more crimes and behaviours carried out by taxi and PHV drivers than is currently permitted.

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.

REFERENCE WP052

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 advocate that the same national minimum standards for taxi and PHV licensing be applied across England and Wales. Therefore it is necessary to better understand the practical and implications and personal safety advantages for centralising licensing (Option A) over Option B which would seem more practical to implement. Many of our personal safety concerns would be addressed by having national minimum standards, national enforcement and a national information-sharing database.

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.

REFERENCE WP052

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:

As part of national minimum standards, Suzy Lamplugh Trust strongly recommends the development of a policy that clearly specifies which crimes and behaviours result in revocation of driver licences, and is not restricted to convictions but carefully considers the nature of each alleged crime and incident and the potential risk to passengers. National minimum standards should also strengthen requirements to ensure that the public are able to distinguish easily between taxis and PHVs, and licensed and unlicensed vehicles. Similarly, drivers must be required to have a clearly visible badge or arm-band detailing their ID and driver licence type and number. All taxis and PHVs should be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For those who cannot transmit the relevant information via digital means, or for passengers who cannot receive it in this format, this information must be available through other means available to the passenger before they get into the vehicle. All taxis and PHVs must be required to install continuous video and audio recording CCTV and tracking devices to discourage behaviour that would compromise driver or passenger safety and provide evidence in the event of a dispute. Suzy Lamplugh Trust believes that a single legislative framework would also strengthen regulations on driver training in relation to personal safety, including

REFERENCE WP052

questions relating to passenger safety, safeguarding and appropriate driver behaviour to be included in the licensing tests for all new drivers and all licence renewals. This should include clear branding of ridesharing journeys to avoid confusion with private journeys. Such training should have consistent accreditation to avoid inconsistencies and ensure an adequate standard across all locations.

Taxi and Private Hire Vehicle Licensing

Steps towards a safer and more robust system

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Acknowledgement

In preparing this study and throughout the work of the Task and Finish Group the expertise, endeavour and understanding of its members has been exceptional.

Whilst preparing and writing this report I have been supported throughout this process by the officials at the Department for Transport; without exaggeration I conclude that none of what has been achieved would have been possible without the support of these officials who personify all that is admired about the British Civil Service.

I would like to wholeheartedly thank all those who have shared with the Group their valuable knowledge and experience in the trade and its regulation, and their views on the way forward.



Professor Mohammed Abdel-Haq

Chairman, the Task and Finish Group on Taxi and Private Hire Vehicle Licensing

Foreword

This report is about public wellbeing. Its genesis and mission were framed by the vision of the then Minister of State at the Department of Transport, the Rt. Hon. John Hayes CBE MP. In commissioning me to lead this vital work, he made clear that in his view the current regulatory regime for the taxi and private hire vehicle (PHV) sector is no longer fit for purpose.

In scoping the work together we were determined, above all, to chart a future which ensured public safety for all, a working environment for those in the trade which guaranteed fair working conditions and whilst maintaining a competitive, dynamic market, preserve the character, integrity and aesthetics of this time-honoured trade.

It is clear that the status quo whereby taxi and PHV licensing is inconsistent, ineffective and incompatible with the protection of vulnerable people must not be allowed to continue. Alongside other incidents of criminality, the events in Rotherham, Rochdale, Oxford and elsewhere have brought the fundamental flaws in the licensing regime into the sharpest possible focus; these oblige uncompromising determination to make taxis and PHVs safe for all.

Our efforts should also be informed by the Prime Minister's determination that the economy must work for all, and that those who, despite their hard work and skill, are 'just about managing' to provide for their families, must not become victims of the 'sweated economy' by those who accept little or no regard to the notion of social responsibility.

I have drawn on the insight of those who know best, and worked with a first-class group of colleagues. It is their sharp minds, commitment, professionalism and cool heads that have enabled the critical thinking and discussions that underpin my recommendations. Members of the Group have strongly held, sometimes polar opposite opinions and, while this means that it has not always been possible to reach a consensus, I am of no doubt that all have the best interests of passengers and the trade foremost in their thoughts. I am grateful to them all.

I learned from the collective wisdom of the Group that there is no single solution to the challenges facing the taxi and PHV sector. So, each aspect of this study and the consequent recommendation is dependent on others. The report aims to produce a holistic ecosystem and solution to the problems it was devised to address and, as a result, to set out a comprehensive platform for the changes necessary to protect and promote the public interests in the common good.

I would like to make it clear that it is in the public interest to allow, indeed encourage, competitive markets. The arrival of new businesses and new modes of business are the healthy expressions of a market economy. So, provided that public safety and employee working conditions are assured and that appropriate emphasis is placed on congestion, air quality and similar concerns, market change can be welcome.

Licensing conditions should be demanding, arguably to a greater degree than at present, but should not, in effect, prohibit market entry for new businesses.

As my task is now complete, the onus falls to the Secretary of State for Transport Chris Grayling, MP and his Ministers, in particular Nusrat Ghani, and Parliamentarians to take the ideas of the report further and to begin to craft the legislation that it will, in some instances, require. In other instances, I trust that Parliament and the Department will lead the cultural change which is necessary to ensure that passengers, workers, operators, and neighbouring authorities are treated fairly. I look forward to the Government's prompt response to this report in order to maintain the momentum for improvement. Undue delay would risk public safety.

Professor Mohammed Abdel-Haq

Chairman, the Task and Finish Group on Taxi and Private Hire Vehicle Licensing.

1. List of Recommendations

Recommendation 1

Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.

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.

Recommendation 3

Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision.

Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.

Recommendation 4

In the short-term, 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.

Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years.

Recommendation 5

As the law stands, 'plying for hire' is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades.

Government should introduce a statutory definition of both 'plying for hire' and 'pre-booked' in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks.

Government should convene a panel of regulatory experts to explore and draft the definition.

Recommendation 6

Government 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).

Recommendation 7

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

Recommendation 8

Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.

Recommendation 9

All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.

Recommendation 10

Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (**recommendation 2**) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (**recommendation 11**).

Recommendation 11

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHV and taxi – see **recommendation 6**) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

Recommendation 12

Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

Recommendation 13

Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London.

Recommendation 14

The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.

Recommendation 15

All ridesharing services should explicitly gain the informed consent of passengers at the time of a booking and commencement of a journey.

Recommendation 16

The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.

Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.

Recommendation 18

As Government and local authorities would benefit from a reduction in crime in licensed vehicles both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

Recommendation 20

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

Recommendation 21

Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.

Recommendation 22

The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of conduct as well as crimes, by taxi and PHV drivers (and applicants) is disclosed ensuring that licensing authorities are informed immediately of any relevant incidents.

Recommendation 23

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All those cases must be recorded, and the database checked for all licence applications and renewals. Licensing authorities must record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (**recommendation 24**).

Recommendation 24

As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.

Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

Recommendation 26

All individuals involved in the licensing decision making process (officials and councillors) must be obliged to undertake appropriate training. The content of the training must form part of national minimum standards.

Recommendation 27

Government must 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).

Recommendation 28

Licensing authorities must require that all drivers are able to communicate **in English** orally and in writing to a standard that is required to fulfil their duties, **including in emergency and other challenging situations.**

Recommendation 29

All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability quality and awareness training. This should be mandated in national minimum standards.

Recommendation 30

Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency, the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.

Recommendation 31

Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

Recommendation 32

Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible to report disability access refusals.

Recommendation 33

The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV or taxi operator.

Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry drivers.

2. Group membership and task

Introduction

- 1 The Task and Finish Group was brought together between July and August 2017 by the then Minister of State for Transport the Rt Hon John Hayes CBE MP, and met for the first time in September 2017.
- 2 The Group's objectives were confirmed in the Terms of Reference agreed by its members. The Group was tasked with:
 - Considering evidence relating to the adequacy of current taxi and PHV licensing authority powers, as set out in legislation and guidance, making recommendations for actions to address any priority issues identified. Specifically:
 - Identifying the current priority concerns regarding the regulation of the sector, based on evidence of impact and scale across England;
 - Considering, in particular, the adequacy of measures in the licensing system to address those issues;
 - Considering whether it would advise the Government to accept the recommendations made in the Law Commission's May 2014 report on taxi and PHV legislative reform relevant to the issues, and;
 - Making specific and prioritised recommendations, legislative and non-legislative, for action to address identified and evidenced issues.

Chairman of the Task and Finish Group

Mohammed Abdel-Haq is a professor in Banking and a Director of the Centre for Islamic Finance at the University of Bolton. Prof Abdel-Haq has a wealth of practical experience in a long career in banking in major financial institutions including Citi Bank, Deutsche Bank, and HSBC. He is the CEO of Oakstone Merchant Bank, Director of the Centre for Opposition Studies at the University of Bolton.

Professor Abdel-Haq was a member of the Council of the Royal Institute for International Affairs (Chatham House) from 2011-2014. In 2011 Prof Abdel-Haq was appointed Chairman of the UK Ministerial Advisory Group on Extremism in Universities and FE Colleges. He was Vice President of The Disability Partnership. Several of his articles on various issues related to public life have been published. Prof Abdel-Haq is a Freeman of the City of Oxford, a member of Amnesty International, a Fellow of the Royal Society of Arts. Prof Abdel-Haq was a Prospective Parliamentary Candidate for Swansea West in the 2005 General Election.

3 Membership of the Task and Finish Group:

- Helen Chapman - Director of Licensing, Regulation & Charging, Transport for London
- Rt Hon Frank Field MP - - Member of Parliament for Birkenhead
- Saskia Garner - Policy Officer, Personal Safety, the Suzy Lamplugh Trust
- Ellie Greenwood - Senior Adviser (Regulation), Local Government Association
- Dr Michael Grenfell - Executive Director, Enforcement, Competition and Markets Authority
- Anne Main MP - Member of Parliament for St Albans
- Steve McNamara - General Secretary, Licensed Taxi Drivers' Association
- Mick Rix - National Officer for Transport and Distribution, GMB union
- Donna Short - Director, National Private Hire and Taxi Association
- Steve Wright MBE - Chairman, Licensed Private Hire Car Association

4 To ensure that the Group heard views from a wide cross-section of the sector, it sought written evidence from a range of stakeholders, and further invited a selection of organisations to give oral evidence to the Group. The Group received submissions from 39 organisations and heard evidence from 11. Narrative summaries of the Group's early discussions and oral evidence sessions have been published alongside this report.

5 Secretariat functions for the Group were provided by officials in the Department for Transport.

6 Group members were each able to submit a short summary of their views of this report if they wished to do so; those summaries are attached at Annex A.

3. Market function and regulation

Current regulation

- 3.1 The UK Government is responsible for setting the regulatory structure within which local licensing authorities in England license the taxi and PHV trade. Regulation of taxi drivers in Scotland, Wales and Northern Ireland is devolved to the Scottish Government, Welsh Government and Northern Irish Assembly respectively. This report is focussed on the sector in England only.
- 3.2 Taxi and PHV licensing in England is decentralised; there are 293 licensing authorities. The national legislation is enabling in its nature, giving licensing authorities the discretion to set standards for drivers, vehicles and PHV operators that they deem to be appropriate. There are significant variations in both policy and practice between licensing authorities.

A changing industry

- 3.3 The Task and Finish Group heard from many stakeholders about the age of the legislation that underpins taxi and PHV licensing, and how it is no longer fit for the modern world. Taxi licensing in England outside Greater London rests on the Town Police Clauses Act of 1847, which of course pre-dates the motor car. PHV licensing outside Greater London rests on the Local Government (Miscellaneous Provisions) Act 1976; significantly less old, but still pre-dating the mobile phone and the internet, both of which are increasingly important means of booking taxis and PHVs. Greater London PHV legislation is newer still, passed in 1998, but this still pre-dates near universal mobile phone use, and smartphone apps.¹
- 3.4 Legislation has been out of date for many years now, but it seems that the rise of smartphone booking apps, in particular, has thrown the need for an urgent update on legislation into sharp focus. PHV legislation was written for a world where radio signals were unlikely to reach outside the licensing authority area, and people had to go to a local minicab office, or telephone it using a landline, to book a car. The new way of using apps to book PHVs has an ease (as well as safety features and usually value for money) that has proved very popular with passengers, but the law was not written with such technology in mind and so it can be hard to apply to what is happening in reality.
- 3.5 The effectiveness of the highly localised taxi and PHV licensing system has become unsustainable in the face of new internet and smartphone app-based technology and the public's widespread adoption of those methods of arranging taxi and PHV trips. Government, both central and local, should acknowledge such changes and manage

¹ For simplicity, this report does not describe the separate legislation that licenses PHVs in Plymouth, the Plymouth City Council Act 1975. For the level of detail in this report, it is sufficient to say that its provisions are broadly the same as those in the Local Government (Miscellaneous Provisions) Act 1976.

them to ensure that alongside the benefits being achieved, any negatives are minimised for passengers, the trade and wider communities.

- 3.6 We should also recognise that the changes in how the sector works are being driven by public demand. It is unacceptable to require the public to restrict its reasonable demands to support an outdated framework. It is the market and regulation that must adapt while maintaining high standards.
- 3.7 This report makes a number of specific recommendations about what Government and licensing authorities should do with their taxi and PHV powers, but there is an urgent overarching need to update legislation to reflect much better the reality of the way the trade is operating today. The Government implicitly acknowledged as much by asking the Law Commission to review the legislation in 2011, and it is deeply regrettable that the Government has not yet responded to the report and draft bill which the Commission subsequently published in 2014. Had the Government acted sooner the concerns that led to the formation of this Group may have been avoided.

Recommendation 1

Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.

- 3.8 Regardless of technological change, the Government should legislate for national minimum standards for the licensing of drivers, vehicles and operators. 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'**.
- 3.9 The current level of discretion given to local licensing authorities has resulted in very significant and unacceptable variations in standards. Failures by some authorities to uphold high standards for the assessment of drivers, for example, have contributed to the involvement of the taxi and PHV trade in well-documented sexual abuse and exploitation of hundreds of children.
- 3.10 Significant variation in standards and the application of these in the licensing of drivers provides an opportunity for individuals to 'forum shop' for licences. Although factors such as service levels and total licensing cost (i.e. inclusive of fees and training requirements) may provide the motivation for most individuals that seek to obtain a licence from an authority other than that in which they intend to predominantly work, this also enables individuals who would not be deemed 'fit and proper' by one authority to potentially obtain a licence elsewhere. The Government has a responsibility to set a national framework that enables safe and effective licensing, and local authorities have a wider responsibility towards all people both within and beyond their boundaries. Better information sharing amongst authorities is also essential, and this is discussed further in Chapter Four.
- 3.11 The Law Commission recommended that all PHV standards should be set at a national level without the ability for licensing authorities to add additional local conditions, but that taxi standards should be 'minimum standards' which could be supplemented locally. This, in the Commission's view, reflected the more localised

nature of taxi markets, particularly the ability to be hired immediately on the street and the requirement for local knowledge that this brings.

- 3.12 However, other recommendations made in this report would restore the link between licensing authorities and PHVs operating in their area and so national minimum standards are more appropriate in this framework. 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. An example of this might be vehicle conditions, to help address local air quality challenges.

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.

- 3.13 In advance of national minimum standards, the Department for Transport's Best Practice Guidance should be updated; both this and the forthcoming Statutory Guidance should be more directive, to make clearer the requirements and standards that the Government considers are necessary.
- 3.14 All licensing authorities should adopt the Department's recommendations, which should be viewed as the pre-cursors to national minimum standards. Early adoption of these recommendations will therefore assist in the transition for the industry. It will also assist joint working by licensing authorities and in particular support stronger cross-border enforcement activity. The Task and Finish Group heard about current and developing best practice in areas such as Merseyside, West Yorkshire and Greater Manchester. Common standards are the keystone of effective enforcement within regions, giving enforcement officers one set of rules to check drivers and vehicles against, regardless of which authority issued the licences.
- 3.15 There are few barriers that prevent the licensing of operators and drivers in multiple areas, but this is not true for the licensing of vehicles, as requirements in different areas may be contradictory. These variations can include colour; livery; vehicle age restriction both at first licensing and maximum age; whether tinted windows are permissible; seat configuration; engine size (or if electric vehicles can be licensed); and visible signage/ID conditions. It is in the interest of licensing authorities (ease of enforcement), passengers (increased availability) and the trade (increased flexibility to meet demand) for multiple licensing to be possible.

Recommendation 3

Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations after very careful consideration and in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision.

Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.

- 3.16 In the long term, greater consistency in licensing that will result from national minimum standards raises the question of the appropriate 'level' of taxi and PHV licensing - that is, which administrative level should undertake this function.
- 3.17 The licensing regime should be rationalised. People are increasingly mobile and the licensing regime should reflect the way in which the public use taxi and PHV services. There may be significant benefits to raising the administrative level of taxi/PHV licensing in some areas, whether as part of wider reform or as a distinct proposal.
- 3.18 An example of the benefits that may accrue from raising the licensing level can be seen in the way the system operates in Greater London in comparison to other large urban areas. Transport for London licenses 108,709 vehicles and 142,199 drivers. By way of contrast, Greater Manchester has 10 authorities licensing a total of 13,392 vehicles and 18,085 drivers².
- 3.19 Without Transport for London, London's 33 local authority districts would be able to set its own policies, requirements, taxi fare rates etc. In addition, each of these would have to replicate the associated administration, likely resulting in increased licensing costs which may ultimately increase passenger fares. Importantly, this would also result in immense enforcement problems in the absence of agreements between the districts to enable their enforcement officers to take action against each other's licensees.
- 3.20 The variance in the costs of obtaining licences (fees and to meet requirements) in different licensing areas within one conurbation can be considerable, by matters of hundreds of pounds. The example of licensing in Greater Manchester was highlighted in the Urban Transport Group's report 'Issues and options for city region taxi and private hire vehicle policy'³ (see fig. 1). The time and cost it takes to obtain a licence can also vary greatly and influence licensing behaviour, exacerbating the number of 'out-of-area' drivers. It is unsurprising that a driver, who is indeed fit and proper by any measure, may still choose to license in a neighbouring authority even if the costs are higher if they will get their licence in a few months rather than two years, and therefore start earning much sooner.
- 3.21 It has not been possible within the timeframe of the Task and Finish Group to make a recommendation as to precisely which authorities (and how many) should be

² Data as of 31 March 2017 - <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

³ http://www.urbantransportgroup.org/system/files/general-docs/UTG%20Taxi%20Report_FINALforweb.pdf

responsible for taxi/PHV licensing across the country. However, direct electoral accountability must be maintained to ensure that the needs of all residents in any expanded licensing areas are considered.

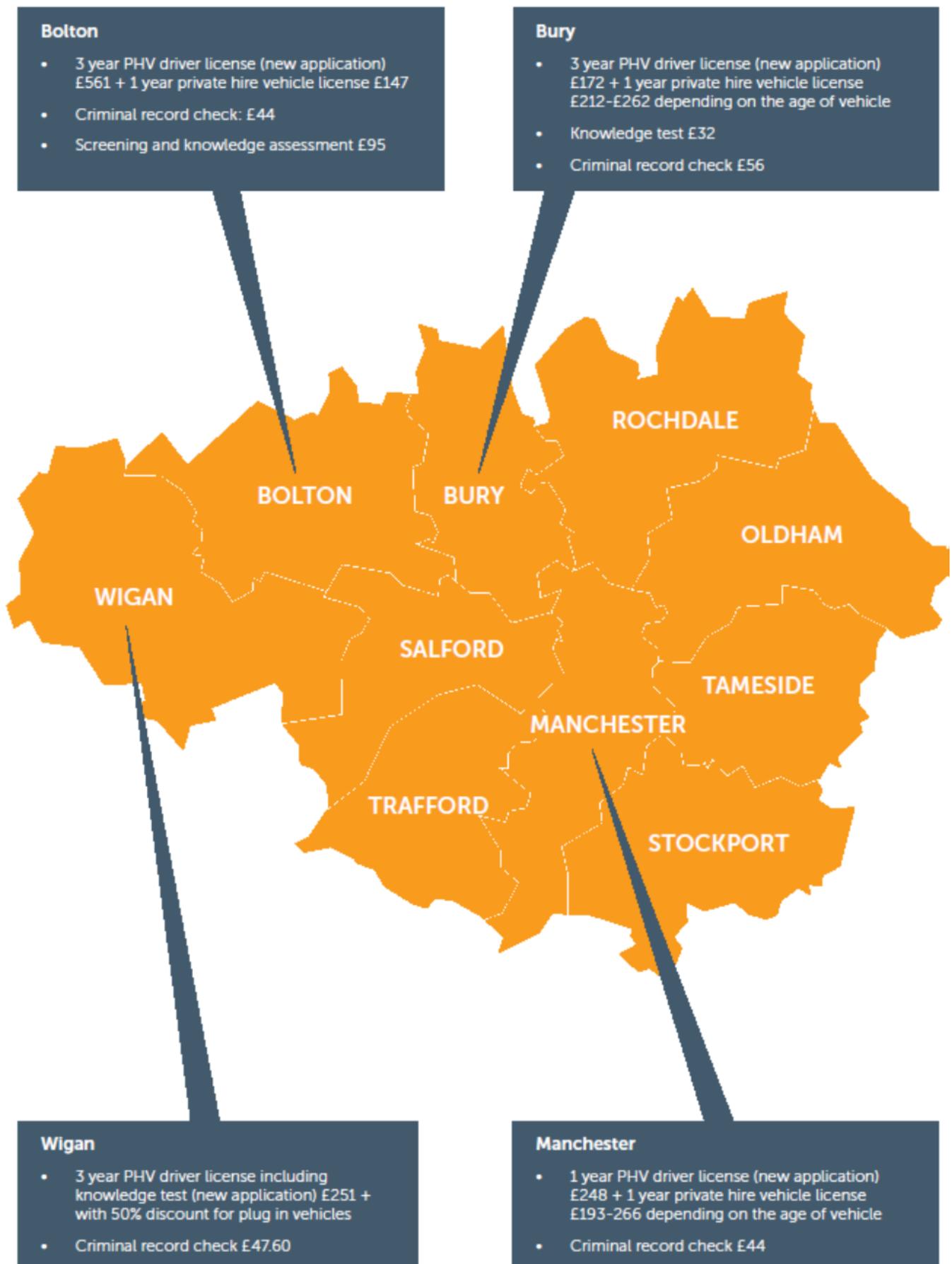
- 3.22 There seems a clear case that large urban areas, particularly those with Metro Mayors, should each be covered by one taxi and PHV licensing authority. Outside those areas, Government should strongly encourage much greater collaboration and joint working between neighbouring authorities, and subsequently review over time whether formal consolidation of more licensing areas is needed.
- 3.23 Where taxi licensing is concerned, larger licensing authorities areas could still retain more localised requirements of taxi regulation, such as quantity restrictions, fare setting, local knowledge testing at the same granular level as now (if deemed beneficial) through the use of taxi zones as are already used in a number of licensing authority areas.

Recommendation 4

In the short term, 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.

Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years

Figure 1 - Licensing in Greater Manchester ⁴



⁴ <http://www.urbantransportgroup.org/resources/types/reports/taxi-issues-and-options-city-region-taxi-and-private-hire-vehicle-policy>

The two tier system

- 3.24 Only taxis are available for immediate hire, be it hailed in the street or at a designated rank. Nevertheless, the potentially very short gap between booking a PHV via an app and getting in the vehicle, may appear similar to members of the public to getting a taxi. Indeed the speed and convenience of using an app might be an easier and more attractive option in some circumstances than hailing a taxi.
- 3.25 This increased ease and speed of PHV hiring has significantly eroded the differentiation in service and the potential additional earnings that taxis' ability to ply for hire can provide. The regulation of the sector has not adapted to reflect this erosion. The Task and Finish Group unanimously agreed that there is still merit in the two-tier taxi and PHV system. For example, the setting of maximum fare tariffs for taxis provides an important element of passenger protection, as people are not able to research fares with alternative providers when hiring immediately. This can protect both visitors to an area, who may have no notion of the distance of their journey and what this might reasonably cost, and also local residents who are protected from the charging of excessively high fares when demand is high. At the same time, the unregulated fares of PHVs enable price competition to the benefit of many consumers.
- 3.26 The Group received many submissions which requested that a statutory definition of 'plying for hire' and 'pre-booked' should be introduced to make clearer the different services that taxis and PHVs can provide.
- 3.27 The Law Commission deliberated whether 'plying for hire' should be defined as part of its work, and ultimately recommended that different terms should be defined. In my view, if we are to be supportive of the two-tier system, it is inevitable that we must be able to effectively distinguish those two tiers. Defining 'plying for hire' is essential to that.

Recommendation 5

As the law stands, 'plying for hire' is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades.

Government should introduce a statutory definition of both 'plying for hire' and 'pre-booked' in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks.

Government should convene a panel of regulatory experts to explore and draft the definition.

- 3.28 Taxi 'radio circuits' or taxi smart phone apps undertake a similar function as PHV operators but are not subjected to a 'fit and proper test' as they do not require a licence. PHV operators are under an obligation to ensure that the drivers and vehicles used are licensed by the same authority and that vehicles are insured and in a suitable condition.
- 3.29 A freedom of information request found that in in the 12-month period running from 08 January 2016 to 07 January 2017, 1,290 Transport for London licensed taxis were reported for not having a second MOT test, six months from the date the taxi licence

was granted. However, it is unknown whether any of these vehicles were used for 'taxi radio circuit' work. Transport for London's data for the period April to December 2017 indicated that 27.1% of PHVs and 35.8% of taxis stopped were non-compliant⁵. In both cases, the total number non-compliant vehicles may be higher as these vehicles were identified as a result of 'on-street' enforcement.

- 3.30 It is true, of course, that unlike PHVs where there must be an operator to take a booking for the transaction to be legal, taxis are able to ply for hire. The booking recording function of a PHV operator evidences that a journey has been pre-booked and is essential in ensuring compliance and preventing a PHV from working illegally as a taxi. However, data from Transport for London's Black cabs and Minicabs Customer Satisfaction Survey (Q3 2016/17) evidence that a decreasing proportion of taxi journeys are engaged by hailing or at a rank, down from 83% in 2013 to 66% in 2016. This trend suggests that it is now appropriate for these intermediaries to be regulated in the same way as PHV operators are.

Recommendation 6

Government 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).

- 3.31 Central Government and local regulators must acknowledge that new technology has fundamentally changed the market and act if the two-tier system is to remain viable. The competition between taxis and PHVs has increased, but taxis are often subject to additional regulation and, where purpose built vehicles are required, significantly higher costs than their PHV counterparts. If the benefits of a two tier system (e.g. there is a higher proportion of wheelchair accessible vehicles (WAVs) in the taxi fleet) are to be maintained, regulators should consider ways to support the taxi trade. The way to do this is not by 'punishing' the PHV trade, but by reducing the additional cost burden that WAV owners face.
- 3.32 Central Government has already recognised the different costs the two sectors can face; the maximum Plug-in-Taxi Grant (for the purchase of wheelchair accessible zero-emission capable (ZEC) purpose-built taxis) is £7,500, compared to the £4,500 maximum Plug-in-Car Grant available for other vehicles; this kind of approach should be explored further. Government and licensing authorities should explore additional financial assistance that could be provided to off-set the additional costs of WAV and/or ZEC vehicles.
- 3.33 There are various mechanisms that could encourage more rapid adoption of ZEC vehicles in area where air quality is or may become an issue; Transport for London's delicensing scheme, for example, provides a payment of up to £5,000 to delicense older (10+ years old) vehicles. All new taxis licensed by Transport for London must now be ZEC.
- 3.34 Taxis, particularly in London, are perceived by the public as reliable "work horses" on the roads for long hours every day. This perception could be at the forefront of changing opinions and attitudes towards electric vehicles, in general, and specifically

⁵ <https://tfl.gov.uk/cdn/static/cms/documents/phv-licensing-compliance-and-enforcement-january-2018.pdf>

as viable options for commercial and small goods vehicles. The wider benefits of supporting drivers to get such vehicles on the roads could be considerable.

- 3.35 Funding could be allocated to subsidise a tiered taxi and PHV licensing structure that exempts or reduces fees for zero emission capable vehicles and/or those which are wheelchair accessible. This would assist those who make the additional investment to use wheelchair and/or accessible vehicles such as the 'black cab' and reflect the additional benefits these would provide the public.

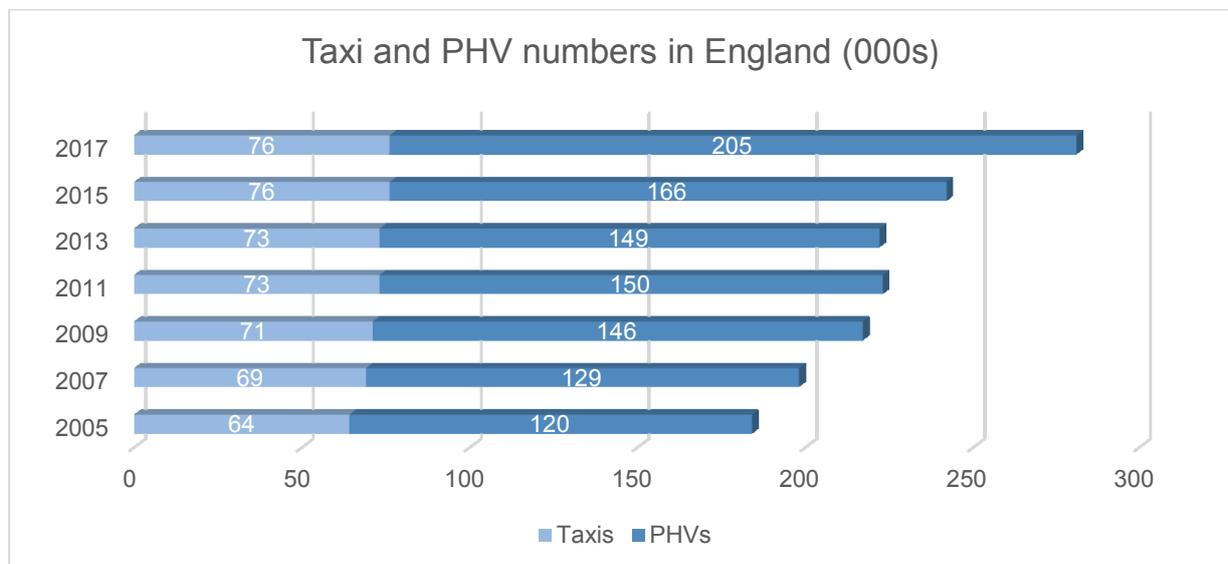
Recommendation 7

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

A growing industry

- 3.36 The sector has seen rapid growth in recent years. The total number of licensed taxis and PHVs in England reached record levels in 2017, increasing by 26% since 2011 to 281,000⁶. This growth has not been uniform across the two tiers, but was driven by the 37% increase in PHVs over the period, compared to the 3% increase in taxis. In 2017, 73% of all licensed vehicles in England were PHVs; in 2011 this proportion was 67%.
- 3.37 The increase in licensing numbers is also inconsistent across England; to give just some examples, the number of PHVs licensed by Transport for London increased by 39% between 2011 and 2017 to 87,400; in the same period, the number of PHVs licensed by Wolverhampton City Council increased by 434% to 2,949; but decreased by 37% in Tandridge District Council to just 46.

Figure 2 - Taxis and PHVs in England (DfT survey 2017)⁷



⁶ <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/642761/taxi-private-hire-vehicles-2017.zip

- 3.38 Currently, licensing authorities outside Greater London have the ability to restrict the number of taxis they license. As of 31 March 2017, 183 English authorities do, to balance the supply and demand of services. Legislation does not currently allow PHV licences to be restricted in such a way, and the Group received a number of submissions arguing in favour of changing this.
- 3.39 Granting licensing authorities the power to cap the number of PHVs could give them an extra tool to help reduce levels of congestion in areas where high numbers of PHVs operate and thereby address in part air quality issues. To use the power for those purposes would require a public interest approach, not merely the "unmet demand" test currently applied to allow the limiting of taxi numbers.
- 3.40 There are potential drawbacks to licence restriction, including administrative burden, restriction of competition and restriction of work opportunities for drivers. Carrying out a clear, well evidenced and considered public interest test before a numbers restriction can be applied would enable an authority to weigh up those factors and make a balanced decision.
- 3.41 This matter was considered as part of the Law Commission's review, albeit in the case of taxis rather than PHVs, but their consideration of what a public interest test should include could equally apply to both segments of the trade. Any test should include matters such as:
- the interests of taxi and PHV users, particularly those of disabled people
 - the interests of licensees
 - the need to avoid traffic congestion, and
 - the need to preserve the environment
 - and for taxis, the need to avoid excessive queues at ranks

Recommendation 8

Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.

Cross-border and out-of-area working

Background

- 3.42 Although taxis and PHVs are locally licensed, the passenger journeys they can carry out are not restricted solely to their licensed area.

Cross-border / out of area working: a simplified summary

- **Taxis** can only ply for hire (to be flagged down or hired from a rank) in their licensed area, but can generally undertake pre-booked work anywhere.
- A **PHV** driver, vehicle and operator must all be licensed in the same area for a journey to be carried out legally - but the journey itself does not need to be in that licensed area: e.g. a London-licensed vehicle and driver can be booked through a London-licensed operator to carry out a passenger journey that takes place entirely in St Albans.
- A **PHV** booking can also be sub-contracted: e.g. a St Albans-licensed operator could take a booking, and arrange for another operator to carry it out: this could be another St Albans-licensed operator, or an operator licensed by any other authority, who would need to fulfil the booking using a driver and vehicle licensed by the same authority as they are.

- 3.43 The ability for a PHV journey to take place anywhere, so long as the driver, vehicle and operator are all licensed by the same authority, comes from the original licensing legislation (the 1998 Act for London, and the 1976 Act elsewhere). It was always possible for a PHV operator to sub-contract a booking to an operator licensed in the same area. Greater London operators have always been able to sub-contract bookings to operators in other areas, and that ability was extended to PHV operators outside Greater London by Section 11 of the Deregulation Act 2015.
- 3.44 Although all PHV operators have always been able to accept bookings regardless of the start and end point of a journey, in practice the advertising of their services and the ability of operators to maintain contact with drivers reduced the likelihood of booking requests from distant locations being received.

The issue

- 3.45 New technology has changed the landscape. The members of the public who use apps for booking PHVs carry with them the ability to request a vehicle anywhere. It is not necessary for the subcontracting process to be undertaken to facilitate the dispatching of an out of area driver to fulfil a booking. An operator could currently, if it chose to, operate nationally on a single licence. It is unlikely that this is what was intended when the legislation was drawn up, and it underlines that it is no longer fit for purpose.
- 3.46 Not all 'cross-border' work is a concern: many journeys will naturally start within one licensing authority and end in another, and the framework should allow this. In areas near to the boundaries of licensing authorities, and particularly in city and urban locations with multiple authorities, there will be high levels of cross-border working. Operators will sometimes fulfil bookings out of their licensing area to reduce dead

mileage, or meet vehicle type requirements (e.g. wheelchair accessible vehicles) when none are available locally. A passenger may have confidence in the safety and quality of a service that a particular operator provides and would prefer to use that favoured operator regardless of the start and/or end points of their journey. This is perhaps more likely in the executive and chauffeur segment of the PHV market.

- 3.47 However, the Group have heard from many sources about the increasing numbers of drivers who now work entirely at (sometimes considerable) distance from the authority that licensed them. The Group saw no evidence of precise numbers but anecdotal evidence is that it is widespread, particularly of drivers licensed by Transport for London but living in cities far away making it highly unlikely that they would travel to London before working. Figure 3 show a map of the home addresses of Transport for London licensed drivers by postcode.
- 3.48 It is difficult for licensing authorities to be effective in monitoring the activities of drivers who are working in this way. The enforcement officers of one authority cannot undertake enforcement action against taxis or PHVs licensed by other authorities. An authority could send its enforcement officers to carry out checks in known 'hot-spots' for its drivers, but while this seems reasonable for an adjoining licensing area, it seems an inefficient solution when the distances involved can be so great. In conjunction with the earlier recommendation on national minimum standards, all licensing authorities should have the powers to take enforcement action against those standards regardless of where a specific driver or vehicle is licensed. So, for example, a Bristol City Council licensing enforcement officer should be able to stop and question any taxi or PHV driving in Bristol regardless of which authority issued the licence. The Group heard evidence that taxis and PHVs can carry passengers across different boundaries and nobody can monitor their compliance or question them. This is simply wrong.

Recommendation 9

All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.

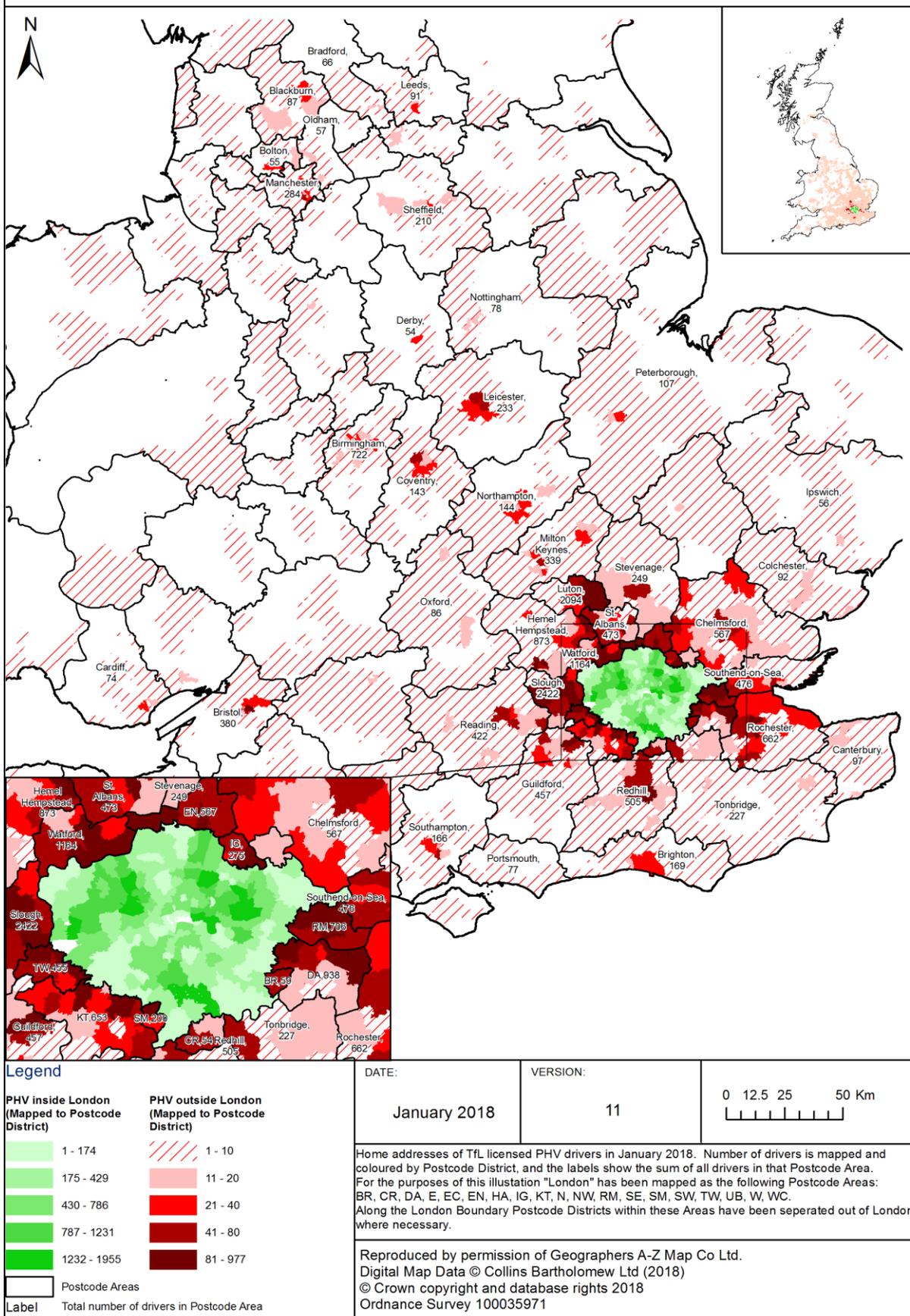
Recommendation 10

Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (**recommendation 2**) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (**recommendation 11**).

- 3.49 This report has already recommended that licensing authorities should be able to restrict the number of taxi and PHV licences they issue. However, without a method to prevent vehicles licensed in other areas from working within the "capped" area, any restriction could be easily circumvented by someone licensing elsewhere and simply working remotely within the "capped" area.

Figure 3 - Home postcodes of active Transport for London licensed PHV drivers, January 2018

Figure 4: Prevalence of active London-licensed private hire drivers with home addresses outside London



- 3.50 A number of submissions to the Group supported a proposed restriction that taxi and PHV journeys should only be permitted where the start and/or end point are within the licensing area of the driver, vehicle and (for PHVs) operator. This was primarily proposed to address concerns over the drivers operating predominantly or exclusively outside of the area in which they are licensed.
- 3.51 That proposal is the most effective on the table. There would be a need to carefully consider any flexibilities that may be needed to allow for specific destinations to continue to be served without disruption (e.g. airports), business models to continue (e.g. in the chauffeur / executive hire sector), or specific services for the disabled to not be disrupted.
- 3.52 All those matters would need careful further work, to reduce the risk of causing damage legitimate business models and passenger choice. The potential negative aspects of the proposed restriction would be greatest in inner-city areas which have many boundaries. Without the reduction of licensing authorities proposed in recommendation 4, and the resulting larger areas, all parties would be detrimentally affected. With small geographic areas and more borders, passengers in these areas may no longer be able to use their favoured PHV operator even if these were the closest but simply as a consequence of being the wrong-side one of the many boundaries.
- 3.53 Rationalising the number of licensing areas in these locations would have benefits in its own right, but would also significantly reduce the negative impacts of a start/end point restriction.

Recommendation 11

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHVs and taxis – see **recommendation 6**) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross-border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

Licensing fee income

- 3.54 Taxi and PHV licensing fees must be set on a cost recovery basis. They should reflect the true costs of the regime, and should not be used by licensing authorities to make profit or be subsidised by the council tax payer. Licensing authorities should ensure that the administration, compliance and enforcement of taxi and PHV licensing is sufficiently funded to enable an efficient process.
- 3.55 Resourcing functions based on revenue received approaches the issue the wrong way around. Licensing authorities should of course aim to deliver value for money by working efficiently, but that is not the same as at the lowest possible cost. Licensing authorities should first establish what resources are required to adequately administer and enforce the regime and set the licensing fees based on this. For example, the Group received evidence of how the funding of a police intelligence liaison officer can significantly improve cooperation and the flow of information. The resourcing of initiatives such as this may be beneficial but prove prohibitive for some

of the smaller licensing authorities, the restructuring proposed in recommendation 4 would result in authorities operating at a scale which enable them to resource these activities but removing administrative duplication and spreading the costs across a wider pool of licensees.

Recommendation 12

Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

Pedicab regulation in London

- 3.56 One result of having different taxi legislation applicable to London and the rest of England is that pedicabs (sometimes called rickshaws) cannot be regulated in the former. Case law has established that they are classed as "stage carriages" in the context of London taxi law, and therefore out of scope of taxi regulation. While there should be a place for a safe and responsible pedicab trade, particularly in Central London, there has been much justified criticism in recent years of rogue pedicab operators taking advantage of tourists with excessive charges and absence of safety checks.
- 3.57 It is not acceptable that Transport for London is unable to regulate pedicabs to ensure a safe service; the Government announced in 2016 that it would rectify this, and the legislation should be brought forward as soon as possible.

Recommendation 13

Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London.

Fixed Penalty Notice for minor compliance infringements

- 3.58 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.
- 3.59 Transport for London has proposed that it should be enabled to issue Fixed Penalty Notices to PHV drivers as it already is to taxi drivers who have breached minor licensing requirements such as failing to wear their badge. Transport for London's view is that this immediate financial deterrent would expand the enforcement options available to them to increase compliance and reduce the need to resort to more expensive measures that ultimately increase licensing fees for the majority of drivers that are compliant. The Local Government Association's initial submission to the working Group also called on licensing authorities to have modern enforcement tools such as Fixed Penalty Notices and stop notices.

3.60 Transport for London has elected not to make use of the powers it currently has to issue Fixed Penalty Notices until it is able to apply the same to PHVs. As stated elsewhere in this report, the two tiers of the trade should as far as practicable be treated equitably. Elsewhere in this report the case has been made for greater consistency in regulation across England in part to underpin national enforcement powers of national standards. Therefore it would be appropriate for the powers to issue Fixed Penalty Notices to be available to all licensing authorities, for both taxis and PHVs.

Recommendation 14

The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.

Ridesharing

- 3.61 Ridesharing services in this context refers to the sharing of taxis or PHVs for hire by individuals that are unknown to each other prior to the beginning their trips. This form of service may provide members of the public with cheaper fares as costs are shared, and better utilise the capacity of vehicles, thereby reducing congestion and pollution. But there are potentially increased risks, too.
- 3.62 The limited time available to the Group has required that attention was focussed on key areas of urgent concern. While the issue of ridesharing has not been considered in depth, it should be clear to all that use these services that that they consent to sharing a confined space with people that are unknown to them. Operator and drivers should be required to make this clear when booking and at the start of a journey.
- 3.63 Where a taxi or PHV is no longer used entirely for exclusive private hire, the arguments in favour of mandating CCTV are enhanced; the argument that CCTV may represent an invasion of privacy is reduced greatly if not entirely negated, as there can be no argument that the vehicle is a private space. The use of CCTV is discussed further in Chapter Three.

Recommendation 15

All ridesharing services should explicitly gain the informed consent of passengers at the time of the booking and commencement of the journey.

4. Safety in taxis and private hire vehicles

Public protection

- 4.1 One of the most important considerations of any regulatory system is safety. It is of paramount importance that passengers using taxis or PHVs can get into a vehicle knowing that their driver has been rigorously checked and deemed to be a suitable person to carry passengers. The enclosed nature of a taxi or PHV affords a potential opportunity to a person who wishes to take advantage of the vulnerable. It is important to recognise that in different circumstances, it may be either the passenger or the driver who is vulnerable.
- 4.2 The vast majority of licensed taxi and PHV drivers in the UK are decent and law-abiding people. Nevertheless, there have been recent and numerous cases of licensed drivers participating in, or enabling, child sexual exploitation as well as isolated opportunistic attacks on passengers. Following these horrendous offences, many licensing authorities have acted to address the failings that contributed to enabling these incidents. The lessons from the Casey and Jay reports and the impact on the lives of those affected by these and other failures must not be forgotten. To do otherwise would compound the harm and injustice done to the victims. No licensing authority should consider that the lessons learned do not apply to them merely because there have not been significant reports of such activity in their area: many of the previous offences in these cases have only become known many years after the event. Neither central government nor licensing authorities can provide absolute assurances of safety, but licensing authorities have the powers to mitigate the risks now. In the long term it is for central government to act to enable the mandating of standards to force any complacent authorities to act.
- 4.3 The Policing and Crime Act 2017 gave the Government the power to issue Statutory Guidance to local licensing authorities on the way taxi and PHV licensing powers should be used to protect children and vulnerable adults. That guidance should ultimately form the core of the national safety standards for both the taxi and PHV sector, and it should be issued as soon as possible.
- 4.4 Until national minimum standards for the taxi and PHV sector are introduced, the Statutory Guidance provides an opportunity to take a significant step towards in greater consistency in how the safety elements of the 'fit and proper' test are applied.

- 4.5 The application of high standards with regard to safety would provide increased public confidence in the sector and mitigate the potential for drivers to seek out areas where standards are applied less rigorously.

Recommendation 16

The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.

- 4.6 Under the current highly devolved regulatory framework, local licensing authorities have a pivotal role in the effectiveness of guidance. Once the guidance has been issued, licensing authorities should play their part and give it due consideration. The Department for Transport should also monitor the overall effect of the guidance; the policies outlined will only be as successful as their implementation.
- 4.7 Until such time as the Government brings forward legislation to mandate national minimum standards, licensing authorities should work collectively to increase consistency. As the recommendations made in the Statutory and Best Practice Guidance are the Government's views, it is reasonable to assume that these would be considered as the basis for national minimum standards. As noted earlier in this report, licensing authorities would not be acting in the long-term best interests of the trade to divert far from the recommendations, as this may result in a period of significant change in standards and requirements at a later date.

CCTV

- 4.8 The Group received a number of submissions and heard from witnesses about the benefits of having CCTV in taxis and PHVs. There were numerous positive comments regarding the potential benefits that CCTV might provide to both passengers and drivers. The vast majority of taxi and PHV passengers receive a good and safe service but the few drivers that abuse their position of trust undermine public confidence in passenger safety. CCTV can reaffirm or increase passenger confidence.
- 4.9 CCTV would not just protect passengers. In England and Wales, approximately 53% of taxi and PHV drivers are non-white, a much higher than average percentage of the workforce. The Group heard from the United Private Hire Drivers that 50% of drivers it surveyed had been threatened or assaulted and that 57% had been racially abused while working.
- 4.10 Where both cameras and audio recording is used, those who verbally and physically abuse drivers would do so knowing that the attack would be recorded, providing invaluable evidence to enforcement agencies. There are also incidents of false allegations being made against drivers, and CCTV evidence can protect drivers from potentially losing their licence and their livelihood.

4.11 Only a small number of licensing authorities in England currently require CCTV in their licensed vehicles⁸; however, there is a strong case for having CCTV in taxis and PHVs, and licensing authorities which do not already mandate CCTV should do so. The concern most commonly raised is the costs of installing and maintaining CCTV systems. These do not however appear to be unreasonable for owners of licensed vehicles to bear given an assumed operational life of a system and the potential for reduced damage to the vehicle. The majority of taxis and PHV are owner driven - these could benefit from reduced abuse and assaults by passengers, reduced fare evasion and potentially increased passenger usage through greater confidence in the sector.

Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.

4.12 It is however not just the driver and passenger that CCTV can benefit. Licensing authorities are better able to make an informed decision whether to take no action, suspend or revoke a licence following a complaint. This evidence can be used at court should the driver appeal a decision, and it may even prevent the driver guilty of misconduct from launching an appeal. Society as a whole benefits from increased protection from crime.

4.13 Yet mandating CCTV in vehicles will incur extra cost for many small businesses, the vast majority of drivers currently consider as such. Recognising the benefits to society, ways of helping with individual and small business costs should be seriously explored.

Recommendation 18

As Government and local authorities would benefit from a reduction in crime in licensed vehicle both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

4.14 Technology has advanced rapidly in recent years and what may once have been an expensive and difficult to achieve is now common place. GPS has provided an accurate and reliable way to track vehicles for many years now. These advances can further public safety (driver and passengers) by recording the movements of vehicles and provide valuable evidence in proving or disproving an allegation. As part of the

⁸ <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017> (Table 0106)

work that will be required to set an appropriate minimum standard for CCTV systems in taxis and PHVs, the Government should also consider whether and how GPS tracking could also be included.

- 4.15 As discussed previously in this report, the public often view taxis and PHVs as providing identical services. Plying for hire by PHVs and unlicensed vehicles is illegal and should not be tolerated under any circumstances. However, when the public see a licensed PHV they may attempt to hire this immediately through confusion between the two-tiers of the system. Raising public awareness of the differences between taxis and PHVs protects all parties; passengers use the appropriately insured and licensed drivers and vehicles, taxi drivers receive the benefits of their exclusive right to 'ply for hire' in recognition of meeting the relevant requirements and law-abiding PHV drivers will not face confrontation from refusing to carry passengers that have not pre-booked.

Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

Background checks and information sharing

- 4.16 To enable licensing authorities to make the best decisions on applications they receive, and to support greater consistency, they should have as complete as possible a picture of the applicant's background. It is welcomed that all licensing authorities require an enhanced Disclosure and Barring Service (DBS) check for all drivers⁹; however, only 77% report that they currently also check the barred list for both taxi and PHV drivers, and there is no reason why this should not be 100%. This can be carried out at no extra charge.

⁹ Department for Transport's 2017 Taxi and Private Hire statistics - <https://www.gov.uk/government/collections/taxi-statistics>

4.17 The DBS update service is an online subscription that allows individuals to keep their standard or enhanced DBS certificate up to date and allows employers and regulators to check a certificate online. This subscription service therefore allows taxi and PHV drivers licensing authorities (as a nominee with the individual's consent) to check the status of a certificate online at any time. Subscription to the service removes the need for repeat checks, reduces the administrative burden and mitigates potential delays in relicensing. This will more cheaply and easily allow licensing authorities to undertake checks other than at first application or renewal. Drivers are licensed for three years and vehicles usually on year however vehicles are routinely checked every 6-12 months to ensure they continue to meet the standards required. Interim checks on the continued suitability of driver does not therefore seem disproportionate.

Recommendation 20

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should must be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

Recommendation 21

Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.

4.18 There is a concern that critical information about the risk posed by a driver is not always being shared with licensing authorities by the police, under the Common Law Police Disclosure (CLPD) provisions. It is vital that licensing authorities have access to this 'soft intelligence'; patterns of behaviour such as complaints against drivers (regardless of whether they were working) even when these do not result in arrest or charge may be indicative of characteristics that raise doubts over the suitability to hold a licence. Provision of this helps authorities to build a fuller picture of the potential risks an individual may pose. This information may tip the 'balance of probabilities' assessment that licensing authorities must undertake.

4.19 The CLPD provisions enable new information obtained by the police to be rapidly passed on to licensing authorities, rather than information becoming known to them through a DBS check some time after an incident. However, a survey carried out by the Institute of Licensing of its local authority members in 2017 shows that less than 25% of respondents consider that the current data sharing agreements are satisfactory. This process can be of huge benefit to protecting the safety of

passengers and it is imperative that the maximum protection this provides is being delivered.

Recommendation 22

The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of behaviours as well as crimes by taxi and PHV drivers (and applicants) is disclosed to and to ensure licensing authorities are informed immediately of any relevant incidents.

- 4.20 The current efforts of the Local Government Association to create a register of drivers who have been refused or revoked taxi or PHV driver licences, in conjunction with the National Anti-Fraud Network (NAFN), are to be welcomed. It was disappointing to see that the Private Members Bill brought by Daniel Zeichner MP, which would have made use of such a register mandatory, failed to pass its Second Reading in the House of Commons on 2 February when the bill was "talked out".
- 4.21 Without that Bill, it is hoped that all licensing authorities will use the register as only complete coverage will make the most of the benefits. It is unacceptable that a driver could have a licence refused or revoked on safety grounds by one authority, but gain a licence in an another authority by virtue of not disclosing that history. A DBS check may not provide the cause for a refusal or revocation by another authority; this would depend, for example, on whether the decision was based on previous convictions or on 'soft-intelligence' received. The register will enable past revocations or refusals to be flagged, and the authority considering an application to seek further information from the refusing authority.
- 4.22 Even with that information, decisions must still be made in accordance with the policies of the authority that is handling the application - a refusal in one area must be fully understood and should not be an automatic bar to a licence being issued elsewhere; for example, if one refusal has been made on the basis of a conviction, but sufficient time has now passed during which the applicant has demonstrated continued good character to comply with the authority's convictions policy. The system will provide an extra safeguard for the public, not a blacklist of drivers; licensing authorities will continue to make independent judgements whether, on the balance of probabilities, an individual is fit and proper. The purpose of this database is to assist licensing authorities in this assessment by enabling as fully a picture of an individual as possible to be considered.

Recommendation 23

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All refusals and revocations must be recorded, and the register checked for all licence applications and renewals. Licensing authorities must retain the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (**recommendation 24**).

- 4.23 In addition, a broader national database of all taxi and PHV licences, for drivers vehicles and operators should be introduced. This would be a significant aid to cross-border enforcement, complementary to the national enforcement powers recommended. In the current absence of such powers, it would still improve the ability of authorities to be able to identify where driver and vehicles are licensed in order to report concerns or issues to the "home" licensing authority, or indeed the police.

Recommendation 24

As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.

Training and engagement

- 4.24 It is important that drivers are equipped with the skills and knowledge they need to identify situations where vulnerable passengers may be at risk. Over half of licensing authorities currently require their drivers to undertake child sexual abuse and exploitation (CSAE) awareness training, and this is good practice that all licensing authorities should follow. It is not sufficient to wait for evidence of a 'problem' within a licensing area before doing this.
- 4.25 As part of that training, and their wider engagement with drivers, licensing authorities should remember that their network of checked and trained, professional drivers can be an important source of intelligence about signs of abuse and neglect amongst their passengers. Poorly checked and trained drivers may pose risks, but well trained and supported drivers can be an important part of the solution. An example of the positive contribution the trade can play is that of Cherwell District Council driver Satbir Arora, whose awareness prevented a 13-year-old girl from meeting a 24-year-old male who was convicted of attempted abduction and the distribution and making of indecent images.

Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

Improving decision making

- 4.26 Implementing national standards, including those on the consideration of convictions, will be a huge step toward greater consistency in licensing decisions. There have been examples of individuals that have been issued licences despite convictions for serious offences. However all licensing decisions are ultimately made by individuals, not policy documents. It is essential therefore that those involved in the determination of licensing matters have received sufficient training to discharge their duties effectively and correctly. This training should cover licensing procedures, natural justice, understanding the risks of child sexual exploitation, consideration of 'soft intelligence', and disability and equality, in addition to any other issues deemed appropriate. Training should not simply relate to procedures, but should also cover the making of difficult and potentially controversial decisions.

Recommendation 26

All individuals involved in the licensing decision making process (officials and councillors) must have to undertake appropriate training. The content of the training must form part of national minimum standards.

Use of Passenger Carrying Vehicle (PCV) licensed drivers

- 4.27 Driving a Public Service Vehicle (a vehicle that can carry 9 or more passengers e.g. a minibus or bus) for hire or reward requires a PCV licence. PCV driver licences are issued by the Driver and Vehicle Licensing Agency (on behalf of Traffic Commissioners). Unlike taxi or PHV drivers, applicants for a PCV licence are not subject to any routine DBS checks (neither basic nor enhanced).
- 4.28 Applicants for a licence to drive passenger minibuses and buses must complete an application form and declare any convictions for non-driving offences as well as those relating to driving hours, roadworthiness or loading of vehicles as well as any.
- 4.29 The declaration of any offences will result in the DVLA notifying the relevant Traffic Commissioner so the applicant's suitability to hold the licence, in relation to their conduct, may be reviewed. Traffic Commissioners may grant refuse, suspend or revoke driving entitlement, taking into account passenger safety.
- 4.30 However, a number of areas have experienced issues whereby individuals whose taxi or PHV licence or application have been refused or revoked have applied to the Driver and Vehicle Licensing Agency and obtained a PCV licence, and these individuals have then carried passengers driving a minibus. In some cases, people who have had their licence revoked have even continued to work for the same operator.
- 4.31 This is an issue that has clear implications for passenger safety. Although it may technically be outside the scope of taxi and PHV licensing, there are evidently clear overlaps in practice. It is not acceptable that individuals that are deemed to be unfit to carry passengers in a vehicle that seats fewer than nine passengers are able to do under a different licensing system, simply because there are additional seats in a vehicle.

Recommendation 27

Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consider the appropriate licensing boundary between taxis/PHVs and public service vehicles (PSVs).

Language skills

4.32 It is important that drivers are able to converse effectively, and particularly so in emergency situations. Drivers should be able to:

- Converse with passengers to demonstrate an understanding of the desired destination, an estimation of the time taken to get there and other common passenger requests;
- Provide a customer with correct change from a note or notes of higher value than the given fare, and doing so with relative simplicity;
- Provide a legibly written receipt upon request.

Recommendation 28

Licensing authorities must require that all drivers are able to communicate **in English** orally and in writing to a standard that is required to fulfil their duties, **including in emergency and other challenging situations.**

5. Accessibility

The importance of the taxi and PHV market

- 5.1 As an introduction to this chapter, from the following quote from the evidence received from the Disabled Persons' Transport Advisory Committee (DPTAC) sets the scene appropriately:

'For those who cannot use public transport, either due to the nature of their conditions or because they live in areas with a poor public transport service, taxis can be the key element allowing them to live independently.'

Submission from DPTAC, November 2017

- 5.2 Evidence received by the Group highlighted that consideration of accessibility needs is essential in any reform of the sector. If the Government enacts national standards, accessibility considerations should be an integral part of their development, not a mere add-on. In the short term, it is important that licensing authorities use the powers they already have to improve access and passenger experience.

Training

- 5.3 The 2017 taxi and private hire statistics show that only 38% of licensing authorities in England require their taxi drivers to undertake disability equality training, and 35% require it for their PHV drivers. This training should be a national requirement as part of national standards, but licensing authorities have the power to require it now and should do. It is important that drivers working in a sector that can be a lifeline for those unable to use public transport understand that position, and how they can best support their passengers.

Recommendation 29

All licensing authorities should use their existing powers to require that their taxi and PHV drivers undergo disability equality and awareness and equality training. This should ultimately be mandated as part of national minimum standards.

Vehicle types and access

- 5.4 As can be seen in figures 4 and 5, the proportion of vehicles licensed by different authorities that are wheelchair accessible varies considerably. The 2017 statistics show that 63% of authorities require their taxi fleets to be a wheelchair accessible vehicle (WAV). These figures show that in England (excluding London) 41% of taxis are WAVs but this is only part of the story; in over a quarter of authorities, 5% or fewer of taxis are accessible. The situation is even worse for PHVs - nearly two-thirds of authorities have a fleet in which 5% or fewer of PHVs are wheelchair accessible.
- 5.5 Standard (non-WAV) vehicles remain important too: most disabled people do not use wheelchairs, and many people will find saloons easier to get in and out of. Mixed fleets are important, reflecting the diverse needs of passengers, but nonetheless, levels of WAV PHVs in particular (given the significant increase in PHVs in recent years) appears low in even the most populous areas. I have outlined one way in which licensing authorities can seek to increase availability in paragraph 3.35.

Recommendation 30

Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.

- 5.6 It is welcome that in 2017, the Government brought sections 165 and 167 of the Equality Act 2010 into force, ensuring that drivers of wheelchair vehicles that a licensing authority designates for this purpose cannot charge wheelchair users more than non-wheelchair users, and must provide appropriate assistance.

Recommendation 31

Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

- 5.7 It is illegal for a taxi or PHV driver to refuse to carry an assistance dog, unless the driver has obtained a medical exemption certificate from their licensing authority. Despite this, a recent campaign by the Guide Dogs for the Blind Association indicates that nearly half of guide dog owners surveyed had experienced an access refusal in the past year. This is unacceptable, and licensing authorities should ensure that strong action is taken when instances are reported. Driver awareness is also

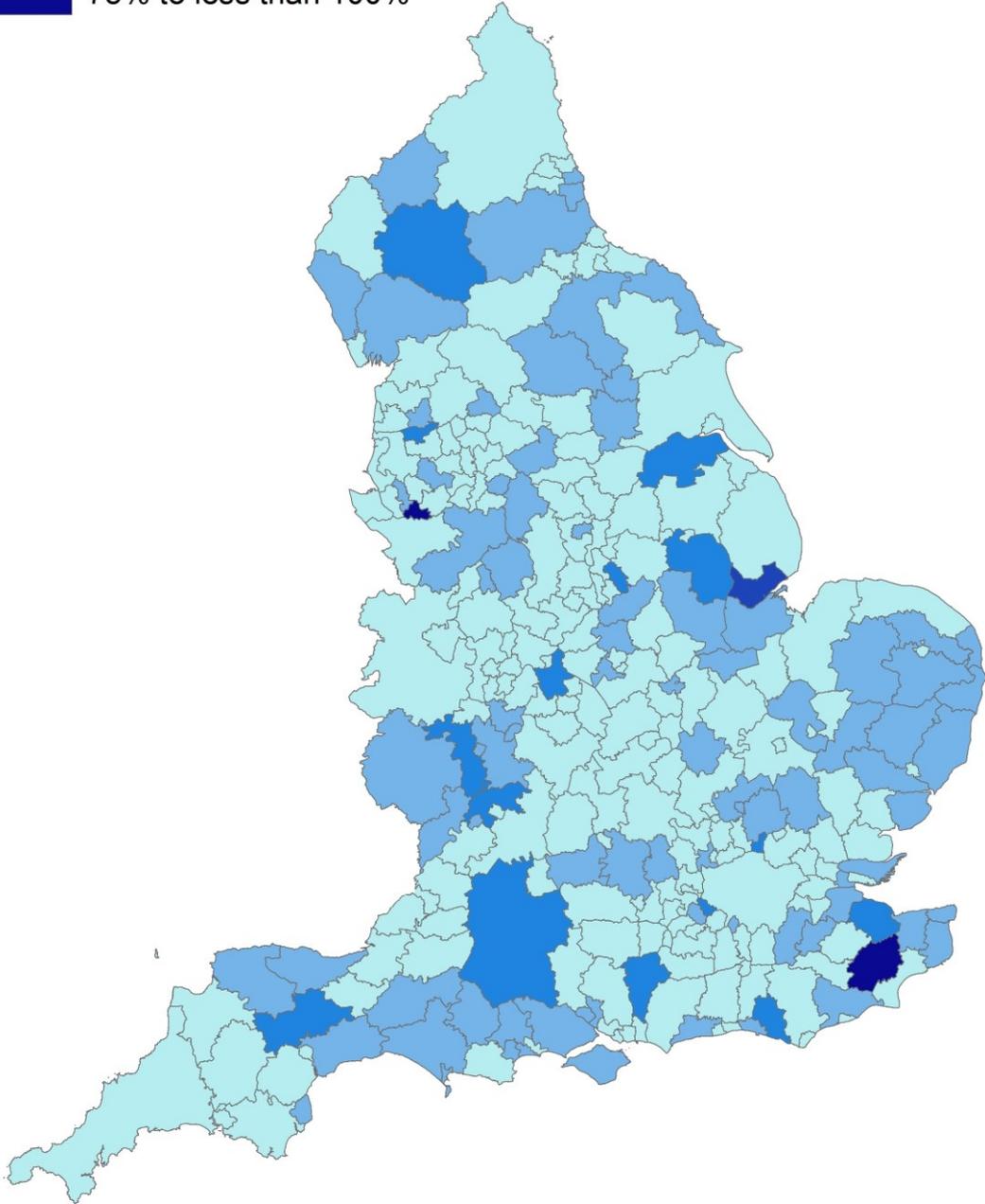
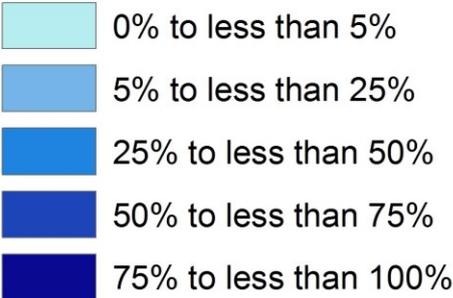
critical, and the earlier recommendation in favour of mandatory disability equality training would address this.

Recommendation 32

Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible for passengers to report disability access refusals.

Figure 4 - Wheelchair accessible PHVs in England¹⁰

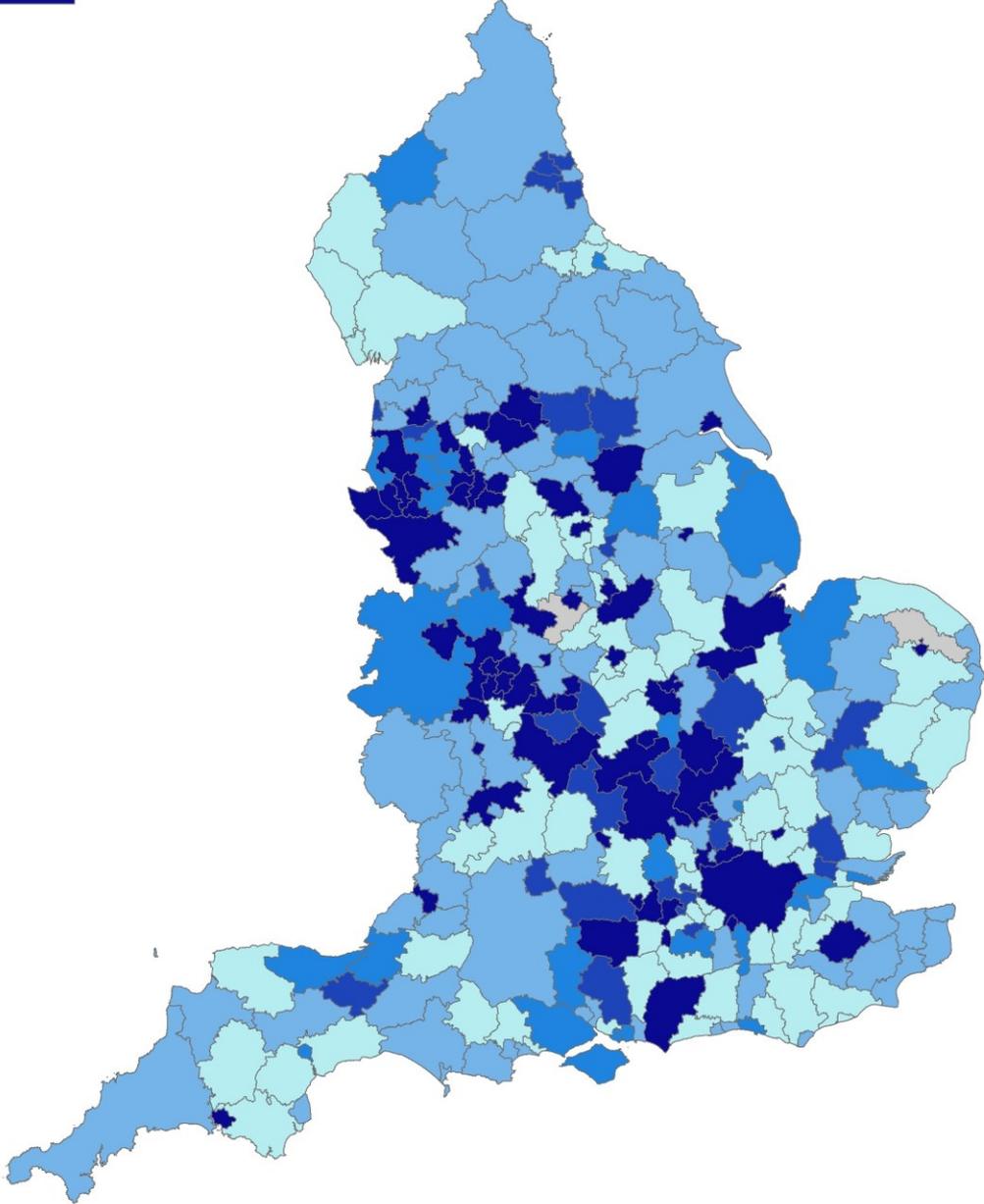
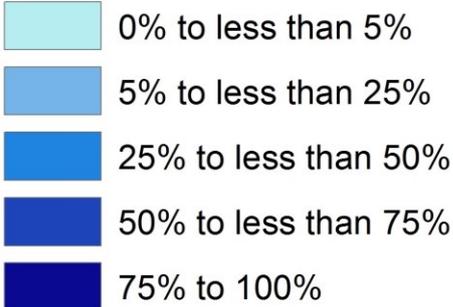
Percentage of accessible PHVs



¹⁰ Information provide by licensing authorities - <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

Figure 5 - Wheelchair accessible taxis in England¹¹

Percentage of accessible taxis



¹¹ Information provide by licensing authorities - <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

6. Working conditions

Characteristics of employment in the sector

- 6.1 Traditionally a large proportion of taxi and PHV drivers have been self-employed. In the PHV sector, the 'traditional' working model is largely based on drivers paying a fee to the operator to gain a place on its list of drivers. Although this does not guarantee an income, drivers are able to decide whether to renew this relationship at the end of the period, or in the interim should they not receive what they consider sufficient fares.
- 6.2 This absence of guaranteed income is now being repeated in the 'gig economy' PHV model, the difference being that the fee(s) paid to the operator is usually taken as a percentage of each fare. The 'gig economy' was defined as 'the exchange of labour for money between individuals or companies via digital platforms that actively facilitate matching between providers and customers, on a short-term and payment by task basis' in the Department for Business, Energy and Industrial Strategy's [2018] research paper¹².
- 6.3 However, even in the 'gig economy' PHV model, the relationship between the PHV operator and driver has changed very little from the 'traditional' model. Drivers still require an operator to act as the intermediary between them and the passenger. This means that PHV operators have control over the fare levels and the number of journeys a driver may receive.
- 6.4 The introduction of new technology in the private hire market has enabled new ways for the PHV operator to bring together drivers and passengers. This experience is not unique to this sector nor is the use of such technology unique to new entrants. There are many long-established companies that now use apps both in the PHV and taxi markets. At the same time I am aware that there are a number of ongoing legal disputes regarding the legal status of individuals that work in the PHV trade. While the reporting of these cases has focused on those involving app-based PHV operators the relationship between driver and operator appears similar in both the established and disruptive operator business models
- 6.5 On 7 February the Government's 'Good Work'¹³ document, which was published in response to the 2017 'Good Work – The Taylor Review of Modern Working Practices'¹⁴, acknowledged Taylor's seven point plan was important to achieve the overarching ambition that all work in the UK should be decent and fair. The second of the points is focused on seeking clarity in the gig economy. It acknowledges that platform-based working offers opportunities for genuine two-way flexibility, and that these should be protected. However, it also recognises the importance of ensuring fairness both for those who work in this way and those who compete with them. It

¹² <https://www.gov.uk/government/publications/gig-economy-research>

¹³ <https://www.gov.uk/government/news/governments-response-to-the-taylor-review-of-modern-working-practices>

¹⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627671/good-work-taylor-review-modern-working-practices-rg.pdf

proposes that 'worker' status should be maintained but it should make it easier for individuals and businesses to distinguish 'workers' from those who are legitimately self-employed.

- 6.6 While it was not in the remit or expertise of the Group to decide the employment status of drivers, it did hear about and consider working practices in the sector. In particular, concerns were raised about the balance of risk and reward for PHV drivers and the effects this has on their welfare and, potentially for public safety.

Working practices and earnings

- 6.7 The Group heard concerns that drivers, of both taxis and PHVs, are working longer hours to maintain existing incomes due to the increasing numbers of drivers. Of particular concern was the suggestion that drivers may be working excessively long periods without adequate breaks and the possible consequences of this for public safety.
- 6.8 All operators must meet their statutory obligations to drivers. Where drivers are 'workers' or employees, operators must ensure that none takes home less than they are entitled under National Living Wage legislation. Operators however should have a duty of care to support their drivers regardless of their employment status. Such an approach would obviously benefit drivers but it is also in operator's interests to support good working environments. It can support the retention of good drivers and lead to benefits for passengers; a driver who is content with their relationship with the operator may provide a better service and lead to repeat custom.

The role of PHV licensing authorities

- 6.9 It is outside the expertise and scope of a local licensing authority to determine the employment status of drivers working with its licensed PHV operators. However, licensing authorities do have a responsibility to ensure that operators are 'fit and proper'. If a licensing authority has evidence of an operator persistently flouting employment law (for example, making no changes in response to an employment tribunal that is not being appealed, or can be appealed no further), that should legitimately be seen as casting doubt on whether that operator is "fit and proper", and would be worthy of thorough consideration.

Recommendation 33

The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV operator.

Working/driving hours and safety

- 6.10 As already noted, the Group heard the view from some stakeholders that erosion in drivers' earnings has resulting in drivers working for increased, and potentially excessive, hours to maintain their income. It is self-evident that, at some threshold,

tiredness and long hours of driving in any vehicle poses a risk to public safety through reduced alertness and response times. The Group did not see independent evidence of how many hours drivers are working however it heard from industry experts that the taxi and PHV industry is one which has historically lent itself to long working hours generally.

- 6.11 At present, taxi and PHV drivers are not subject to the Road Transport (Working Time) Regulations 2005¹⁵. Drivers can therefore choose the hours they work, and there are no rules that limit the number of hours they can work in a day or week.
- 6.12 That appears potentially problematic. A minibus driver has limits on how long they can work and when they must take rest breaks. There is no logical reason why a taxi or PHV driver (possibly the same person as the minibus driver) should be permitted to carry paying passengers in a car for an unlimited length of time. A taxi/PHV driver still needs to be aware of the road and environment around them and be able to respond in a timely way to changes.
- 6.13 However, there are many questions of detail which it has not been possible to consider in full for this report. The European Union rules on drivers' hours and working time are complex, as the scenarios detailed in the Department's guidance¹⁶ illustrates. The appropriateness of these rules for the taxi and PHV sector is also open to debate; for example, limiting the number of driven hours may seem more appropriate than including times when a person is available and waiting for work. By its nature, the periods when taxis and PHVs are "available to answer calls to start work" (referred to as 'period of availability' in the guidance) would contribute to working hours but could not be considered as a rest period for the purposes of calculating driving hours according to the current rules.
- 6.14 The biggest challenge is how any limit(s) would be monitored and enforced; monitoring may require a tachograph system such as that used in buses and HGVs to be fitted to all taxis and PHVs. This may record the working/driving hours but consideration would need to be given to whether licensing authorities would monitor compliance or whether this would be done by the Traffic Commissioners (as for buses and HGVs). Despite these issues, this report favours driving time restrictions in principle if evidence indicates this is required on safety grounds and if a workable and proportionate way of doing so can be found. I think that Government should look at these issues in much greater detail than we reasonably can be done here.

Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry driver.

- 6.15 In the meantime, it is worthwhile noting again that local licensing authorities have a key role to play in maintaining safety. Drivers have a responsibility to themselves, their passengers and the public to ensure they are fit to drive, and this requires drivers to be open and honest with licensing authorities (as well as the DVLA) on any health issues that may mean they should not be driving. Where concerns about the operation of taxis and PHVs are brought to the attention of licensing authorities they could – and should – take immediate action against drivers and operators if there is

¹⁵ <http://www.legislation.gov.uk/ukxi/2005/639/contents/made>

¹⁶ <https://www.gov.uk/government/publications/eu-rules-on-drivers-hours-and-working-time>

any evidence of unsafe activity. A fit and proper operator should neither encourage nor condone excessive working or driving hours.

Annex A- Comments by Group Members

Helen Chapman

Director of Licensing, Regulation & Charging, Transport for London

Transport for London (TfL) is the largest taxi and private hire licensing authority in England with almost a quarter of a million taxi and private hire licensees. In London, like many parts of the rest of the UK and globally, we have seen significant change in the taxi and private hire sector in recent years which we anticipate will continue to change in line with consumer needs.

Regulation is required to ensure the safety of passengers engaging with taxi and private hire services but it is right that this regulation is reviewed and modernised to reflect the modern world and the changing needs of passengers.

On behalf of the Mayor of London and TfL I am grateful for the opportunity to have formed part of the Department for Transport Working Group. It has been a worthwhile and rewarding experience to work as part of a group looking at regulatory practices to meet the needs of a changing world while remaining focussed on passenger safety and convenience. I would like to thank the Chair for his efforts in navigating a course through the often strongly held views of the Group and invited guests to produce a report of real substance with the safety of passengers at its heart.

We agree wholeheartedly with many of the recommendations put forward by the report which, if adopted, will deliver fundamental improvements in public safety and improvements in delivering a world class two tier taxi and private hire service. Many of these recommendations for primary legislative change have previously been raised by the Mayor and TfL and, indeed, many London based taxi and private hire stakeholders and we are delighted to have these views shared by the Chair of the Working Group.

Proposals within the report, in particular a solution to address the common practice referred to as cross border hiring, national minimum standards, national enforcement capabilities and statutory definitions to define the two tier system will produce a model of licensing and regulation that helps to enhance passenger safety and is not only fit for today but is also future-proofed and flexible to meet the changing demands of passengers.

We remain ready to support Government in implementing these recommendations, particularly those that require national legislation. As the largest licensing authority we can provide expert support and guidance to any panels that are formed to take forward these sensible recommendations.

We would like to comment on a number of recommendations from a TfL perspective:

Recommendation 2 – we strongly support the introduction of national minimum standards and that these minimum standards should be set at a high level for safety.

We would like to thank the Chair for the common sense approach in recommending that licensing authorities can go further than the minimum, where required, to meet local needs. This is particularly important in London to retain the ability to set standards to meet air quality challenges and to continue to deliver the Knowledge of London for taxi drivers.

Recommendation 5 – The two tier system has worked well in London for many years and London’s taxis are frequently voted the best in the world. Recommending a statutory definition for plying for hire and pre-booked services is sensible and long overdue. We would like to formally register our interest in joining the panel of regulatory experts to help draft appropriate definitions.

Recommendation 8 – we welcome the Chair’s recommendation to allow local licensing authorities to set a cap on the number of taxi and private hire vehicles. The growing number of private hire vehicles in the capital is causing significant challenges in tackling congestion, air quality and appropriate parking controls. However, we note and strongly agree that there should be a proven need to set a cap by having a public interest test so monopolies cannot be formed. Once again, we remain ready to assist Government in defining an appropriate public interest test.

Recommendation 11 – cross border hiring has been commonplace in the industry for many years but with the introduction of app based services in the industry and the expansion in the number of private hire drivers and vehicles, it requires an urgent solution so as not to undermine public safety and confidence in using private hire services. TfL explored this issue in detail and in February 2018 we published a detailed policy paper with proposals to address this issue. The paper was presented to the Working Group and we are delighted to see this is being taken forward as one of the key recommendations for change.

Recommendations 25 and 29 we are fully supportive of these two proposals, however, we believe that an assessment is the more appropriate “minimum standard”. As a licensing authority our role is to assess the fitness of an applicant rather than to train them to be fit. However, for some authorities they may wish to provide this training above and beyond the minimum standard and this flexibility could be accommodated.

Recommendation 30 - All taxis in London are Wheelchair Accessible and we recognise the need to enhance the provision for Wheelchair Accessible Vehicles in the private hire fleet. However, this recommendation, as written, will be difficult to achieve as vehicles are licensed separately to private hire operators and therefore it isn’t easy to introduce a minimum quota of wheelchair accessible vehicles.

We look forward to working with the Government to see these recommendations brought forward and ensure a modern, sustainable and two-tier taxi and private hire system for the future.

Rt Hon Frank Field MP

Member of Parliament for Birkenhead

Mohammed Abdel-Haq has written a superb report. It follows a thorough, comprehensive evidence-gathering process conducted by the Working Group under his chairmanship.

The House of Commons debate, in which the Minister announced the creation of the Working Group, centred on the pay, working conditions and living standards of taxi and private hire drivers.

This report addresses each of those important points. In doing so, it puts forward sound recommendations to restore the integrity of the National Living Wage – the cornerstone of the Government’s labour market policy – while ensuring adequate rates of pay and decent working conditions for drivers are put at the heart of what it means to be a ‘fit and proper’ operator.

The implementation of those recommendations, alongside many others in this report, will perform the crucial role of constructing minimum standards upon which the taxi and private hire industry can continue to thrive and innovate.

Saskia Garner

Policy Officer, Personal Safety, the Suzy Lamplugh Trust

Suzy Lamplugh Trust would like to commend the Chair on the completion of this final report and express our thanks for being included in the Task and Finish Group. We are delighted that most of the recommendations from our research report, *Steering Towards Safety in Taxi and Private Hire Licensing*, have been included in the report. We fully endorse the content of the report, with the exception of the comments below, which should not defer from our recognition of what has been achieved.

We have no position on **Recommendation 4** which recommends combining licensing areas. This is because we think the problems of inconsistency between neighbouring licensing authority policies would be resolved with the introduction of national minimum standards.

We would like to emphasise, in relation to **Recommendation 8**, the importance of the public interest test to determine whether a cap on numbers will increase or reduce personal safety. Our concern would be a situation where a cap resulted in demand out-weighting supply, which may put passengers at risk if they are unable to hire a licensed vehicle for their journey.

We do not support **Recommendation 11** as we do not believe there is a personal safety reason for limiting the start and end-point of a journey. We believe that the current practice of drivers choosing which licensing authority to obtain their licence from based on less stringent safety checks would be resolved by the introduction of national minimum standards.

In point 3.8 of the report we would request that the word 'proportionate' be defined, to ensure that the high standards set are in no way compromised by this stipulation.

In addition to what has been included in the report, Suzy Lamplugh Trust would like to recommend the addition of the following recommendations:

Inclusion of taxi and PHV drivers as a regulated activity

This would enable the offences under the Safeguarding Vulnerable Groups Act 2006, relating to a barred individual working or seeking to work in regulated activity, to apply.

No deregulation of licensing

Suzy Lamplugh Trust is also concerned about the proposed deregulation of licensing requirements for PHV drivers as set out in the 2016 Tourism Action Plan. This would effectively allow individuals to have access to members of the public including vulnerable adults and children in a private vehicle, without any prior safety checks. There should therefore be no de-regulation of existing laws that protect personal safety within taxi and PHV licensing.

Prohibition of taxis or PHVs for use by non-taxi/PHV licensed drivers

The prohibition of PHVs and taxis for personal use by non-PHV or taxi-licensed drivers must be introduced in London. This is to prevent drivers who do not hold a PHV or taxi licence, and who therefore have not been subject to safety checks, from picking up passengers who may assume they do hold a PHV or taxi licence as they are driving a licensed vehicle. While we are aware that PHVs should always be pre-booked, research carried out by the Suzy Lamplugh Trust in September 2017 showed that one in five people (21%) think that minicabs can be hailed on the street, and a quarter of people (26%) believe minicabs can take passengers who approach

them while parked. In addition, our research showed that over half (57%) have taken a taxi or minicab without asking to see the driver's ID badge first.

Ellie Greenwood

Senior Adviser (Regulation), Local Government Association

As the organisation representing licensing authorities, the Local Government Association (LGA) is pleased to have been part of this working group. The LGA is supportive of the vast majority of recommendations in this document, many of which we have been actively calling for over several years, and the objectives underpinning them. Encouragingly, it has been clear throughout the process of the working group how much consensus there is on key issues including updating the legislation, a strengthened and consistent approach to safeguarding standards and the need to address out of area working.

The LGA has worked closely with its members in recent years to support them to strengthen taxi and PHV licensing; producing guidance, running training events and, most recently, commissioning the development of the national register of licence refusals and revocations. The focus of all this work has been to ensure authorities are doing all that they can to safeguard people using taxis and PHVs.

In doing this, we have also consistently urged Government to take the much needed step of modernising outdated taxi and PHV legislation.

It is to be hoped that the report of an independent Chairman marks a turning point on this, and that Government now moves swiftly to take it forward and introduce new legislation. The report recognises that the taxi and PHV market has changed beyond recognition since the existing framework was introduced. As we said in our original submission to the working group, this has too often left councils and Transport for London on the front line of competing, costly legal challenges as to whether new business models fit within an obsolete framework. It is ultimately Government's responsibility to ensure we have a regulatory framework that is fit for purpose and protects people, and it must now do so.

The LGA and its members recognise and accept that as markets change and develop, so too regulation and regulators themselves must adapt. But we believe that local authorities must continue to be central to the licensing process and are pleased that the report recognises the importance of retaining local flexibility in taxi / PHV licensing, in terms of the ability to set local conditions (alongside national minimum standards) and the proposal for a power to set local caps.

There is a strong case to be made for greater collaboration across licensing authorities: on local policies, standards and enforcement of taxi and PHV licensing. The LGA urges all of its members to move forward on this cooperatively and quickly.

In some places, there may be also be a good case for reviewing licensing authority borders. But licensing authorities need to reflect local areas, economies and taxi / PHV markets, and will therefore look different in different places, as they do currently. Any process of revising licensing authority boundaries needs to be led from the bottom up, based on functional economic geography, and should in the first instance be encouraged as a voluntary approach.

It should also be linked to the fact that, beyond the licensing function, the map of local government is evolving. Combined authorities, metro mayors and proposed reorganisation in two tier areas may impact the way in which licensing authorities are structured and operate. These developments should provide the foundation for any changes to the map of licensing authorities, to help maintain the local democratic accountability that the report highlights, while also ensuring that licensing authorities do not become remote from the communities that they serve and seek to safeguard.

It is positive that the report envisages a voluntary approach on this issue, and recognises that Government can help to encourage this – for example, through funding for licensing authorities to develop new models and legislation enabling authorities to form shared licensing areas.

A particular issue for many local areas and licensing authorities has been the growth in out of area working over recent years. The LGA believes that drivers should operate predominantly in the areas where they are licensed, and welcomes the recognition of this issue in the report. We are also pleased that the report recognises the concerns that the LGA and its members have raised about the very limited oversight of drivers of PCVs. It is vital that this safeguarding issue is addressed quickly, building on the work the LGA is doing to develop the national register of refusals and revocations.

Finally, we would caution that while undoubtedly desirable, there may be practical and financial barriers to local licensing authorities introducing some of the report's recommendations, such as mandating minimum numbers of wheelchair accessible vehicles, or (in particular) mitigating additional costs faced by the trade (on zero emission or wheelchair accessible vehicles, or CCTV). However, we look forward to working with Government to explore the options available in these areas.

Dr Michael Grenfell

Executive Director, Enforcement, Competition and Markets Authority

The Competition and Markets Authority has a statutory duty to promote competition for the benefit of consumers. This draws on the insight that, generally, consumers benefit from choice and also from the effect of competitive pressures on suppliers of services and goods, giving those suppliers an incentive to provide their services and goods to a high standard of quality, at a competitive price and with a desire to innovate; where there is effective competition, that is the only way that suppliers can win and retain business.

Applying this to the taxi and private hire vehicle (PHV) sector, competition provides operators with the incentive to give passengers value for money, by way of higher service standards, affordable fares and innovativeness in service provision.

The CMA recognises the need for robust regulation to protect passengers where market competition cannot wholly do this – for example, as regards safety standards. But we consider that such regulation should be proportionate and should be no more onerous than is necessary, with the concern that excessive or unnecessary regulation can create barriers to competition and new market entry, which would be counterproductive for the interests of passengers, depriving them of the benefits of competition (described above) as regards quality standards, price and innovation.

The benefit of price competition – affordability of taxi and cab fares for millions of ordinary people, and particularly the less affluent – should not be regarded as merely a ‘nice-to-have’ add-on. It is extremely important, including for some of the most vulnerable citizens in our society. It is also relevant to safety considerations; if people are unable to afford a taxi or cab fare (for example, after an evening out), they might well choose ways of transport that are considerably less safe – such as unlicensed vehicles, or themselves driving under the influence of alcohol – endangering themselves and others.

Having regard to these considerations, representing the CMA I have sought to engage with the serious work of the Group in what I hope has been in a constructive and cooperative spirit. As the Chairman says in his Foreword, there have been *‘strongly held and sometimes polar opposite opinions’* among members of the Group, and this is surely almost inevitable given the diverse range of interests and perspectives represented on the Group. It has been the Chairman’s task to draw useful insights from the range of expertise in the Group and produce a series of practical recommendations – designed to improve the sector and be workable – even if there is not complete consensus or unanimity about these.

My view is that the Chairman has been very successful in this.

I am happy to endorse the vast majority of the recommendations.

The only significant qualifications that I would wish to put on record are:

- As regards **Recommendation 8**, I am concerned that a numerical cap on the number of providers of taxi/PHV services risks having the effect of artificially and unnecessarily constraining competition, to the detriment of passengers – depriving them of the best prospect of high service standards, value for money and innovation in service provision.

I welcome the report’s recognition, in paragraph 3.40, of the risks of this and the consequent need to carry out *‘a clear, well-evidenced and considered public interest test before a number of restrictions can be applied’*.

Nevertheless, I am not convinced that the case for any kind of cap or numbers has been adequately made out.

In any event, I would urge that, even if there were to be such a cap, the factors taken into account in a public interest test should at least include, in addition to those listed in paragraph 3.41:

‘the effects on competition, including on service standards and affordability of fares, bearing in mind that the absence of affordable fares can induce people to travel by less safe modes of transport’.

- As regards **Recommendation 11**, I am concerned that limiting taxi and PHV operations to the area of pick-up or destination where the provider is licensed narrows the choice available to passengers and weakens competitive pressures, to the potential detriment of passengers (as described above).

Nevertheless, I fully recognise the concern that this recommendation is designed to address – namely, the risk of ‘forum shopping’ by providers, undermining regulatory safeguards applied by licensing authorities.

The report proposes some mitigating measures, specifically:

- Larger licensing areas (as proposed in Recommendation 4); I think that giving effect to this is a necessary precondition to Recommendation 11.
- The notion that operators should not be restricted from applying for and holding licences with multiple authorities, subject to meeting both national standards and any additional requirements imposed by the relevant licensing authority; in my view, this will be effective so long as the cost of multiple licensing is not so onerous as to represent a barrier to operators taking it up.

Finally, I should like to record that, in spite of the differences of opinion between members of the Group, it has been a huge privilege to work alongside such talented and well-informed individuals, who have brought their particular expertise and skills to bear on these difficult issues, and have consistently done so with a view to advancing the public interest, improving the sector and protecting the position of passengers and drivers.

I am in addition impressed by, and grateful for, the secretariat of officials from the Department for Transport who provided support and advice to the Group with admirable efficiency and professionalism.

As for our Chairman, Professor Mohammed Abdel-Haq, he had, as I have noted, the unenviable task of bringing together these disparate perspectives to form a coherent and workable set of recommendations; he is to be warmly commended on his achievement in doing so, and on conducting the Group’s meetings throughout in a spirit of courtesy and good humour. It has been an honour to be a member of his Group.

Anne Main MP

Member of Parliament for St Albans

It has been a pleasure to serve on the working group set up to advise and contribute to debate on the future of Taxi and Private Hire Vehicle licensing. The group has worked on this issue for a considerable period of time and there has been healthy debate throughout the process.

It is a considerable achievement that Professor Mohammed Abdel-Haq has been able to compile a report that has received backing from the many different viewpoints represented on the group.

Whilst I endorse almost all of the recommendations made in the report, I do want to share my concerns about three of the more contentious issues that we have not been able to find consensus on during our meetings;

Recommendation 8

I am concerned with the proposed power for local authorities to cap taxi and PHV vehicle licences. Whilst I appreciate that a public interest test will mitigate the potential issues with this proposal, I am still not convinced that it will benefit public safety or competition in the industry.

One of the issues that this seeks to address is ‘forum shopping’ by drivers who seek PHV licences from those authorities that are seen as easier, quicker and cheaper to get a licence from. The structure of the report suggests a significant strengthening of the licensing requirements across all local authority areas which I feel reduces any need for capping powers.

Combined with a more effective method of reducing drivers licensing in one area and working predominately in another, along with considerably higher licensing standards for all authority areas then I do not believe there is a requirement for a cap. Which I believe would reduce competition and do little to protect passenger safety.

Recommendation 11

I am still not convinced, based on evidence we have heard and read from many different stakeholder groups, that this is the best way to effectively license taxi and PHVs going forward. Although many firms will be totally unaffected by this, I believe there will be considerable implications for smaller PHV companies who regularly operate across several invisible local authority boundaries.

The aim of this recommendation is to prevent drivers being licensed in one part of the country from working predominately somewhere else. I had hoped we would have found a more creative way of reducing this problem whilst still retaining local autonomy, as I fear this recommendation is overly burdensome and is not a practical solution that fits in with passengers’ demands in the modern PHV industry.

I hope that the government will consult on this particular issue widely and seek to find a better and more creative solution that will protect the integrity of local authority licensing and retain healthy competition across boundaries that passengers have come to expect.

Recommendation 17

I do not believe the case has been made for the mandatory enforcement of CCTV in all taxis and PHVs. I support the aims of this recommendation, CCTV will be helpful for the prevention and conviction of crime involving taxi and PHV journeys.

However, I believe that local authorities should have the autonomy to decide on whether or not mandatory CCTV is required for the area in which they cover. I also remain concerned about the financial implications for drivers and small PHV companies who will bear the cost for installation, maintenance and recording of the footage in a data compliant manner.

I do believe the case has been made for drivers or companies choosing to have CCTV. This could form part of proposals for drivers to choose to license themselves at a higher level for passenger safety. A suggestion would be that if drivers choose to have CCTV installed, and license themselves at a higher level, this could allow them to operate across different LA boundaries other than the one they are licensed in.

I hope the government give careful consideration to the recommendations in this report. I believe there is a need to modernise the legislation governing the taxi and PHV industry and there are many sound proposals within this report that should be acted upon.

I would like to register my thanks to Professor Abdel-Haq and the team at the Department for Transport who have worked very hard to pull together this excellent report. I am also grateful to the other working group members who have contributed to a lively and informed debate.

Steve McNamara

General Secretary, Licensed Taxi Drivers' Association

The Licensed Taxi Drivers' Association agrees with the need to stop some drivers, particularly PHV drivers working through apps, from working excessively. However, we are concerned that the proposed measures set out in this report, especially the installation of tachographs, are neither practical nor proportionate and will prove to be very costly for both regulators and drivers.

For those PHV drivers who use apps for all their business it would be relatively easy to introduce restrictions on how long they are logged into the app. However, it would be much harder to regulate the hours of taxi drivers. The installation of tachographs has previously been discussed to try and control the hours of taxi drivers but each time the relevant regulator has deemed it an excessive measure, as well as intrusive and costly.

The best way to tackle excessive driving hours is to remove the need for drivers to work these hours in order to make ends meet. The LTDA believes that if all PHV operators paid their drivers at least the national minimum wage the hours those drivers feel the need to work would fall substantially.

Mick Rix

National Officer for Transport and Distribution, GMB union

The report attempts to address in a number of key areas enhanced public safety provisions with national minimum standards.

The issues around cross border working, plying for hire are issues which have blighted the trade for a number of years. The report recommendations are serious attempt to address these concerns and tackle head on what is a serious problem.

The recommendations on workers rights being placed into license conditions for operators if adopted will be another nail in the coffin for those who seek to exploit drivers for their own gain.

GMB urges the report recommendations to be adopted by our law makers and that legislation should be brought forward as quickly as possible.

Finally I would like to thank our Chair, who along with his good humour and humility, kept everyone focussed. It was a pleasure to work with him.

Donna Short

Director, National Private Hire and Taxi Association

Firstly I would like to echo the sentiments of every member of this group and commend the Chair of the group, Professor Mohammed Abdel-Haq, for a very comprehensive, detailed and easy to read report to the Minister. It is my belief that the report reflects accurately and succinctly the thoughts and views of the majority of the group's members on most of the points raised during the meetings held over the past few months.

This has been an arduous task, given the complexity of existing taxi and private hire legislation – and its archaic and user-unfriendly state, which was the prime motivation for Transport Minister John Hayes MP to have set up the group in the first place. In that regard I would also wish to thank the officers of the Department for Transport for their administrative support and input into the production of the report, and indeed the entire process of hosting and overseeing all the group meetings.

There is no need for me to put down each recommendation and comment on all of them, as in reality I am in agreement with most of the recommendations. What is most important is for the Minister to consider each of the recommendations' aims and goals, and whether they would pass the test of "Is this really what Parliament intends if/when they revise the legislation?"

This presupposes that the current Minister will approve and "sign off" the report at the earliest possible opportunity, so that Government can start work on those recommendations that may be activated immediately without having to depend upon new primary legislation - which we have all been advised would not be feasible for this industry during the current session of Parliament.

May I give a huge personal thumbs-up to **Recommendations 17/18** (CCTV in all licensed vehicles, with a funding boost; the debate is as to voluntary or mandatory) and Recommendation 26 (the training of council officers and emphatically, Councillors on licensing committees).

There are some recommendations however which will certainly be more controversial than others; none more so than **Recommendation 11** concerning all journeys – both taxi and private hire – having to start and/or finish within the area in which all three elements (driver, vehicle and operator) are licensed.

Given that there would be concessions made for certain segments of the industry, this only slightly eases the blow of what would otherwise cause a serious restraint of trade. In my opinion such a fundamental ring-fencing of licensing restriction would stifle competition, stunt the growth of some of the larger companies and conglomerates, and possibly put some of the smaller private hire operations out of business.

In practical terms, hundreds of operations that depend almost entirely on airport transfers (these operations are not exclusively chauffeur/executive, but often cater for a mix of upmarket and "ordinary" private hire passengers), would be severely hampered in particular, as often their drivers are dispatched to pick up or drop off regular customers at any of the major airports from, say, the driver's own home without having set foot in his licensing area during that journey.

Above all, there could be severe risks posed to public safety, as the recommended ABBA [that all taxi and PHV journeys should start and/or end within the area for

which the driver, vehicle and operator are licensed] restriction limits customer choice to the extent that some passengers may end up stranded, often late at night, merely because their potential transport has the wrong plate on the vehicle. This cannot be right, nor in the best interests of the travelling public.

We understand that the practice of many drivers and operators at the present time of working entirely remotely from their own licensing district is not what Parliament intended in any existing legislation; nor is it safe for the public in all its ramifications; nor is it anything but damaging to bona fide firms that “do it right”. There must be some way to curtail this pandemic abuse of licensing practice; however I do not believe that Recommendation 11 is the way to accomplish this.

Unfortunately any potential alternatives are scuppered by two recent pieces of case law: that of **Skyline Taxis v Milton Keynes Council** from November 2017 (where the necessity of a “physical presence” of a private hire operator base in each district was discarded), and **Knowsley MBC v Delta and Uber** from March 2018 (which rules out the concept of “intended use policy” for private hire). This entire topic requires intense investigation.

The other recommendation which seems to have caused a great deal of controversy is **Recommendation 8**: to set a cap on the number of private hire vehicles. At present there are entirely too many licensed vehicles now in operation, and this on the surface has caused severe competition, longer drivers’ hours, congestion and air quality issues.

However, it is my view that a cap on private hire numbers at this time is a “closing the stable door after the horse has bolted” scenario: it is too late to have the desired effect of correcting the above problems, as numbers have already skyrocketed and the vehicles that are currently licensed cannot be taken off the road purely on numerical grounds.

There is still a perceived need for more drivers and vehicles in some districts, whilst there is an over-supply in others. To limit PHV numbers across the board would possibly endanger passengers in those areas where supply is short, to the extent that those passengers could seek transport in unlicensed vehicles, drive their own vehicle when over the alcohol limit, or even attempt to walk to their destination and put themselves at risk on the street during night time hours.

If national standards are brought in at the level whereby (a) licence-shopping outside the district becomes less attractive; (b) reciprocal implementation of authority by officers allows for stricter enforcement across borders; and (c) the standards for both drivers and vehicles preclude volumes of casual licensing of substandard vehicles, these factors in themselves would limit further numbers of licensed vehicles flooding the market.

It is my belief that market forces will prevail without an artificial ceiling; supply and demand of PHVs must be allowed to continue in the name of fair competition and public safety.

As for driver training (**Recommendation 25**), this is an area that needs serious consideration: there is no longer a Sector Skills Council to sanction and implement future training programmes; there is no longer a current structure of updated BTEC (underpinning knowledge) and NVQ (assessment) that could be applied nationally; and crucially there is little funding in place to assist applicants to gain this very important and necessary training. The situation needs careful examination, new funding sources and constructive reform as soon as possible.

Within **Recommendation 30** (wheelchair accessible vehicle provision) the most important criterion must be clarity: it must be stressed that the Government position favours a mixed fleet of both saloon and wheelchair taxis. If it is not possible to have a set percentage of WAVs agreed across the entire country, then there must be another way to provide such provision without making WAVs compulsory across the entire taxi fleet in any one district. This policy is discriminatory against ambulant disabled passengers: arthritics, stroke victims, partially blind passengers, as they often have great difficulty getting into and out of WAVs.

There are perceived practical difficulties in implementing **Recommendation 34**, the restriction of taxi and PHV drivers' hours. Government will have to come up with an alternative to tachographs in every licensed vehicle, which is the current method of tracking drivers' hours in the bus, coach and logistics industries.

My only concern in respect of a possible omission within the recommendations is any mention of medical standards for drivers. I appreciate that this may fall under the category of "fit and proper" (which still needs defining); however in our experience the DVLA Group 2 criteria for medical fitness to drive are not being adhered to, either in terms of the exam itself or its correct frequency of intervals, by far too many licensing authorities. This poses a serious risk to the travelling public, and should be addressed with some urgency.

The motto, credo and remit of this Association from its inception has always been "to raise standards in the trade, both actual and as perceived by the public". The view of members of the group, and indeed the report itself, mirror(s) those desires and sentiments, and it has been an honour and a privilege for me to have been chosen and to have taken part in the group meetings and discussions.

Time is of the essence if this industry is to be rescued from its current state of chaotic lack of coherence and direction. I cannot emphasise strongly enough that this report encapsulates and addresses in great detail and insight the difficulties currently at hand, and – unlike previous attempts at reforming the industry - it must be acted upon with alacrity and determination.

Steve Wright MBE

Chairman, Licensed Private Hire Car Association

The views below are based on known policy and positions of LPHCA members alongside the discretionary judgement I am constitutionally afforded as LPHCA Chairman.

Given there were so many different and interested parties providing input, I feel the quality of the Report and the proposal outcomes, are in the main excellent and I'd like to congratulate and commend the Chair, DfT Officials and Group Colleagues for the hard work, professionalism and spirit of collaboration, widely shown.

Inevitably there are a few areas of non-agreement and unless referenced below, the LPHCA fully endorses the proposals and more generally the superb quality of the report.

Recommendation 8

We cannot agree with recommendation 8 because it is, in our view, anti-competitive, protectionist, un-environmentally friendly and safety compromising, furthermore it would be extremely costly, as well as difficult to enforce and regulate.

We do not accept that the proposal should help authorities to solve challenges around congestion, air quality and parking, which can be resolved outside of Taxi & PHV licensing. Nor do we accept that it would ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions, which again is a matter that in our view is wholly outside of Taxi & PHV licensing.

This proposal, if adopted, could bring about shortage of supply and make it very difficult for hire and replacement vehicle companies to operate. This in turn could leave consumers at risk of being stranded because of volatile and unpredictable demand factors, such as the weather and seasonal demands (e.g. during, Diwali, Christmas & New Year periods).

This proposal also lacks any tangible safety benefits and in our view, it would compromise rather than enhance safety.

Recommendation 11

We cannot agree with recommendation 11 because it is anti-competitive, protectionist, un-environmentally friendly and safety compromising, furthermore it would be extremely costly, as well as difficult to enforce and regulate. It would also increase dead mileage, make the industry far less efficient, increase costs and potentially lead to demand outstripping supply, which has serious safety implications.

The notion that Operators could hold multiple licenses is unsound, unnecessary and cost-prohibitive. Some operators would need to hold scores and possibly hundreds of licenses to operate as they do now, the cost and administrative burden would take the Private Hire Industry into an area that we believe has no place in a modern economy.

This proposal, in our view, is also out of kilter with the Law Commission's recommendations, government policy and fair, progressive competition. It will be, without doubt, vehemently opposed by the Private Hire Industry and will badly let down consumers if taken forward. National standards, compliance and enforcement proposed by the Chair elsewhere will eradicate many of the current inhibiting factors

on Local Authorities to deliver 'fit for purpose' regulations, without such inhibitive measures.

This proposal looks to be borne out of so called 'Cross-Border hiring', something which has always been undertaken by PHVs without problem until the arrival of large 'App-Only' companies whose drivers show themselves publicly outside of the area they are licensed in.

The proposal, as drafted, would not solve 'Out of area working' as the entities that have caused this anomaly, will simply licence in every licensing authority, which will be beyond the scope of the vast majority of PHV operators in England.

A viable solution may be to only allow pre-booked and corporate journeys to be undertaken out of area, with PHV drivers only able to show their position / availability in the area they are licensed in.

This could be enshrined in the future definition of Plying for Hire recommended elsewhere, by establishing a clear distinction between Public and Private Hiring of PHV's and Taxis.

The notion that specialist services such as chauffeur and disability transport services could continue to operate cross border under exemption is problematic as defining what a chauffeur is would be difficult.

Nearly every PHV carries elderly, disabled, special needs and vulnerable passengers and many PHVs are not specialist vehicles, but nevertheless they are the preferred mode of door-to-door transport for such passengers. This proposal would have a negative impact on such passengers.

We therefore cannot endorse the proposal and point out there are far better ways to deal with 'cross-border' / 'out of area operation'. We believe safety would in fact, be compromised, rather than improved.

Recommendation 12

We agree that Licensing Authorities should ensure that their licensing administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

We must however ensure that such fees are proportionate, distributed appropriately and set at reasonable levels. Such fees should also be applicable to taxi & PHV drivers and operators and not have commercially inhibiting factors in the fees structure.

Recommendation 17

We accept that CCTV has a great role to play regarding both passengers and driver safety. We have undertaken research with consumers, operators and drivers on both the merits and issues that CCTV can bring.

We accept 'in principle' the spirit of what is being sought by way of safety, but personal privacy, uncertainty of costs, who has access to the data and how this would affect entities that provide hire-cars for drivers when either broken down or following an accident are significant issues.

We therefore cannot agree with mandating CCTV across the board and would like government to undertake a full-blown regulatory impact assessment and have considerable dialogue with trade representatives and others, so we can get the right balance for CCTV to go forward in a viable way.

Recommendation 28

We agree that Licensing Authorities must require that all drivers are able to communicate in English orally and in writing to a standard that is required to fulfil their duties, including in emergency and other challenging situations.

A problem area however comes within any written element, which in our view in London has been set way above the standard that is required for a PHV driver to fulfil their duties. We would like a fixed national standard of English to be in place that enshrines an oral test, the ability to plan a route and use an atlas & satnav. Good tests are already available and in use by some Local Authorities.

The level needed for written English is low because the only writing that most taxi or PHV drivers will need to do in the course of work is to write out a receipt. Since the introduction of English Language testing in London, there have been legal challenges, trade protests, heavily signed petitions, alongside the changing of requirements and implementation dates.

Proposed exemptions have been dropped and a great deal of hardship, unnecessary stress and cost has also been the consequence, alongside serious unresolved issues for dyslexic drivers. The British Dyslexia Association are in contact with TfL and the LPHCA on very real problems that the written element is causing.

TfL's current English Language requirements has caused the Mayor of London to have two meetings with Trade Representatives to date. The requirement date has been moved back several times (now to 30th April 2019) and the Mayor has stated that further dialogue could be needed in 2019 to get things right.

As well as the above, taxi drivers in London are exempted, whilst PHV drivers are not, which is something we are looking at on the basis of equality and discrimination. It is also very questionable why someone who has been working in the PHV industry for many years needs to be retrospectively tested for their English.

It should be remembered that every PHV driver in London has passed a driving test and for many years all PHV drivers have undertaken a TfL approved topographical assessment.

We propose that an agreed pan-England standard of assessment is needed, rather than every Local Authority doing its own thing, at differing costs and standards.

Recommendation 30

We are very supportive of measures that improve disabled vehicle provision but around 90% of disabled passengers are not wheelchair bound and rely on normal PHVs for their transport, with many actually preferring non-wheelchair accessible vehicles.

Mandating fleet quotas would bring considerable problems for PHV Operators as well as many drivers who are majoritively self-employed and now move between fleets. We would therefore like government to facilitate dialogue with PHV trade representatives and disabled groups like the Disabled Persons Transport Advisory Committee (DPTAC) to discuss how Private Hire can play a greater role in providing appropriate vehicles.

SUMMARY

The LPHCA believes that following the Law Commission Review and Professor Mohammed Abdel-Haq's excellent report, a number of these recommendations could

be brought in fairly quickly as there appears to be wide ranging consensus on key areas.

We also feel that for certain recommendations like English Language, enhanced DBS and barred lists checks, use of the National Anti-Fraud Network (NAFN) database, etc., that an absolute standard should be put in place. This would ensure that inconsistency, which has traditionally been the root cause of licensing problems, is eradicated.

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.

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 explain your answer.

REFERENCE WP053

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.

--

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.

--

REFERENCE WP053

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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.

--

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)

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 WP053

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 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 WP053

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?

--

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

--

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.

--

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.

This will ensure that there is a minimum standard across all Taxi's and Private Hire Vehicles operating throughout Wales. It is noted that this is a minimum standard which permits higher standards set locally if required.

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

The Consultation document focuses mainly on National Standards for Vehicles. It should cover, Vehicles, Drivers, Operators, and Dispatchers. An example of Standards we would like to see contained are:-
National Vehicle Inspection Standards
Low Emissions Requirement for Vehicles
Age Policy for vehicles on first time of licensing. (Wheelchair accessible Vehicles with different age policy to encourage uptake).
List of Approved Vehicles
CCTV Requirement for vehicles
Driver Training Qualification Requirement (Including Safeguarding and Disability Awareness)
Enhanced DBS and Barring Checks
Certificate of Good Conduct for overseas applicants or for those applicants who have lived abroad.
Immigration Checks
Standardised Knowledge Tests with additional local area requirement

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

The vehicle signage and Colour should be set locally. This would allow authorities to continue with any local initiatives to promote public protection.
The Tariffs should be set locally based on the local economy.

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

REFERENCE WP053

This would depend at what level the standard is set.

If the standard is set too high then the trade may struggle to reach this standard. This could result in additional costs to the trade, which may then result in more unlicensed activity.

Consideration should be given as to how the National Standards are introduced and phased in. This could have a significant effect on Licence Holders who may have invested in a long term finance agreement for their vehicles which may not satisfy the national standard.

A large number of the trade in this area solely work on school contracts as a result of the removal of the contract exemption.

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

A technical advisory panel should be set up to consult on these standards with consultation with the taxi trade and local authorities undertaken.

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

It is important that the national standards are set at a level that is acceptable to both the Local Authority and Taxi Trade. These should form the baseline for the Licensing of Vehicles and Drivers. They should be set in a way that allows each local authority the capacity to introduce higher standards if required based on the local needs in the area. There was no reference in the consultation in relation to Tariff setting and Licence Fees.

REFERENCE WP053

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.

The revocation of a Vehicle Licence should be the responsibility of the Home Licensing Authority. All Licensing Officers should be able to check any taxis / PHV's that are operating in their area. This will help safeguard the public and ensure that all taxi's / PHV's are dealt with in the same way no matter where they are licensed. Cross-border enforcement powers should only extend to the suspension of a vehicle if it is deemed to be un-roadworthy. The revocation of a licence should be dealt with by the authority that issued the licence. The enforcement officer should refer their findings back to the home authority of where the vehicle and driver is licensed, and it should be up to that authority to follow up the matter.

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.

Enforcement Officers should be able to issue Notices/Warnings/Fixed Penalties to any licensed vehicle operating in its area should any breaches of legislation or the national standards be found. Officers should then notify the Home authority of the vehicle of their findings.

This would ensure that any licensed vehicle operating in an area would be subject to the same checks and enforcement sanctions no matter where the vehicle is licensed. This would ensure that standards are kept to a certain level across each authority

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

REFERENCE WP053

It would be advantageous to have a national fixed penalty scheme to deal with certain offences. There should be a set list of offences that are punishable by fixed penalty and this list should be accompanied by guidance to officers. This would ensure that all licensing authorities deal with that particular offence in the same way.

Consideration should be given to giving Licensing Officers the power to stop Licensed vehicles.

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.

A National Database would assist Licensing Authorities when determining applications for drivers/Operators who may have been refused a licence or revoked in a different authority.

Currently Welsh Local Authorities are implementing the use of the NAFN (National Register of Taxi Licence Revocations & Refusals) (NR3). This database will provide details of any driver who has had a licence refused or revoked by a Local Authority.

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

Common Law Police Disclosure provisions have not been covered in this consultation. Consideration should be given to reviewing the current Disclosure provisions to ensure that all relevant information regarding taxi drivers being arrested, charged and convicted, is shared with the licensing authority immediately.

A national information sharing protocol for taxi Licensing would be beneficial.

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 WP053

Please explain your answer.

We do not agree to the proposal to redirect all of the existing taxi and PHV licensing functions away from Local Authorities. There was no details provided in relation to the National Licensing Authority (Option A) and without any further detail on how it is proposed to run and administer a National Licensing Authority, it is very difficult to comment.

We feel that Public Protection is of paramount importance and that the introduction of a National Licensing Authority would have a detrimental effect on the Public and Licence Trade. The differing demand for taxi and private hire services across Wales would see local considerations and initiatives lost. There would be extra costs incurred by the trade, the local knowledge, intelligence and expertise of local officers would be lost, and unlicensed activity would increase should a National Licensing Authority be created. Parochialism would be lost if JTA created.

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 strongly feel that the Local Authority should retain the responsibility for taxi and PHV Licensing (Option B) as one size does not fit all.

Taxi and Private Hire Services are currently administered by 22 local authorities in Wales covering a mix of rural and urban areas. Each authority takes into account the very different local needs and initiatives when dealing with Licence Conditions/Fares and Fees. This was a matter accepted throughout the Law Commissions proposals that the deregulation of taxi and private hire provisions would remain local despite the potential introduction of minimum or mandatory standards.

We fully support the introduction of agreed National Standard's (Option B), and feel that this would strengthen the already good work being undertaken at local level by Local Authorities in Wales.

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

We feel that insufficient details have been provided in the White Paper. This has resulted in it being difficult for Local Authorities to Comment fully. There are no details on what the National Standards would be, or how the JTA would undertake the Licensing function.

REFERENCE WP053

It is agreed that the legislation being used is archaic and reform is required. Previous pieces of work have been carried out to potentially modernise the Licensing function but appear to have been disregarded when drafting up this consultation.

These pieces of work were the Law Commission “Reforming the Law of Taxi and Private Hire Services (2012)”, and the Welsh Government Paper “Taxi and Private Hire Vehicle Licencing in Wales (WG31865).

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.

This authority is a bilingual authority and fully supports the Welsh language policy.

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.

REFERENCE WP053

Q36a. 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. It is also felt that should a JTA be formed, then it must be located in a Welsh Speaking Area.

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:

Again we would reiterate our previous comments in that we feel that insufficient details have been provided in the White Paper. This has resulted in it being difficult for Local Authorities to Comment fully. There are no details on what the National Standards would be, or how the JTA would undertake the Licensing function or where the JTA would be based.

REFERENCE WP054

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

REFERENCE WP055

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.

Buses can run into multiple local authority areas

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

We think that option 2 is the better option as it is more applicable to the areas concerned.

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

No.

REFERENCE WP055

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 this is not a beneficial proposal

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?

Yes, we believe that Ministers should have powers to intervene.

Proposed JTA Functions in relation to buses

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

Yes.

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

Connections between rail and bus services, particularly where one is not as frequent.

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.

We believe that this would help improve and develop services in an area

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.

We believe that there is a lack of information regarding services and these EQPs could help to improve 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.

We believe that this gives an opportunity to improve local bus services.

REFERENCE WP055

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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.

We believe that this is unnecessary and expensive. Research has already been conducted.

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

No

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 are unable to 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?

Yes	
No	

Please explain your answer.

We believe that SMEs should have the flexibility to run local bus 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?

Bus services should be maintained throughout the transition period.

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, provided that they are able to provide a good service at no extra cost.

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

If they can improve the service, or to provide services that commercial bus operators are unwilling or unable to provide.

REFERENCE WP055

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 believe that there should be legislation to prevent services being axed by the operator.

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

Yes. There are already some in existence in various areas.

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

We are unsure about this question.

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?

We are unsure about this question.

REFERENCE WP055

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?

No. We believe that bus passes for both men and women over 60 should be issued based on a person's income.

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

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	
No	

Please explain your answer.

We believe that up to date relevant information should be easily accessible. This is very important for people to take advantage of services available to them.

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.

We believe that accurate and up to date information is available to the local authorities to make available to the public.

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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.

There should be nation standards.

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

We are unable to answer this question.
--

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

We are unable to answer this question.
--

REFERENCE WP055

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

We are unable to answer this question.

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

We are unable to answer this question.

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

We are unable to answer this question.

REFERENCE WP055

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.

We agree with this proposal that the LA that issued the licence is informed.

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 agree with this proposal that the LA that issued the licence is informed.

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

We believe that all authorities operate under common rules.

REFERENCE WP055

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.

We agree with this and feel that this is most important.

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	

Please explain your answer.

We believe that this should be administered by local authorities, however a national database should be created and accessible to all local authorities for their information.

REFERENCE WP055

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 believe that this should be administered by local authorities, however a national database should be created and accessible to all local authorities for their information.

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

REFERENCE WP055

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.

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:

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.

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 explain your answer.

REFERENCE WP056

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.

--

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.

--

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.

--

REFERENCE WP056

--

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.

--

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)

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 WP056

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 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 WP056

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?

--

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

--

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.

--

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.

--

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.

This will ensure that there is a minimum standard across all Taxi's and Private Hire Vehicles operating throughout Wales.

It is noted that this is a minimum standard which permits higher standards set locally if required as is operated within our County at Present

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

The Consultation document focuses mainly on National Standards for Vehicles. It should cover, Vehicles, Drivers, Operators, and Dispatchers. An example of Standards we would like to see contained are:-

National Vehicle Inspection Standards

Low Emissions Requirement for Vehicles

Age Policy for vehicles on first time of licensing. (Wheelchair accessible Vehicles with different age policy to encourage uptake, and compliance with the Equalities Act).

List of Approved Vehicles

CCTV Requirement for vehicles

Driver Training Qualification Requirement (Including Safeguarding and Disability Awareness)

Enhanced DBS and Barring Checks

Certificate of Good Conduct for overseas applicants or for those applicants who have lived abroad.

Immigration Checks

Standardised Knowledge Tests with additional local area requirement

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

The vehicle signage and Colour should be set locally. This would allow authorities to continue with any local initiatives to promote public protection.

The Tariffs should be set locally based on the local economy.

REFERENCE WP056

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

This would depend at what level the standard is set.

If the standard is set too high then the trade may struggle to reach this standard. This could result in additional costs to the trade, which may then result in more unlicensed activity.

Consideration should be given as to how the National Standards are introduced and phased in. This could have a significant effect on Licence Holders who may have invested in a long term finance agreement for their vehicles which may not satisfy the national standard.

A large number of the trade in this area solely work on school contracts as a result of the removal of the contract exemption.

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

A technical advisory panel should be set up to consult on these standards with consultation with the taxi trade and local authorities undertaken.

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

It is important that the national standards are set at a level that is acceptable to both the Local Authority and Taxi Trade. These should form the baseline for the Licensing of Vehicles and Drivers. They should be set in a way that allows each local authority the capacity to introduce higher standards if required based on the local needs in the area.

There was no reference in the consultation in relation to Tariff setting and Licence Fees.

REFERENCE WP056

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.

The revocation of a Vehicle Licence should be the responsibility of the Home Licensing Authority.

All Licensing Officers should be able to check any taxis / PHV's that are operating in their area. This will help safeguard the public and ensure that all taxi's / PHV's are dealt with in the same way no matter where they are licensed.

Cross-border enforcement powers should only extend to the suspension of a vehicle if it is deemed to be un-roadworthy. The revocation of a licence should be dealt with by the authority that issued the licence. The enforcement officer should refer their findings back to the home authority of where the vehicle and driver is licensed, and it should be up to that authority to follow up the matter.

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.

Enforcement Officers should be able to issue Notices/Warnings/Fixed Penalties to any licensed vehicle operating in its area should any breaches of legislation or the national standards be found. Officers should then notify the Home authority of the vehicle of their findings.

This would ensure that any licensed vehicle operating in an area would be subject to the same checks and enforcement sanctions no matter where the vehicle is licensed. This would ensure that standards are kept to a certain level across each authority.

REFERENCE WP056

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

It would be advantageous to have a national fixed penalty scheme to deal with certain offences. There should be a set list of offences that are punishable by fixed penalty and this list should be accompanied by guidance to officers. This would ensure that all licensing authorities deal with that particular offence in the same way.

Consideration should be given to giving Licensing Officers the power to stop Licensed vehicles.

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

Please explain your answer.

A National Database would assist Licensing Authorities when determining applications for drivers/Operators who may have been refused a licence or revoked in a different authority.

Currently Welsh Local Authorities are implementing the use of the NAFN (National Register of Taxi Licence Revocations & Refusals) (NR3). This database will provide details of any driver who has had a licence refused or revoked by a Local Authority.

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

Common Law Police Disclosure provisions have not been covered in this consultation. Consideration should be given to reviewing the current Disclosure provisions to ensure that all relevant information regarding taxi drivers being arrested, charged and convicted, is shared with the licensing authority immediately. All Local Authorities in Wales require Police Licensing Liaison Officers to input into the licence process as is practiced in Carmarthenshire.

An all Wales information sharing protocol for taxi licensing would be a fundamental way forward.

REFERENCE WP056

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 agree to the proposal to redirect all of the existing taxi and PHV licensing functions away from Local Authorities. There was no details provided in relation to the National Licensing Authority (Option A) and without any further detail on how it is proposed to run and administer a National Licensing Authority, it is very difficult to comment.

We feel that Public Protection is of paramount importance and that the introduction of a National Licensing Authority would have a detrimental effect on the Public and Licence Trade. The differing demand for taxi and private hire services across Wales would see local considerations and initiatives lost. There would be extra costs incurred by the trade, the local knowledge, intelligence and expertise of local officers would be lost, and unlicensed activity would increase should a National Licensing Authority be created. Parochialism would be lost if JTA created.

By keeping the licensing function with Local Authorities would avoid duplication, and reduce the burden on businesses.

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 strongly feel that the Local Authority should retain the responsibility for taxi and PHV Licensing (Option B) as one size does not fit all.

Taxi and Private Hire Services are currently administered by 22 local authorities in Wales covering a mix of rural and urban areas. Each authority takes into account the very different local needs and initiatives when dealing with Licence Conditions/Fares and Fees. This was a matter accepted throughout the Law Commissions proposals that the deregulation of taxi and private hire provisions would remain local despite the potential introduction of minimum or mandatory standards.

We fully support the introduction of agreed National Standard's (Option B), and feel that this would strengthen the already good work being undertaken at local level by Local Authorities in Wales as previously mentioned.

REFERENCE WP056

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

We feel that insufficient details have been provided in the White Paper. This has resulted in it being difficult for Local Authorities to Comment fully. There are no details on what the National Standards would be, or how the JTA would undertake the Licensing function.

It is agreed that the legislation being used is archaic and reform is required. Previous pieces of work have been carried out to potentially modernise the Licensing function but appear to have been disregarded when drafting up this consultation.

These pieces of work were the Law Commission “Reforming the Law of Taxi and Private Hire Services (2012)”, and the Welsh Government Paper “Taxi and Private Hire Vehicle Licencing in Wales (WG31865).

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.

This authority is a bilingual authority and fully supports the Welsh language policy.

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.

REFERENCE WP056

Q36a. 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. It is also felt that should a JTA be formed, then it must be located in a Welsh Speaking Area.

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:

Again we would reiterate our previous comments in that we feel that insufficient details have been provided in the White Paper. This has resulted in it being difficult for Local Authorities to Comment fully. There are no details on what the National Standards would be, or how the JTA would undertake the Licensing function or where the JTA would be based.



HOUSE OF COMMONS
LONDON SW1A 0AA

Welsh Government
Cathays Park
Cardiff
CF10 3NQ.

9 January 2019

Re: Consultation on improving public transport

To whom it may concern,

I am writing in my capacity as Member of Parliament for Torfaen to enter a submission for the Welsh Government's consultation on improving public transport.

I would like to draw the consultation's attention to the issues highlighted by the research conducted by the Guide Dogs for the Blind Association. According to their research, businesses that closed their doors to assistance dog owners included shops, supermarkets, gyms, campsites, places of worship, public transport, taxis and minicabs, pubs and hotels.

In these circumstances, I ask for consideration for measures to tackle this, including disability equality training where appropriate.

I would appreciate if you would accept the aforementioned as a submission for the consultation's consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Thomas-Symonds'.

Nick Thomas-Symonds MP

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.

Community Transport routes do not sometimes fit within local authority boundaries. We have experience of different LA approaches to support for community transport services.

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

Single National JTA – might give more consistent support for CT across Wales, as current approaches vary greatly across local authorities. We have personal experience of this particularly as we are on the border of 3 counties.

National JTA and three regional authorities – practical support for community transport sits better at a more local level. We are lucky in Pembrokeshire we have PACTO – (Pembrokeshire Association of Community Transport Organisations) who promote, support and help develop the CT sector in Pembrokeshire and has been a very successful approach.

As a CT organisation we need good support and people to work with us – we would be worried about any loss of CT support being lost in the move to JTA's.

Would the three regional authorities be South Wales, Mid and West Wales and North Wales?

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

Please explain your answer.

REFERENCE WP058

Need to look at health board areas as we believe this is important.
Our CT organisation would welcome the old Dyfed area for Carmarthenshire, Pembrokeshire and Ceredigion.

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?

Makes sense for the minister to be represented on the National JTA – not sure about regional.

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?

Someone needs to make sure they are doing it correctly and call them into account if things aren't going right.

Proposed JTA Functions in relation to buses

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

Integrated Demand Responsive travel system implementation and management – needs to be done at a local level. We have experience in this and have benefitted from doing our own management of service schedules.
It would work with some of the services but not CT ones.

REFERENCE WP058

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

What about support for us Community Transport Operators?

What about purchasing of new vehicles?

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.

I really don't know. CTA UK probably has more knowledge.

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.

Community transport operators have a huge wealth of knowledge regarding local needs. Passengers and communities need to be involved in the process much earlier than is suggested on P25.

Community Transport operators should be included in the review – especially those of us operating under S22 permits. CT operators often serve the unmet transport needs due to gaps in the current public transport network.

So long as funding is available to help CT's with this as they have limited income that is spent on trying to keep the transport going for the passengers.

Franchising

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

Yes	
No	

REFERENCE WP058

Please explain your answer.

Time and funding restraints for CT organisations for such things as tendering processes could mean they wouldn't tender for services. CT fills those gaps that bus companies cannot fill.
For instance we would not go for a contract that is more suited to the bigger bus companies – contracts go against the ethos of Community Transport and against our permits.

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.

There should be open consultation.

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 we be affected? We currently run under S22 permits and do not have any

REFERENCE WP058

contracts as that goes against the whole remit of these permits.

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.

Could be implications for us particularly if Integrated responsive transport is part of a franchise or if a total transport approach is taken. I think this could possibly see the end of community transport and I would be really worried about 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?

Timing needs to be looked at.

Local authority bus services

REFERENCE WP058

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

In the right circumstances

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

School transport and special educational needs possibly and no other avenue is 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?

Been having these discussions with CTA in the light of the S19 and S22 challenges.

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

This sounds just like how we were set up many years ago with the LA not being able to supply suitable services.

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

Only where there is no CT organisation the LA could work with.

Q17b. What, if any, safeguards do you think should be put in place with arms length

REFERENCE WP058

bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

Same as 16b

REFERENCE WP058

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 but disabled people should still be able to get them whatever their age.

Operators need to be able to claim back a full fare and not a percentage of a fare as happens at present. Charges cannot be made to recoup the loss from passengers most of whom would be prepared to pay a small fare to go towards their concessionary fare.

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

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.

It would be good to know what others are doing and we don't mind sharing what we do. It makes sense.

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 presumably would enable other companies/organisations see what was being

REFERENCE WP058

charged for before and what the income/expenditure was and whether they can do it any different.

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.

Have to make sure that the standards are appropriate for more remote rural areas and do not have the unintended consequence of reducing availability of taxis/phvs in the rural areas.

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

Disability awareness, wheelchair loading and securing, supporting passengers with additional needs.

Try and encourage or make requirements for larger operators to have proportions of wheelchair accessible vehicles including in the rural areas.

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

Need to make sure any of these do not mean a loss of taxi/phv operators in rural areas.

REFERENCE WP058

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

Costs

Who would approve the training schemes? Perhaps look at CPC and make it more fit for purpose across all aspects.

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

Make sure users and those representing more vulnerable users are consulted. We as a CT operator have insight into issues people have had with existing taxis and phv operators – especially disabled and elderly/vulnerable passengers.

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

REFERENCE WP058

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.

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.

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

REFERENCE WP058

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.

Makes sense. Would save time and money.

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	x

Please explain your answer.

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.

Local would be best

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

REFERENCE WP058

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.

If it is insisted that everything needs to be bilingual then funding and resources need to be provided in order to do this. Language has never been an issue in our organisation and we have always tried to accommodate for people's needs regarding language.

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

Funding would be an issue as we wouldn't be able to translate anything in house and funds are not readily available to do this. Currently the LA help us with any of these issues

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:

REFERENCE WP058

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REFERENCE WP059

Dear Sir/Madam, whatever you do, please, please, please, please, please, I beg you, DO NOT RAISE THE ELIGIBILITY AGE FOR A BUS PASS IN WALES. I am 56 and hope to be 57 in July and think it is GROTESQUELY UNFAIR that a friend of mine who'll turn 60 this year will get a bus pass in 2019, whereas I, according to these ridiculously unfair proposals, would have to wait another 8, 9 or even 10 years in spite of only being 3 years younger!!!!

How can that possibly be fair? Why should people be penalised for being born in the 1960s?

How can you possibly even think of doing something so unfair by taking away something, which might be the only positive thing they have to look forward to, as in my case, from people my age only because they had the misfortune to be born in the 60s rather than the 50s or earlier? I say "taking away from" rather than "making wait longer" because there is a good chance I and many others won't reach 65; there is, of course, no guarantee, that we'll reach 60 either, but at least the odds are slightly better. I know several people who died in their 50s in spite of this rubbish you hear about people living longer.

You may think it's rather pitiful that a person of my age would say that receiving a bus pass at 60 is the only positive thing he has to look forward to, but what else is guaranteed for people my age but grief as they say see their parents sickening and dying, loneliness, a greatly chance of developing cancer or suffering strokes or heart disease or any number of other horrendous illnesses, and one's own decay and death, while retirement is still too far away (67!!!! thanks to the Westminster Government) to be looked forward to with any degree of confidence.

I have heard of surveys saying that one's 50s are the time when one is at one's happiest-complete and utter drivel for the reasons I outlined in the previous paragraph-I can't think who they interviewed to reach such an absurd conclusion. I have had a particularly horrific time since reaching 50, since my father became ill and died and I am now extremely concerned about my mother's health-quite frankly, if I do get to 60, I feel I deserve something just for getting through this and not slashing my wrists or taking an overdose in despair, but I'm sure many people my age have had similar experiences-all the more reason for not penalising people who were born in the early 60s and are now approaching 60.

So please leave me and people like me with something to look forward to-that isn't too many years away. Getting a free bus pass at 60 may seem trifling and insignificant to people like yourself, but it is the only thing I and others my age like me have to look forward to rather than dread. Very sad but what other good things are guaranteed to come at my age? Plenty of bad things are guaranteed though, as I pointed out.

PLEASE, PLEASE, whatever you do, KEEP THE AGE FOR A FREE BUS PASS IN WALES AT 60!!!!

I will come to Cardiff and beg you on my hands and knees if it'll do any good, don't take away the only thing I hope (as there's a fair chance I won't get to 60) I have to look forward to, DO NOT RAISE THE ELIGIBILITY AGE FOR A BUS PASS IN WALES,

A. Richards

REFERENCE WP060

Dear Sir/Madam, whatever you do, please, please, please, please, please, I beg you, DO NOT RAISE THE ELIGIBILITY AGE FOR A BUS PASS IN WALES. I am 56 and hope to be 57 in July and think it is GROTESQUELY UNFAIR that a friend of mine who'll turn 60 this year will get a bus pass in 2019, whereas I, according to these ridiculously unfair proposals, would have to wait another 8, 9 or even 10 years in spite of only being 3 years younger!!!!

How can that possibly be fair? Why should people be penalised for being born in the 1960s?

How can you possibly even think of doing something so unfair by taking away something, which might be the only positive thing they have to look forward to, as in my case, from people my age only because they had the misfortune to be born in the 60s rather than the 50s or earlier? I say "taking away from" rather than "making wait longer" because there is a good chance I and many others won't reach 65; there is, of course, no guarantee, that we'll reach 60 either, but at least the odds are slightly better. I know several people who died in their 50s in spite of this rubbish you hear about people living longer.

You may think it's rather pitiful that a person of my age would say that receiving a bus pass at 60 is the only positive thing he has to look forward to, but what else is guaranteed for people my age but grief as they say see their parents sickening and dying, loneliness, a greatly chance of developing cancer or suffering strokes or heart disease or any number of other horrendous illnesses, and one's own decay and death, while retirement is still too far away (67!!!! thanks to the Westminster Government) to be looked forward to with any degree of confidence.

I have heard of surveys saying that one's 50s are the time when one is at one's happiest-complete and utter drivel for the reasons I outlined in the previous paragraph-I can't think who they interviewed to reach such an absurd conclusion. I have had a particularly horrific time since reaching 50, since my father became ill and died and I am now extremely concerned about my mother's health-quite frankly, if I do get to 60, I feel I deserve something just for getting through this and not slashing my wrists or taking an overdose in despair, but I'm sure many people my age have had similar experiences-all the more reason for not penalising people who were born in the early 60s and are now approaching 60.

So please leave me and people like me with something to look forward to-that isn't too many years away. Getting a free bus pass at 60 may seem trifling and insignificant to people like yourself, but it is the only thing I and others my age like me have to look forward to rather than dread. Very sad but what other good things are guaranteed to come at my age? Plenty of bad things are guaranteed though, as I pointed out.

PLEASE, PLEASE, whatever you do, KEEP THE AGE FOR A FREE BUS PASS IN WALES AT 60!!!!

I will come to Cardiff and beg you on my hands and knees if it'll do any good, don't take away the only thing I hope (as there's a fair chance I won't get to 60) I have to look forward to, DO NOT RAISE THE ELIGIBILITY AGE FOR A BUS PASS IN WALES,

A. Richards

Pensioners Forum Wales

March 2019

National Old Age
Pensioners Association
of Wales

Civil Service
Pensioners Alliance

Unite Retired
Members Association

Unison Retired Members
Wales

PCS Associate &
Retired Members

PROSPECT

National Association of
Retired Firefighters

National Association
Of Retired Police Officers

National Federation
Of Occupational
Pensioners

NUT Retired Members
Section

National Pensioners
Convention Wales

A forum of
independent national
pensioner and retired
member organisations
working together for
the benefit of all
pensioners in Wales

Supported by Age
Cymru

Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Improving Public Transport

Pensioners Forum Wales is a forum of independent national pensioner and retired member organisations working together for the benefit of all pensioners in Wales. Enclosed is our response to the consultation on Improving Public Transport.

Members of Pensioners Forum Wales discussed the issues in a general meeting and their responses were collated to develop the organisation's overall response.

Pensioners Forum Wales looks forward to reading the future plans based on the public consultation.

Rhys Ab Elis
Chair
Pensioners Forum Wales

Consultation response form

Name:	
Organisation (if applicable):	Pensioners Forum Wales
e-mail	pfw@agecymru.org.uk

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:

Please ensure you are satisfied with the answers you have provided before sending.

Improving public transport

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

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.

It seems to be a logical solution to ensure a common approach to problems.

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

A single, national JTA.
This ensures a common approach across Wales with consistent standards.

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

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?

Ministers should be represented, but not sitting on a JTA. If Ministers were sitting on a JTA, this could cause issues in the case of any necessary interventions.

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 be no point in the government being involved if there were no powers to issue guidance or to intervene.

Proposed JTA Functions in relation to buses

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

Yes. Again, it reflects commonality and consistency.

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

No, but there needs to be a way to integrate the organisations involved – there has to be coordination between the bodies.

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.

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)

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.

Smaller companies are the lifeblood of communities and it would be unfair to have

any practices that would potentially freeze them out.

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?

Every option should be considered to keep the services running in communities that are reliant on public transport. Nothing should be excluded.

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?

When the need for a bus service is identified. At the moment, we have large areas of the country not served by any buses.

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, if necessary to do so.

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

If there is only one tender and the cost is prohibitive.

If there is no bus operator in a specific area.

Only in emergency cases to provide transport in communities that need it.

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 has to be linked to women's pensionable age to ensure equality.

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

To ensure fairness, the only way to change the eligibility age would be to increase incrementally.

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.

This seems to be the only appropriate way to ensure openness.

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.

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.

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

Standards vary and are generally terrible – the overall standard needs to be raised. For example, in London, black cab drivers spend years studying The Knowledge, but in Cardiff, drivers have a sat nav. In order to do a job, you need to prove that you can reach a certain standard.

Government to set the fare rates – a universal fare across Wales.

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?

Seek the views of all the local authorities and adopt the minimum agreed standard initially.

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

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

Please explain your answer.

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	✓
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	

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.

So long as no-one is disadvantaged, there is no issue either way.

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 explain your answer.

In order to enable effective and quick enforcement of standards and licensing, the local authorities should continue to have responsibility. However, the standards and licensing requirements should be subject to a consistent policy from Welsh Government.

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.

Welsh Government Consultation Document WG36240

Improving Public Transport: Bus and Taxi Services

Vision for integrated transport (Consultation Document p7)

This states the desire for “public transport to operate as one seamless service that is accessible to all”. Surely, central to this is the need to co-ordinate bus and rail stations together to facilitate this “seamless service”. Nowhere does this document advocate this first – essential, and the political will to bring it about has been all-but entirely absent for generations. In a few lucky towns (such as Caerffili and Y Rhyl), bus and rail stations are located adjacent to each other. But these are very much the exception, not the rule. There needs to be a directive from the Welsh Government to *all* local authorities in Wales, specifying co-location as a primary condition of planning permission. Then, for example, we might well have avoided the shameful situation in our capital city whereby the hitherto excellent sited bus station in the forecourt of the principal railway station was compulsorily closed to make way for a commercial property development that did not need to be built on that particular site. Cardiff bus station has now been closed for about 4 years and it appears that a replacement bus station (squeezed into half the space occupied by its predecessor – so, clearly there will not be room for all the bus services that need to use it) will not be available for another 3 years. Result? Bus route termini are “temporarily” (sic) scattered all around the city centre, some as much as a mile away from their previous co-ordinated location, for a total of 7 years, and even then we do not know which services will be fitted into the new, smaller, bus station. This whole episode is an unmitigated “planning” (sic) disgrace and totally flies in the face of any perception of making use of public transport a “seamless” travel experience.

“Progress” has been backwards elsewhere, too. Merthyr Tydfil and Wreccsam Central railway stations have been relocated and hidden within shopping centres – again, commercial property development has taken precedence over the legitimate public interest. Finding one’s way into these railway stations once the shopping centre closes its doors after, presumably, 5.30pm/6pm is a nightmare. And in both cases, the re-sited railway stations are now further away from their towns’ bus stations than previously. “Vision for integrated transport”? As an assiduous public transport user, I can say categorically that I have never seen *any* evidence that there has been, or is, such “vision”. How is it that eg a country like Switzerland can manage to coordinate the operations of multiple public transport providers in any and all towns to the general public benefit, whereas we almost always fail to? Local authority planning officers who habitually make all, or almost all, of their own journeys by car, are undoubtedly part of the problem, because they patently do not experience what public transport users experience.

Declining bus services (pp10/11 of the consultation document)

It is a well-known fact that, with the exception of London, ridership of bus services throughout the nations of Britain has been in long-term decline. As fewer people use the buses, so the only “answer” bus companies come up with, is to cut services further, in conjunction with local authorities reducing further whatever subsidies they might choose to provide to operators. Within the last two years alone, just to cite one example, the number of weekday journeys on the Nantlle/Talysarn to Caernarfon service has roughly halved, with, now, an irregular schedule and gaps of over 2

hours in the service (including the evening “peak-hour”). Similar patterns of bus service spiral of decline can be seen in England and Scotland, too. Where a through service crosses a local authority boundary into another authority’s “territory”, it is very tempting for hard-up local authorities to leave the subsidy issue “up to the other chap”, so neither authority funds the subsidy and the service withers and dies. Here is a Scottish example. Until 1965 a train service ran: Elgin – Aberlour – Ballindalloch – Advie – Aviemore. Elgin to Aberlour is in Moray and has an hourly bus service. Aviemore to Advie is in Highland and has a service of 2 buses a day, Monday to Friday. Between Aberlour and Advie – absolutely nothing. Taxis are available in Elgin and Aviemore. The taxi fare from either Ballindalloch is approximately £60. And £60 back. This illustrates another aspect to the public transport conundrum of provision. Where there is no bus service and a taxi is the only alternative, how many rural dwellers without car access are wealthy enough to afford a taxi to eg the nearest small town for life’s essentials? In this example, Elgin to Aviemore used to have 3 to 5 trains per weekday and now there is no public transport at all by this direct route that used to exist, nor to a string of intermediate communities the train once served, and the rail replacement bus has ceased to serve. This example is just one, but is far from unique. In Wales, for example, the town of Tregaron used to be on the Carmarthen to Aberystwyth train service. That train service, too, ceased in 1965 and the rail replacement bus service also withered away. Today, whilst the Welsh Government commendably supports the Traws Cymru bus route T1 between Carmarthen and Aberystwyth, it does not serve Tregaron, which is now at the bottom end of a very infrequent, local route from Aberystwyth; nothing southwards at all. By way of another example of local decline, is seen in the Heads of the Valleys area. Limited stop bus route X4 from Cardiff is every 15 minutes to Merthyr Tydfil, extending half hourly to Brynmawr, hourly to Abergafenni and 2 hourly to Hereford. But not at all on Sundays. And in the Heads of the Valleys area, the X4 is now the only local bus route left. As other local routes have withered away (route 99 from Tredegar to Trefil used to be hourly, and has long-since ceased to run at all. No buses to Trefil village at all, these days). In short, nobody in governmental positions to do anything about this, seems either interested nor has the capability to “get a grip” on the problem.

Quality of buses.

The Welsh Government might be encouraged to take a look at how Bus Eireann, the major bus operator in the Irish Republic manages this. The latter, even on their very infrequent local service (eg in County Kerry or Mayo) use high-quality coaches with toilets – surely a necessity on eg the Traws Cymru Cardiff to Newtown route? Or on any other route of comparable journey time, such as Wreccsam to Y Bermo via Y Bala, or Carmarthen – Aberaeron – Abersytwyth, Aberystwyth to Bangor, etc. On local routes such as the various feeder bus services put on to connect with eg reopened Valleys Branch lines or stations, the poor quality of the buses and the parsimony where two bus routes connecting into the reopened Tondur station were worked by one bus (alternate journeys to Ogmores Vale and Nantymoel) almost guaranteed the service would fail. Who would want to willingly travel in a “bread van” sized bus that throws you and your baggage off the seat every time it lurched round a roundabout?

Through ticketing, rail/bus.

This has been “dabbled with” over many decades, but without any obvious ‘central direction’ aimed at making it actually work. Today we have “plus bus” add-ons to many, mainly urban destinations, but word of this doesn’t penetrate through to those who actually drive buses and take the fares, inevitably leading to bureaucratic battles and hassle the passenger doesn’t need or want, simply because the bus driver “has never seen such a ticket” and is tantamount to accusing the passenger of attempting fraudulent travel. This is not nice for the passenger with a valid rail-bus through ticket. And attempts at setting up a system whereby a passenger boarding a bus requests a ticket through to a rail destination, from the bus driver, have been limited to certain feeder bus links into Cardiff Valleys and related lines, normally just through to eg Cardiff, but not beyond. The system *has* to do better than this!

Public funding for bus services.

It is noticed that when a senior citizen uses their bus pass, the bus ticket machine records a fare-equivalent for a single journey over the whole length of the bus route. Thus the Welsh Government pays subsidy to the bus company based on that whole length journey. Would it not be more economically realistic for the bus driver to record the passenger’s actual journey length on the ticket machine, and subsidy calculated accordingly? This should enable a reduction in the level of subsidy for bus journeys actually taken, thus producing funds to reallocate to subsidise other and additional bus journeys/routes. This would be, in essence, better allocation of the existing subsidy funds available.

Joint Transport Authority(ies) (answers to questions, pp19/20 on consultation document)

Q1. Yes. There is scope for local authorities to cooperate over local bus services, but as Westminster Government’s policy, post-1985 bus deregulation/privatisation has forcibly deprived most local authorities of their own in-house bus fleets and operations, local authorities have no (or little) involvement in this area, nor interest in the same.

Q2. A single JTA for Wales would direct uniformity of service standards throughout Wales. This would be beneficial when dealing with eg rural local authorities who are less likely to be interested in public transport (in line with the Conservative outlook).

Q4. Ministerial representation on JTA would be positive.

Q5. A good idea provided the minister concerned is well-versed in knowledge about public transport. We don’t need Grayling Mk 2!

Q6. Wales is small enough and of a manageable size to have a single all-Wales JTA. Fragmenting Wales into eg north/central/south/west JTAs would merely perpetuate the ills of the present fragmentary position.

Q7. There should be provision for ordinary members of the public who can demonstrably show that they regularly (a) use public transport, and (b) understand how it functions. Provision for ethnic and social inclusivity should be incorporated with a mechanism to prevent the usual takeover by the (not so) “great and good”.

Quality Partnership Schemes and Enhanced Quality Partnerships (page 25)

Q8. No. QPSs and EQPs look like another layer of pointless talking shops.

Q9. No. I am not convinced that EQPs would deliver anything worthwhile; could this not all be handled by the JTA?

Franchising (p29)

Q10. No. Franchising has failed. The deregulation and privatisation of the stage-carriage bus industry since 1985 has resulted in serious destabilisation of the bus industry. Fly-by-night operators have come and gone with depressing frequency. Existing long-established operators have gone to the wall because they have been forced to make economically unrealistic bids for routes and then go bust, on unrealistic margins. The fairly recent demise of such operators as Silcox Motors (Pembrokeshire), Bryn Melyn and GHA (Corwen) caused major local problems. In different circumstances, the demise of Express Motors of Pen-y-groes (Gwynedd) also caused a big gap in provision. And Arriva Cymru pulling out of all operations around Dolgellau was another tale of woe; Arriva are a rather suspect company, anyway. When they acquired their ex-Crosville Cymru routes, they demonstrated their professed "commitment to Wales" by closing down the HQ office in Llandudno Junction and transferring the company's registered office to Aintree, Liverpool L9. I notice, of late, it seems to have moved back, to be based at the depot at Llandygai, near Bangor. Their "commitment" is exemplified by their actions. A single, in-house bus operation is a better way. Bus Eireann is a good model.

Q13 – 15. See above.

Q16. A single, in-house directly Welsh Government-operated bus undertaking would be the best option, based on the Bus Eireann model, with buses rerouted to connect with trains directly at railway stations. But, as second-best, local authority bus undertakings worked well at a local level in the past, though if another local authority reorganisation is still in the offing, giving stage-carriage bus service powers should be given to local authorities only *after* such reorganisation takes place. Municipal bus undertakings such as Caerffili, Gelligaer, Bedwas and Machen, Merthyr Tydfil, Aberconwy served their communities well enough, but are perhaps rather small for revival. The only joint omnibus board in the past was the West Monmouthshire Joint Board (Mynyddislwyn and Bedwellte UDCs), but it worked well enough from 1926 to 1974. Pre 1974, local authority bus undertakings were legally permitted to serve all bus stops in their area, with inter-urban bus companies only permitted limited stops within local authority areas. The system worked well.

Q17. This is what we already have, with the Casnewydd and Caerdydd bus companies. Perhaps it would be a good idea to leave them alone! Otherwise merge them into a Welsh Government run "Bus Eireann" style operation.

Legislative changes on Senior Citizens' bus pass entitlement (p35)

Q18. If there has to be a reduction in entitlement scope for the seniors' bus pass, then aligning it to "a woman's pensionable age" is sexist terminology. Lowest common age of entitlement would be a more acceptable wording.

Legislative changes on open data on routes, timetables, fares and tickets

Q20. Yes. Transparency is in the public interest.

Q21. Ditto.

Legislative changes on taxis and private hire vehicles (PHVs)

Q22. National and consistent standards applicable to all taxis and PHVs are highly desirable.

Q23. Enhanced CRB/DBS checks on all applicants for licences to operate/drive taxis and PHVs should be mandatory and reviewed/reapplied annually. This is particularly important to prevent the importation into Wales of the very serious social problems manifested in the group trials of men in 16 English towns and cities (which have justifiably received much media coverage since 2004). This particularly relates to the definition of what constitutes a "fit and proper person" to hold such a vehicle licence, for which a detailed definition needs to be embedded in legislation.

Q28. Yes. See Q23 above.

Q29. No. A standard and rigorous line needs to be taken on this; see Q23 above.

Q31. Yes. I should have thought it was obvious as to why. See Q23 above.

Legislative changes on centralisation of taxi and PHV licensing

Q33. Yes. This would lead to application of consistent standards.

Q34. No. But local authorities should have access to the database and exercise powers to cancel (and prosecute) taxi and PHV licence holders as necessary, as local authorities will know what is going on "on their patch".

Legislative changes – Y Gymraeg

Q36. Welsh language provision should be on a basis of full equality at every stage, with provision yn y Gymraeg for licence applications and, similarly, any legal action, as necessary.

POWYS COUNTY COUNCIL

Response to Welsh Government Consultation

March 2019

IMPROVING PUBLIC TRANSPORT

Powys County Council is pleased to provide the following responses to the questions raised by the Welsh Government in respect of their proposals to improve public transport:

PART 1 – Bus Services:

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

Yes. Whilst often seen as a 'local' issue for local authorities, bus services by their very nature very often extend across one or more local authority boundaries and therefore it is vital that local authorities work together to ensure that services are co-ordinated, and that resources are not duplicated. Probably of most importance is the need to ensure that common standards (including any contractual terms that may exist) so that the passenger experience is consistent and that the service provider knows what they are expected to deliver.

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

There are merits to both proposed structures, although if the only two options being considered are the two proposed, then our preference would be Option 2. We see it that the national JTA would effectively set the 'delivery parameters' in accordance with WG policy ambitions and that the regional JTA's would be responsible to deliver the outcomes. It is perhaps unfortunate that there is not enough detail in the proposal to outline the really important aspects of creating such bodies, such as the governance arrangements, where the accountability lays and the geographical 'boundaries' of each regional JTA. The ever present issue of rural v's urban region needs serious consideration as under the current set up, there are very different, yet equally important sets of priorities in urban / rural areas.

3. Is there another organisational structure for Joint Transport Authorities (JTA's) that we should consider?

Yes. We believe that an alternative structure could be established and one that reflects the view of the Welsh Government in your case for change that skills and knowledge in local authorities is diminishing. Instead of a national JTA plus 3 regional JTA's based a geographical boundary, there would be a

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number of JTA's structured to be accountable for key specific functions, such as:

- *procuring bus services nationally,*
- *nationally co-ordinating and scheduling local bus services (with local input),*
- *nationally marketing services, customer care, monitoring customer satisfaction*
- *applying a national ticketing strategy*

Each JTA would be accountable to Welsh Government policy agenda and would set up in an agile manner which could see staff based around Wales but managed centrally. Clearly this suggestion is very high level and further work would be required to determine its' feasibility, however it could be a way of addressing skill shortages and quality enhancements by 'pooling' staff with the most appropriate skill sets to lead in each aspect of transport delivery.

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

A: We need to change people's mind set on public transport in Wales (and the UK). As it is largely publically funded, it should therefore be 'owned' by the public used by the public as they pay for it. We would welcome the involvement of the Welsh Ministers or their officials on a JTA as this would give them the opportunity to spread this message and offer them valuable insight into the challenge of delivering local and national bus services across Wales.

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

A: The power to direct local authorities towards creating JTA's has been there since 2006 but has never been used. Perhaps the traditional thinking is that these powers should only be exercised as a measure of 'last resort'. However, if there was a clearer understanding around what functions JTA's would be expected to undertake, and the expected outcomes for a JTA, they should be considered as part of a wider 'tool box' to improve bus services in Wales.

We would welcome further dialogue with Welsh Government around their vision on how a JTA would function and their relationship with Welsh Government.

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

A: Whilst we can appreciate the WG thinking around how national and regional function could work, we may need a little more detail to make a more informed response. For example, if the National JTA was responsible for the wider more strategic WG bus functions (such as national policy, bus

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standards and consistent contract conditions & procurement), and the regional JTA's were set up to deliver them, then we could say in principle, that those functions were appropriate. However, what would be helpful is further detail on what the specific national and regional function are. For example, is contract standardisation a nation strategic function or a regional delivery function?

When consideration is given to the Nationalisation of a function we are used to that function being moved to Cardiff, however with current level of technology it is possible to locate these services anywhere in Wales, and would welcome consideration being given to centralising functions in Central Wales.

7. Should any other transport functions be transferred to a JTA?

A: We are of the view that in the early stages of a JTA, we concentrate their function on making real improvements to passenger transport services. Once established, consideration could be given to incorporating other transportation functions, (such as Active Travel, Car Parking and Park & Ride) but we don't necessarily see this as an immediate priority.

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

A: This is a particularly difficult question to answer! In theory, if existing powers were exercised to create JTA's then the benefits of partnership working amongst local authorities are created by default. In terms of partnership working with bus companies, this is more difficult to quantify. If WG were so minded to do so, securing powers to franchise bus services may limit the requirement to seek further enhancements to enter into partnerships with bus companies as the franchise will provide for any benefits that may come about through enhanced legislation that currently exists. There are many examples where bus operators, Welsh Government and local authorities have worked together successful, however it depend on whose interpretation of 'successful' you refer to. Bus companies may have benefitted from better quality, newer buses under a partnership arrangement, but if the service is not operated in a way that benefits passengers, then from a passengers' perspective, the partnership has not been successful.

The proposed new enhanced quality partnerships would provide a further tool for a JTA / local authority to use to seek service improvements, but this could also be said by better planning, co-ordinating and scheduling bus services to operate along bus corridors that have good quality infrastructure. However, if the state was to invest in all this, then there should be a better return on their investment via the bus companies, through greater passenger numbers benefiting from the investments.

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We understand that there are going to be a number of pilot projects around various regions of Wales testing certain principles of enhanced partnership working, and we look forward to the results of these pilots. However, Welsh Government really need to assess if the current method of distributing reimbursement of concessionary fares and allocation principles of BSSG to commercial operators is the most appropriate way of inputting nearly £100m of public money into the private sector and whether better outcomes for all parties could be achieved through a more formally arranged and structured approach to this funding stream. Legislation is one way of achieving this.

Finally, there is much talk in the industry around re-regulation of bus services (or not in certain cases). Setting aside if bus services should be re-regulated or not, one area that definitely requires attention are bus fares due to the high level of inconsistencies that exist across Wales for a simple bus fare. If fares were made simpler, easier to understand and the passenger knew exactly what fare they were going to pay (either by km, mile, area, flat fare) then it may encourage more patronage, especially if the fare demonstrated the value over other forms of transport.

9. Do you agree with our proposals for Enhanced Quality Partnerships (EQP's), in particular the proposed process for developing and making EQP's?

A: In response to this particular question, we would appreciate some clarification on their intended purpose? It would appear that the Welsh Government are proposing to develop Enhanced Quality Partnerships to be used by local authorities? If so, given that the WG are also proposing JTA's to be established, will a JTA be able to use an EQP as it appears in the consultation document that this would be a tool for local authorities. What is not clear is that if JTA's are created, then one would assume that local authorities would not be a Transport Authority and this function be carried out by the JTA?

In Powys, we already effectively enter in quality partnerships, (or a 'franchise lite' model) as we specify the service standards, such as the timetable, vehicle type and fares in return for a contract price. Powys benefits from the benefits to passengers as we also specify that all on bus revenue is returned to the council which is then used to offset the cost of the service or redistributed across the other parts of the bus network. On that basis, we see strengthening the legislation around protecting public investment through commercial activities of bus companies more appropriate than perhaps developing EQP's which with the relevant skills and knowledge can already be done. Whatever arrangements are developed, it must start with putting service users and their communities at the centre of the decision making process.

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

A: As stated above, Powys CC in all but name currently 'franchise' nearly all their local bus service network. We are able to do this because we are able to tender nearly 90% of the bus network in Powys due to the lack of 'commercially' viable routes. The proposed legislative process for enabling franchising requires further work over that of an EQP, however we feel the benefit to passengers would be greater with a franchise arrangement rather than EQPs which one could argue Local Authorities can do already within the confines of the existing legislation.

If franchising is considered a better option for delivering bus services in Wales, careful consideration will need to be given to establish the effectiveness of the model across different operating terrains across Wales. No matter, initially the delivery of a franchise model will require additional resources therefore should be delivered through a Joint Transport Authority which is adequately resourced and with a guaranteed funding commitment.

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

A: Yes for any significant change it would be good practice to gain an independent objective view of the proposals.

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

A: From our experience, it does not always look the most cost effective option (due to higher gross cost contracts being used in our example) but the net benefits of having a single, co-ordinated network with consistent fares, inter-availability of tickets takes time to establish, but once established, the benefit to passengers soon translates into benefits in revenue. If the franchise was written in such a way that allows SME's and multi-nationals to compete for the same work, then there is no reason to see why franchising could not deliver better outcomes for bus passengers in Wales.

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

A; As previously stated, in order for any new arrangements to be administered effectively, it will need to be resourced properly and therefore we are suggesting that permits would be issued by an appropriately funded JTA's.

14. Do you agree that as part of any arrangement to let franchise contracts, specific consideration should be given to how SME's can be enabled to be involved in the procurement process?

A: Yes this is vital. The Powys model has one large multi-national company providing services and the rest of the suppliers are SME's all based in or very near the County. We tend to find that the larger companies provide a very different service model than that of their smaller competitors. This in itself is

no bad thing, both types of operators provide us with excellent service, it's just that they are delivered slightly differently. For example, the large company will deal with complaints via their head office (as one would expect) which may be staffed by people with no local or geographical knowledge of the operating territory, whereas the local bus company are often able to deal with complaints very quickly and effectively by knowledge of specific communities and their needs. Our SME's are also very important to our local economy, with nearly £12.5m annually being spent with local suppliers providing transport services in Powys. We would not want to destabilise this too much.

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

A: Any transitional arrangements would need to be considered in the conception stage. They may appear in the form of financial relief to suppliers, training to ensure bus companies are aware of the new operating model, engaging with universities and colleges to ensure that potential new staff are equipped with the correct skills and knowledge to embrace and enhance the new model.

16. 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?

A: We are of the view that local authorities should have the freedom to operate bus services, but given how financially cash intensive it is to set up a bus company, it is not likely that many would adopt this anytime soon. What is not clear is if this power would be extended to a JTA.

If the powers were simply created for local authorities to operate bus services, then the WG would need to consider any State Aid issues and address and resolve them. Current legislation would need amending to enable a 'state' owned bus company to 'compete' where a private company is failing to deliver what we believe are their obligations where they receive any state funding such as concessionary fares reimbursement or BSSG.

17. 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 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?

A: We believe that we already can set up an arms-length bus company.

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

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A: Subject to an Equality Impact Assessment, yes.

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

A: Yes

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

A: Most definitely. Having access to accurate data which would include fare paying passenger data and any compliance checks undertaken by Bus Users is an easy quick win for the Welsh Government to achieve to enable planners (both bus planners and financial / commercial planners) undertake real and purposeful analysis of the current bus network and start to look at redistributing bus resource more effectively across Wales. This is probably one of the most fundamental changes the Welsh Government could introduce to rapidly get a much more informed oversight of the industry.

21. 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 a tendering process?

A: Yes as above.

PART 2 - Taxis and Private Hire Vehicles:

22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHV's in Wales?

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

23. 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").*

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- *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).*
- *Oversees driving licences*

In addition, the Licensing Expert Panel 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. (The cost of fitting CCTV within licensed vehicles

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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), 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 the Panel would recommend mandating training for all individuals involved in the licensing decision-making process. Consistent and appropriate training of officers and councillors 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.

24. Are there any matters that 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.

25. What practical obstacles might there be to setting common national standards for both taxis and PHV's?

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.

26. What would 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:

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- *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 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.

27. 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.

28. 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?

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

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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 LG (MP) 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.

29. 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?

The Panel would consider this of benefit to aid the home 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 local authority, however the practical implications of this would need further consideration.

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

The 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).

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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.

31. 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, 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. The 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.

32. 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 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 licensing authority immediately.

The Panel 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.

33. 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)?

*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 ~~also~~ 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.

There are of course many advantages of retaining the function at a local level, with local knowledge, needs and issues.

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.

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

Yes, the Licensing Expert Panel believes 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.

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

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 details 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]".

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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 ensure that inconsistencies between Welsh and English authorities, particularly along the border, are negated.

- 36. 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?**

The Panel has no comment on this.

- 37. 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.**

The Panel has no comment on this.

- 38. 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:**

The Panel has no comment on this.

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 CMA's view is that passengers can benefit from effective partnerships between local authorities responsible for bus service provision. Such beneficial forms of cooperation can include better integrated networks, multi-operator ticketing schemes and integrated information management.

However, our specific interest is on effective competition in the procurement and delivery of bus services and our focus will be on this aspect of the proposals.

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

No comment

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

No comment

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?

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?

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Any guidance and direction given to any body/JTA responsible for the procurement and delivery of bus services should not have any possible detrimental impact on effective competition or passenger experience.

Proposed JTA Functions in relation to buses

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

We note, that at present, the skills and knowledge required to plan and coordinate local transport needs may currently be located within local authorities. Concentrating this expertise within new JTAs could be beneficial in realising partnership benefits but also improving understanding of competition issues in broader regional and national markets, particularly in designing, procuring and delivering bus services.

The suggestion for JTAs to develop bus stop infrastructure and standardised bus quality standards would benefit from competition impact assessment. Wales wide procurement for bus infrastructure clearly must be competitive but in procuring a single type of infrastructure, JTAs may reduce the number of suppliers. A balance must be struck between reducing cost through a single standard and maintaining appropriate competitive tension. An alternative approach would be to set the minimum standards for infrastructure, which could then be used for procuring on a regional basis. However, such standards should not restrict the ability for suppliers to innovate and provide additional functionality.

With regard to quality standards, while minimum standards can deliver benefits to passengers in terms of overall service quality and satisfaction, it should not be made unnecessarily difficult for operators to meet requirements to run bus services within the local area. Entry requirements should be proportionate and clearly justified in relation to the objectives of the scheme

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

No comment

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.

No comment

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 CMA supports the strengthening of the partnership arrangements available to the Enhanced Quality Partnership provisions. The CMA has considered the scope for Local Transport Authorities (LTAs) to engage in partnerships previously. The CMA has for example:

- issued an open letter to LTAs on partnerships and competition in local bus markets and much of this may be relevant to LTAs in Wales. This letter is published on our website at <https://www.gov.uk/government/publications/letter-from-the-cma-to-local-transport-authorities-on-bus-partnership-arrangements>
- provided advice to the UK Secretary of State for Transport on the Bus Services Bill (enacted as the Bus Services Act 2017) and this advice is also available on our website and remains relevant to the proposals made in this consultation <https://www.gov.uk/government/publications/bus-services-bill-cma-recommendations-to-ministers>.

In working with bus operators to develop, plan and implement Plans and Schemes, there remains a need for competitive tension so that an alternative operator could offer services either instead of, or in parallel to companies in the EQP if it could do so more efficiently or to a higher standard than an incumbent supplier. This threat of entry maintains discipline on incumbent suppliers. For example, an EQP could include provisions both to allow replacement of a provider if performance targets are not met and to periodically assess the effectiveness of the EQP and the provision of services. How frequently this assessment takes place needs appropriate consideration – sufficiently frequent to maintain competitive tension but not to such an extent that it deters investment.

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There should also be potential for new or existing operators to adapt services, including in response to changing demand or circumstances. A new entrant might be able to identify different operations, services or routes that might be attractive to customers and result in improved services. Schemes should, therefore, not offer operators guaranteed, unchanging entitlement. Instead they must permit some flexibility over time. Moreover, the financial interests of an incumbent should not be a reason to resist changes.

There should be a role for competition both in the allocation of routes and slots, and in stimulating ongoing improvement and innovation by operators and/or new entrants.

We agree with the voting mechanisms for EQP plans and schemes and they ensure that the views of smaller operators are sufficiently taken into account and do not unnecessarily exclude contractors, community transport operators or other interested parties (and welcome the specific reference to the CMA as a consultee).

We would recommend there should be a requirement to review an EQP scheme if it has reason to believe a change of circumstance has resulted in the scheme no longer meeting the competition test.

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.

Our views on franchising are outlined in the answers below. Given that no Quality Contract Scheme (QCS) has been successfully introduced, it is not possible to comment on the relative effectiveness of the proposed approach compared to QCS in delivering improvements and benefits for passengers and government.

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.

No comment

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

The CMA recognises that the introduction of franchising may be appropriate in specific circumstances, but believes that on-road competition should only be abandoned in favour of competition *for* the market in circumstances where it is clear that this is the only way to secure better outcomes for the travelling public.

The CMA does not object to make it easier for LAs to franchise. However, there are risks in general associated with franchising (relative to competition 'on the road'), including:

- It runs the risk of reducing incentives to provide an efficient, high quality service that responds to local needs, incentives that are usually gained through competition
- Local Authorities may find it hard to find people with the right skills and experience to lead planning teams
- Planners may not be well placed to identify how best to meet needs, and may be less responsive to changing requirements or less well placed to innovate on services and network design
- There is also a need for effective competition for the franchise - enough competitive operators in a position to bid for a new franchise

LAs should be required to properly identify and explain the choice of moving to a franchising model through a published assessment which takes sufficient account of competition issues, including but not limited to:

- Risks associated with franchising, relating both to outcomes and implementation
- Benefits associated with on-road competition that they may be giving up
- The circumstances in which franchising is likely to be least/most effective
- Demonstrate that any distortion to competition created by proposed arrangements is justified by the contribution to achieving other policy aims

The CMA has already issued guidance on competition and partnership arrangements and stands ready to provide advice to any local authority on the potential competition implications of franchising proposals.

The CMA is a statutory consultee for the Bus Services Act 2017 and for partnership arrangements. Including the CMA as a statutory consultee on the introduction of franchising schemes would therefore ensure a consistent approach and will bring in a broad perspective and experience of markets across the UK to ensure competition and consumer matters are adequately captured.

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 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?

Yes	X
No	

Please explain your answer.

The design and specification of franchise requirements can directly and indirectly exclude some market participants and act as barrier to entry. For example, defining too large a franchise area may exclude firms without access to sufficient capital to acquire the necessary number of vehicles. Similarly, the duration of a franchise will affect the risks associated with acquiring or expanding a fleet. Allowing firms to bid for bundles of routes might be one way to facilitate participation by smaller firms.

Increasing the number of firms that are able to participate in a franchise process will necessary stimulate competition and offer a better deal for passengers and government.

The CMA would be happy to engage further on this issue.

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?

No comment

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)?

Generally speaking, the introduction of a new operator whatever their ownership can be beneficial to competition. The Competition Commission's local bus services market investigation concluded that a reduction in the number of bidders for tendered bus services (and potentially to operate franchises) can reduce competitive pressure and therefore reduce competitive (downward) pricing pressure. Therefore, allowing local authorities to set up bus companies to operate local bus services and compete with other operators may help to ensure competitive outcomes, including where franchising is being considered. Indeed, the existence of the possibility to do so may impose some discipline on operators. We note the crucial point that the provision of local services by local authorities is only permitted where an unmet service need is identified. We accept that it may be helpful to have alternatives open to LAs apart from subsidising commercial operators.

However, the question then arises that if a local authority service is established, could it then find itself in competition with commercial services in operating routes or in bidding for tendered services. Steps should be taken to ensure that no operator, local authority owned or not, has an unfair operating advantage in a deregulated market or in the bidding process for a tendered service. No firm should have a competitive advantage in a mixed market; there should be a component of competitive neutrality.

We would advise LAs to refer to the CMA's Competition Impact Assessment guidelines¹ when considering entering into or making significant changes to the market². These guidelines set out how policy makers should consider competition issues and the impact to consumers when developing new policies. We also suggest that there should be rules or guidance to ensure that, once established, a LA operation does not then use its advantage as an incumbent to distort competition in other allied markets (such as the provision of commercial transport services). Such guidance at a minimum should, for example, require the firm to be established and operated as a fully arms-length independent entity.

The guidance should also specify how and when LAs should assess a change of circumstances such that a commercial operator may then be willing to serve the previously unmet need.

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

¹ Competition and Markets Authority (2015) Competition Impact Assessment Part 2: Guidelines https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/460787/Competition_impact_assessment_Part_2_-_guidelines.pdf

² Office of Fair Trading (2010) Competition in mixed markets: ensuring competitive neutrality http://webarchive.nationalarchives.gov.uk/20140402165629/http://oft.gov.uk/shared_oft/economic_research/oft1242.pdf

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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?

An operator owned by a local authority may be at an advantage if its activities are subsidised by the authority or the state.

Any local authority owned operator should be subject to appropriate scrutiny to ensure that in its establishment or ongoing financing that it is not placed at an undue competitive advantage. This could be an important role for any sponsor team.

An example of how a local authority could place the operator at an advantage is where an operator which is financed through a grant, subsidy or loan on non-commercial terms. In each case the operator would potentially not need to recoup some or all of any initial capital outlay when competing for contracts or setting fares which would place it at an advantage over privately funded operators.

More generally the local authority should not factor public ownership when awarding contracts or making franchise awards.

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

The CMA's view is that where a local authority operates bus services in competition with the private sector there are significant risks. Operating as an arm's length body should reduce this risk to an extent.

Any costs and revenues incurred in delivering services should be carefully monitored to ensure that there is no inappropriate cross subsidisation between services where the operator is in receipt of public funds. The sponsor team should ensure that this is the case.

The sponsor team of the arm's length body should not be involved in any aspect of policy making, licensing or the awarding of any franchise or contract with the local authority.

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

We broadly consider that all local authority owned operators should be managed at arm's length. There may be circumstances where this is not appropriate, but where an LTA makes this decision, we consider that a competition impact assessment of

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the overarching policy would be particularly important to demonstrate why this is the case.

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?

We would recommend that where an arm's length bus company is established it should be exactly that. Any subsequent assessment or policy decisions by the local authority should treat all companies neutrally, including its own unless there are exceptional reasons to not do so.

LTA's should consider suitable governance arrangements to ensure that the sponsor team for an LTA owned company is not involved in the supervision and regulation of the bus market and that commercial information obtained from privately owned companies by the LTA is not shared with either the sponsor team or an LTA owned 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?

No comment

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

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	X
No	

Please explain your answer.

We would support transparency of this nature to encourage continual improvement in service provision.

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Making this information accessible under an open API or a suitably light-touch licensing agreement will help existing and future providers of transport planning services such as smart phone apps to provide integrated local, regional and national route and travel planning.

We would recommend discussing this matter with the Open Data Institute to identify how to facilitate use of this information without imposing unnecessary restrictions.

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.

No comment

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.

Without conducting a detailed assessment of existing standards it is not clear the extent to which standards currently vary and the current impact of any inconsistency. The CMA does not, therefore, have a view on whether national standards are appropriate.

We broadly support consistent regulatory frameworks which reduce complexity, improve clarity of obligations and protections and avoid the risk of regulatory arbitrage.

Implementing either a national framework of minimum standards or a single national set of standards may better facilitate operators who wish to operate in a number of areas and reduce the cost of regulation and provide greater confidence to passengers over the safety of their journey.

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

No comment

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

On fare setting, we are neutral on whether fares should be set nationally or locally, but it may be inappropriate to set a single national fare scale. We say more on this in Q33

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

National standards will necessarily need to balance a number of conflicting objectives namely:

- Passenger safety
- Accessibility
- Availability of services
- Differences in local market conditions
- Fare structures
- Emissions and environmental impact
- Promoting competition between providers
- Reducing the burden of regulation

Stakeholders will naturally have conflicting priorities and a balanced approach will be necessary. We would advocate that a competition impact assessment is conducted of any proposed set of standards particularly in relation to any divergence in standards imposed on PHVs and taxis. There may be good reason for requiring divergence, but this should be justified on the basis of clear evidence of a difference in likely harm caused or benefit achieved.

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

Development of standards should be subject to public consultation. Detailed development of standards might be effectively led by a working group comprising representatives of existing licensing teams, PHV and taxi trade bodies and consumer groups including those representing disabled and vulnerable consumers.

The UK DfT Task and Finish Group (in which the CMA participated) is an example of how different groups have been able to contribute to developing policy in relation to taxis and PHVs.

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

Any differences in the regulatory requirements of national standards placed respectively on taxis and PHVs need to be justifiable and not create barriers to competition between taxis and PHVs, such as be imposing excessive costs on one or other mode of transport.

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In setting national standards, care needs to be taken to ensure that standards do not unduly restrict innovation and competition or the ability for taxi and PHV operators to be able to purchase vehicles and equipment in a competitive market place.

In developing a framework for standards or any underlying legislation, the Welsh Government may wish to consider the current or future scope for the use of autonomous vehicles.

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.

No comment

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.

No comment

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

No comment

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?

Yes	X
No	

Please explain your answer.

We support the sharing of safeguarding information to ensure the safety of, in particular, vulnerable passengers subject to appropriate safeguards on the use of that information. The proper information rights protections should be in place including securing consent.

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	

Please explain your answer.

The CMA is neutral on whether the administration of taxi/PHV licensing would be most appropriately dealt with at a local or national level.

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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The CMA is neutral on whether the administration of taxi/PHV licensing would be most appropriately dealt with at a local or national level.

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

While we are neutral on where responsibility should lie, one issue that may require consideration is how fare-setting would work in a national context. It is currently the case that local licensing authorities can apply fare-setting requirements based on an assessment of local market conditions. To our knowledge, there is not standardised pricing across Wales and this may reflect that the pattern of journeys may differ for reasons of geography and topology. It is not clear what the position would be regarding particular routes where there is currently no (or limited) direct competition, such as the airport taxi from Cardiff airport.

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

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

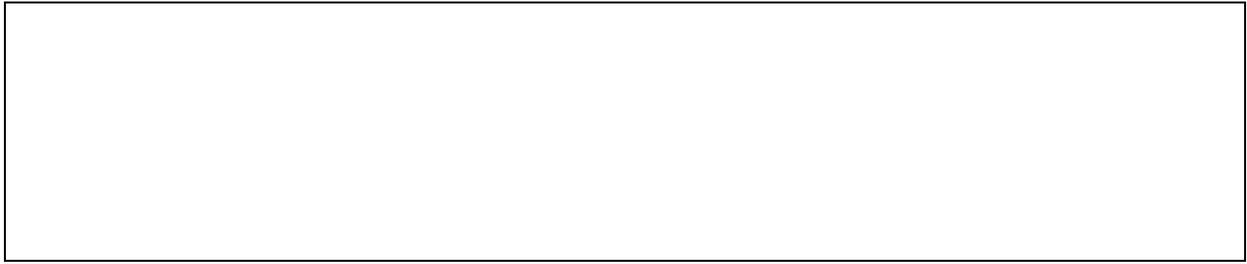
No comment

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.

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:

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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

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 would help facilitate cross county border joined up transport at times when people need to easily get from A to B. An example would be that when a carer is visiting someone in hospital or another setting that is out of their LA county they often have to spend a long time getting from A to B. Visits during the evening are often impossible due to lack of joined up transport services. This experience is far more prevalent in rural areas when, often, a car is necessary even for daytime journeys due to lack of transport services. Local authorities should also work together to facilitate cross border voluntary community transport services.

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

Given the local knowledge and demography of Wales it would make more sense to set up 3 regional Transport Authorities who work closely together with joint input from all key stakeholders across those areas to include other transport providers such as voluntary community transport and Rail. For certain areas of Wales it may also be necessary to have dialogue with transport providers across the border in England (this would be the case in particular for access to hospitals).

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

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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?

All committees should be transparent and accountable. Ministers should be represented to drive and scrutinise the work going forward to ensure that obligations under any new transport law are fully met.

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 should have powers to issue guidance and directions to ensure that the service meets people's expectations and needs wherever they may live in Wales.

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.

There should be on-going support for community transport to ensure that the service they provide is sustainable. This should be considered at a strategic level when developing services. Often voluntary community transport is used by disabled people and their carers because it provides better accessibility and flexibility than public transport.

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 is a key driver to make organisations work together.

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.

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.

It would open up a market to others

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 would ensure accountability and transparency and fairness in the way that services are commissioned.

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?

Permits should only be issued to those who can prove that all safety checks are carried out including CRB checks, Licensing checks on drivers etc

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.

This would help voluntary sector organisations such as community transport schemes to be involved and help make their services more sustainable.

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)?

Yes

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

Where there is no interest from bus companies.

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?

No comment

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

No comment

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?

No comment

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 disagree with this proposal. Changing the age that people are entitled to bus passes could plunge certain individuals such as family carers on low incomes into further poverty. Carers Allowance is the lowest benefit of it's kind and statistics tell us that the vast majority of people who are carers are aged between 45-65. Often these carers will have given up paid work to take on a caring role and it would not be fair if these carers were further penalised financially. Disabled people are afforded concessions and any change in the law should provide unpaid carers with the same concessions. Carers often run errands without the disabled person (collecting prescriptions etc) all carers should be afforded free or discretionary transport.

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

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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.

Any service needs to be accountable with the ability of the public to be able to plan routes and challenge the TA where there is insufficient joined up routes, timetables and unfair fares.
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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.

This would be to ensure that the public are well served. People need to get back and forth to work as an example.

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.

This is in the interests of the public who use the taxis.

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

No comment

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

No comment

25. 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	x
No	

Please explain your answer.

It however would need to be dependent on why the licence should be revoked or suspended with a set of guidelines on when and why this would happen.

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.

Possibly but dependent on the circumstances. Guidelines would need to be issued.

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.

It would encourage better partnership working and lessen administrative burdens and bureaucracy.

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	x
No	

Please explain your answer.

It would lessen administrative burdens and bureaucracy and provide a one stop shop for individuals applying.

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.

Local authorities should retain some functions such as deciding to issue licences to those who may have committed previous transport offences and other crimes such as assault or other crimes. Local LA licensing committees should have a say if the drivers are operating in their areas.

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:

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.

Enhanced partnership working should help forge better alliances with service providers throughout the industry (e.g. Welsh Government, Council's, operators and other partners) to deliver improved outcomes in key areas. These include regional public transport networks, infrastructure, information, passenger satisfaction and better use of available resources (e.g. staff and finance), as well as delivering improved economic, environmental and social benefits.

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

A Single JTA for all of Wales would be too big and would not deal with local or sub regional issues.

The better of the two options is the national JTA with 3 regional JTA's. This would allow for regional issues to be addressed with an overarching authority dealing with policy, strategies, procurement and legal issues. The regional JTA's could then concentrate on providing cross boundary bus services that best serve local communities as well as the region.

The question is why is a national JTA needed?
Wouldn't it be better to feed regional JTA's into TfW and into WG. LA's would then take steer from the region ensuring consistent decision making who know their local areas best.

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

Regional JTA's based on previous regional alliances such as Sewta (South East Wales Transport Alliance) etc. with longer term funding plans (3 years plus) would allow better planning and investment into bus services and infrastructure.

REFERENCE WP067

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 is unclear exactly how the JTA would work and who would be invited to sit on the JTA.

Depending on the answer to the above, there could be a conflict of interest with the Welsh Minister approving funding for the JTA while being sat on it. WG officers would be better placed on the JTA and would promote a more joined up approach.

However, if Welsh Government Ministers are to be represented on the JTA it would be essential for local authority members to also be represented.

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 further white paper on these proposals would need to outline the governance structure and methodology as to why a JTA would be considered to be failing.

Who would audit and scrutinise the JTA? Who would make the decision on its failure or success?

Proposed JTA Functions in relation to buses

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

As above – is the National JTA required? Is the National JTA considered to be TfW?

One of the key issues to this approach is funding. How would the National JTA be funded?

Funding for buses is already scarce and an additional layer of governance would just take more funding from bus services.

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

RTA's could be responsible for :

Policy, strategies, and service standards of school and community transport services as well as ensuring standardised uniformed infrastructure is in place.

Procurement could be considered as part of the National Procurement Service (NPS) which could be made available to LA's put in place by the RTA.

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.

Enhanced Partnership working with a focus on meeting passenger aspirations is already available but needs an increase in bus service funding to be achieved.

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.

An EQP may be effective on the main commercial corridors, but would be inappropriate when it comes to the marginal services and smaller bus operators that provide a significant proportion of services throughout Wales. A successful partnership requires 'trust' and 'understanding' between parties.

A move towards a Bus Alliance model / Quality Partnership Agreement between operator and local authority and other stakeholders is the most cost effective and practical way to realise the improvements being sought.

There is no need for any new legislation to establish Quality Partnership Agreements in Wales, as the Transport Act 2000, enhanced by the Transport Act 2008 provides the legislation for a local authority to establish a Quality Partnership Scheme.

The Welsh Government should set parameters, but not micro-manage quality standards, as local market conditions also need to be considered.

The additional funding for the EQP's to be successful must be made available.

REFERENCE WP067

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.

It is considered that franchising will not address some of the key problems such as congestion that affect reliability. In addition there is a need for increased financial support for local services that are socially necessary but not commercial. This can be addressed by EQP's and additional funding for bus services and infrastructure.

Franchising must only be used as a last resort if a bus network is completely failing. To franchise often leads to smaller operators disappearing, larger operators gaining the lion's share of the market and prices being pushed upwards.

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 scrutinise and be satisfied that compliance with legislation, procedures, assessments and decisions to ensure that stakeholder and public interests are protected.

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

A major concern is a loss of competition within the bus industry, which is already suffering with many small/medium operators disappearing. This in turn could lead to higher prices when procuring services.

Franchising has been explored in another region of the U.K. and was rejected as it was financially unviable. Whilst another are currently exploring franchising will probably not be progressed.

Franchising in practice and Permits

REFERENCE WP067

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

Should franchising arrangements be introduced, a national framework and guidance is required 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	X
No	

Please explain your answer.

As previously mentioned, a major concern is the eventual loss of competition in the industry that is already suffering with regard to small and medium operators disappearing. Local circumstances need to be considered and taken account of.

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?

Various issues may arise and require further consideration and careful planning (e.g. with regard to incumbent commercial service providers, staff employment rights, TUPE, service registrations etc).

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?

When all other alternative options have been unsuccessfully explored with the local commercial bus industry and with regard to available budget.
When providing demand responsive transport services for local communities.
When providing transport for the local authority area's social services and schools.

Q16b. What, if any, safeguards do you feel ought to be put in place with in-house

REFERENCE WP067

services to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

An overarching body/board/tribunal (e.g. Regional JTA) that would consider issues and take decisions.

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

Yes, where it can be demonstrated that they offer better value for money or an improved service provision for the public.

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

Lack of capacity to supply service provision within the commercial local bus industry.

Where the local bus industry falls short of service standards.

Where using local the local bus industry is not cost 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?

An overarching body/board/tribunal (e.g. Regional JTA) that would consider issues and take decisions.

Arm's length bus companies should not be able to 'significantly' undermine the operation of commercial local bus services, but should be able to operate along common sections of route.

REFERENCE WP067

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, as 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	X
No	

Please explain your answer.

Knowing how services are running enable better planning, especially if trends can be identified.

The requirement should not be too onerous and have regard for available resource commitments and commercial viability.

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.

Allow trends to be identified and enable better targeting of available resources.

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?

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

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REFERENCE WP067



REFERENCE WP067

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 WP067

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 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 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.

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.

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REFERENCE WP067

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.

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.

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

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REFERENCE WP067

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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	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. 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.

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.

REFERENCE WP067

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.

REFERENCE WP067

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:

REFERENCE WP068

Cwestiwn 1. A ydych yn cytuno ei bod yn bwysig i Awdurdodau Lleol weithio gyda'i gilydd o ran gwasanaethau bysiau lleol? Ydw/Nac ydw? Eglurwch eich ateb

Rydym yn cytuno ei bod hi'n bwysig i Awdurdodau Lleol weithio gyda'i gilydd. Hoffem ddarparu un enghraifft, mae un gweithredwr bws (Arriva) yn derbyn 6 taliad gwahanol fel rhan o'r cynllun Pasis Bws Consesiynol ar draws Gogledd Cymru. Oni fyddai'n ddefnydd doethach o adnoddau (sydd yn prinhau) derbyn un taliad yn hytrach na chwech gwahanol a'r holl waith gweinyddol sydd yn gysylltiedig â hynny?

Cwestiwn 2. Rhowch sylwadau ar y strwythurau sefydliadol arfaethedig. Beth yw'r opsiwn a ffeirir gennych a pham?

Rydym yn ffafrio'r opsiwn un cyd-awdurdod trafniadaeth ar gyfer Cymru gyfan gyda byrddau cyflenwi rhanbarthol. Llai o fiwrocratiaeth fel hyn, sydd yn elfen rydym yn credu sydd wedi dal y maes yma yn ei ôl dros y blynyddoedd diwethaf. Tan yn ddiweddar yn y Gogledd mi oedd 6 Awdurdod Lleol a chorff rhanbarthol Taith, pam ddim cael y 6 Awdurdod yn gweithio yn uniongyrchol i Taith?

Cwestiwn 3. A oes strwythur sefydliadol arall ar gyfer Cyd-awdurdodau trafniadaeth y dylwn ei ystyried? Rhowch ddisgrifiad.

Na nid ydym yn credu.

Cwestiwn 4. A oes gennych unrhyw sylwadau ar y cynnig y dylid cynrychioli Gweinidogion Cymru ar Gyd-awdurdod Trafniadaeth neu ar unrhyw bwyllgorau Cyd-awdurdod Trafniadaeth?

Nid ydym yn credu ei fod yn beth drwg o gwbl.

Cwestiwn 5. A oes gennych unrhyw sylwadau ar y cynnig y dylai Gweinidogion Cymru gael pwerau i gyhoeddi canllawiau a chyfarwyddydau, ac i ymyrryd pe bai Cyd-awdurdod yn methu ag arfer ei swyddogaethau yn effeithiol?

Fel yr uchod, nid ydym yn credu y byddai yn beth drwg o gwbl.

Cwestiwn 6. A yw'r dull arfaethedig o rannu swyddogaethau cenedlaethol a rhanbarthol yn briodol?

Ydi, rydym yn credu ei fod.

Cwestiwn 7. A ddylid trosglwyddo unrhyw swyddogaethau eraill sy'n ymwneud â thrafnidiaeth i Gyd-awdurdod Trafniadaeth? Disgrifiwch.

Hyd yma yn y papur yma, nid ydym yn gallu gweld unrhyw gyfeiriad at dtrafnidiaeth ysgol. Rydym yn credu bod cludiant cyhoeddus a thrafnidiaeth ysgol yn mynd law yn law ac mae'r trefniant mewn sawl Awdurdod Lleol ar draws y Gogledd yn adlewyrchu hynny. Yn ogystal nid oes unrhyw gyfeiriad at Gludiant Cymunedol sydd yn chwarae rhan allweddol yn y ddarpariaeth mewn sawl Awdurdod.

Cwestiwn 8. A ydych yn meddwl bod angen deddfwriaeth i sicrhau'r manteision sy'n deillio o weithio ar ffurf bartneriaeth estynedig? Ydw/Nac ydw? Eglurwch eich ateb i'r cwestiwn hwn.

REFERENCE WP068

Oes, rydym yn credu bod angen deddfwriaeth i sicrhau'r manteision sy'n deillio o weithio ar ffurf bartneriaeth estynedig ac hynny er mwyn rheoleiddio'r broses.

Cwestiwn 9. A ydych yn cytuno â'n cynigion ar gyfer Partneriaethau Ansawdd Estynedig, yn enwedig y broses arfaethedig o ddatblygu a gwneud Partneriaethau Ansawdd Estynedig? Ydw/Nac Ydw? Eglurwch eich ateb i'r cwestiwn hwn.

Ydym ac yn bendant yr hyn a nodir am y bwriad y byddai Partneriaeth Ansawdd o'r fath yn seiliedig ar adolygiad ar y cyd o rwydwaith gwasanaethau bysiau lleol a gynhelir gan yr Awdurdodau Lleol a'r gweithredwyr hynny sy'n gweithredu gwasanaethau bysiau yn yr ardal hynny.

Cwestiwn 10. A ydych yn meddwl bod y cynllun arfaethedig yn opsiwn mwy ymarferol ar gyfer masnachfreinio gwasanaethau bysiau lleol? Ydw/Nac Ydw? Eglurwch eich ateb.

Ydi, gan y byddai'r cynllun arfaethedig drwy fasnachfreinio yn galluogi Awdurdodau Lleol roi'r hawl i redeg llwybr neu lwybrau bysiau i'r cynigiwr mwyaf cystadleuol.

Oherwydd y sefyllfa bresennol ac ers sawl blwyddyn bellach, nid ydym yn gweld angen am gynllun tebyg ym Môn gan nad oes fawr o gystadleuaeth i'r prif weithredwr masnachol (Arriva). Yn ogystal mae'r rhwydwaith wedi bod yn un reit sefydlog.

Cwestiwn 11. A ydych yn meddwl y dylai fod yn ofynnol i'r asesiad fod yn ddarostynedig i archwiliad annibynnol? Ydw/Nac Ydw? Eglurwch eich ateb.

O'n dealltwriaeth ni, cynhelir archwiliad annibynnol pan fo pryder gan y cyhoedd ac i adfer hyder mewn proses felly petai pryder yna efallai y dylai'r asesiad fod yn ddarostynedig i archwiliad annibynnol.

Cwestiwn 12. A oes gennych unrhyw sylwadau eraill ar y broses fasnachfreinio arfaethedig?

Nac oes

Cwestiwn 13. A oes gennych unrhyw sylwadau mewn perthynas â'r cynigion ynghylch dyroddi hawlenni dan amodau pan fo trefniadau masnachfreinio yn eu lle?

Rydym yn credu ei fod yn beth da.

Cwestiwn 14. A ydych yn cytuno y dylid ystyried yn benodol, fel rhan o unrhyw drefniadau i ddyfarnu contractau masnachfreinio, sut y gellir galluogi gweithredwyr bysiau bach a chanolig i fod yn rhan o'r broses gaffael? Ydw/Nac Ydw? Eglurwch eich ateb.

Yn bendant. Fel y nodir yn y papur yma mae gweithredwyr bysiau bach a chanolig yn elfen bwysig o weithredwyr bysiau Cymru. O ystyried y sefyllfa ym Môn mi fyddai'n ddrwg iawn heb y gweithredwyr yma.

Cwestiwn 15. Pa drefniadau pontio y dylid eu hystyried er mwyn sicrhau na effeithir ar wasanaethau bysiau yn ystod y broses o baratoi masnachfrait?

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Efallai os yw'r gwasanaethau a fydd yn ffurfio'r fasnachfaint yma o dan gontract i Awdurdod Lleol sicrhau fod y gwasanaethau hyn yn parhau o dan gontract tan fydd y masnachfaint yn cychwyn?

Cwestiwn 16. A ydych yn meddwl y dylai awdurdodau lleol fod yn gallu rhedeg gwasanaethau bysiau yn uniongyrchol (hy gwasanaethau mewnlol)

O dan ba amgylchiadau y byddai hynny'n briodol yn eich barn chi?

Yn eich barn chi, pa fesurau diogelu, os o gwbl, y dylai fod yn eu lle mewn perthynas â gwasanaethau mewnlol i sicrhau nad oes gan awdurdod lleol fantais annheg mewn marchnad dadreoleiddig, a pham?

Rydym yn credu y dylai Awdurdodau Lleol fod gyda'r gallu i redeg gwasanaethau bysiau. Rydym yn credu bod hynny'n briodol mewn sefyllfa lle mae'r lefel o gystadleuaeth yn gyfyngedig. Er enghraifft, petai Awdurdod Lleol yn tendro am wasanaeth/gwasanaethau bws a dim tendrau yn cael eu derbyn yna mae'r hawl yno wedyn i'r Awdurdod weithredu y gwasanaeth/gwasanaethau hynny.

Ar y llaw arall, un mesur y gellir ei ddefnyddio i sicrhau nad oes gan Awdurdod Lleol fantais annheg yw, petai tendrau yn cael eu derbyn gan fwy nag un gweithredwr am wasanaeth/gwasanaethau a bo rheini yn cael eu gosod ar sail y pris isaf, yna yn yr amgylchiadau hynny dylid dyfarnu'r gwasanaeth/gwasanaethau hynny i'r gweithredwyr masnachol (oni bai fod y gwahaniaeth mewn pris ddim yn or sylweddol).

Cwestiwn 17. A ydych chi'n credu y dylai awdurdodau lleol fod yn gallu sefydlu cwmnïau hyd braich i weithredu gwasanaethau bysiau lleol?

O dan ba amgylchiadau y byddai hynny'n briodol yn eich barn chi?

Yn eich barn chi, pa fesurau diogelu, os o gwbl, y dylai fod yn eu lle mewn perthynas â chwmnïau hyd braich i sicrhau nad oes gan awdurdod lleol fantais annheg mewn marchnad dadreoleiddig, a pham?

Fel yr ateb i'r cwestiwn blaenorol rydym yn credu y dylai Awdurdodau Lleol fod gyda'r gallu i sefydlu cwmnïau hyd braich i weithredu gwasanaethau bysiau lleol. Unwaith eto, rydym yn credu fod hynny'n briodol mewn sefyllfa lle mae'r lefel o gystadleuaeth yn gyfyngedig. Er enghraifft, petai Awdurdod Lleol yn tendro am wasanaeth/gwasanaethau bws a dim tendrau yn cael eu derbyn yna mae'r hawl yno wedyn i'r Awdurdod weithredu y gwasanaeth/gwasanaethau hynny.

Gweler ateb cwestiwn 16 am y mesurau diogelu.

Cwestiwn 18. Ydych chi'n cytuno â chynnig Gweinidogion Cymru i alinio'r hawl i gerdyn teithio rhatach gorfodol ag oedran pensiwn menywod? Rhowch resymau dros eich atebion.

Rydym yn cytuno. Y brif rheswm dros hynny yw'r effaith mae'r cynllun yn ei chael ar y pwrs cyhoeddus. Wrth godi yr oedran sydd yn gymwys am gerdyn yna fydd llai o'r boblogaeth yn gymwys am gerdyn o'r fath fydd yn ei dro yn lleihau'r baich ar y pwrs cyhoeddus.

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Cwestiwn 19. Ydych chi'n cytuno mai newid fesul dipyn yw'r dull mwyaf priodol?

Rydym yn credu mai'r dull yna fyddai'r ffordd lleiaf dadleuol.

Cwestiwn 20. Ydych chi'n cytuno â'n cynigion i'w gwneud yn ofynnol i ryddhau data agored ar lwybrau amserlenni, prisiau a thocynnau? Ydw/Nac ydw? Eglurwch eich ateb.

Rydym yn cytuno. Rydym yn credu fod y diffyg gwybodaeth i deithwyr am brisiau a thocynnau yn rhwystr mawr sydd yn nadu teithwyr rhag defnyddio'r dull yma o deithio (y bws).

Cwestiwn 21. Ydych chi'n cytuno â'n cynnig i alluogi awdurdodau lleol i gael y pŵer i gael gwybodaeth am wasanaethau bysiau sydd i'w canslo neu eu hamrywio, a lle y bo'n berthnasol, ddatgelu'r wybodaeth hon fel rhan o'r broses dendro? Ydw/Nac ydw? Eglurwch eich ateb.

Rydym yn cytuno. Wedi dweud hynny, ym Môn rydym yn ffodus pan fo'r gweithredwr masnachol (Arriva) yn bwriadu canslo neu amrywio yna rydym yn cael ein cynnwys yn y broses honno.



Improving Public Transport – Welsh Government White Paper
All Wales Licensing Expert Panel

This response is submitted on behalf of the All Wales Licensing Expert Panel on behalf of Wales Heads of Environmental Health Group. The Directors of Public Protection Wales (DPPW) represents Local Authority regulatory services that directly affect the health, safety and well-being of local communities in Wales. Under DPPW there are several specialist/expert panels; one of which is the All Wales Licensing Expert Panel.

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.

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

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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, the Panel 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. 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,

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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 the Panel 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 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

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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.

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.

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.

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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.

The Panel 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. 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.

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

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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. The Panel 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.

The Panel 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.

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.

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

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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, 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.

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?

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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:

The Panel have no further comments to make.

Signed.

Sarah Johns (Chair)

Neil Chapple (Secretary)

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REFERENCE WP069

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

Gwella Trafnidiaeth Gyhoeddus - Papur Gwyn Llywodraeth Cymru

Cyflwynir yr ymateb hwn ar ran Cyngor Gwynedd fel awdurdod trwyddedu mewn perthynas â Rhan 2 y Papur Gwyn sy'n ymwneud â thrwyddedu tacsis.

Mae'r ymateb yn seiliedig ar Banel Arbenigol Trwyddedu Cymru Gyfan ar ran Grŵp Penaethiaid Iechyd yr Amgylchedd Cymru. Mae Cyfarwyddwyr Gwarchod y Cyhoedd Cymru (DPPW) yn cynrychioli gwasanaethau rheoleiddio Awdurdodau Lleol sy'n cael effaith uniongyrchol ar iechyd, diogelwch a llesiant cymunedau lleol yng Nghymru. Dan DPPW, mae nifer o baneli arbenigol; ac mae Panel Arbenigol Trwyddedu Cymru Gyfan yn un ohonynt.

Yn ogystal, mae Swyddogion Cyngor Gwynedd ac aelodau'r Pwyllgor Trwyddedu Cyffredinol wedi cyfrannu sylwadau fel rhan o'r ymateb hwn.

Rhan 2 – Taxis a Cherbydau Hurio Preifat

Safonau Cenedlaethol

C22. A ydych yn cytuno â'n cynnig i gyflwyno safonau cenedlaethol a fydd yn berthnaol i bob tacsî a Cherbyd Hurio Preifat yng Nghymru?

Ydw	ydw
Nac ydw	

Eglurwch eich ateb os gwelwch yn dda.

Ydw, mae hyn yn gyson â'r gwaith ymgynghori blaenorol a wnaed rhwng y Panel Arbenigol Trwyddedu ac arweinydd Llywodraeth Cymru ar ddiwygio tacsîs yng Nghymru. Mae hefyd yn gyson ag argymhelliad 2 a wnaed gan y "*Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]*" ac adolygiad Comisiwn y Gyfraith "*Reforming the Law of Taxi and Private Hire Services*" [2012].

Byddai safonau cenedlaethol yn sicrhau bod gwasanaethau tacsî yn cael eu cyflwyno'n gyson ledled Cymru ac yn ymdrin ag unrhyw ganfyddiadau o anghysondebau diangen ar draws Cynghorau.

C23. A oes unrhyw faterion yr hoffech eu gweld wedi'i gynnwys mewn unrhyw safonau cenedlaethol?

Dylid diffinio safonau cenedlaethol ar wahân ar gyfer cerbydau, gyrwyr a gweithredwyr. Dylid cynnwys y materion a ganlyn, er nad yw hon yn rhestr gynhwysfawr:

- Gwiriadau DBS a Rhestr Wahardd Uwch (tystysgrifau am ymddygiad da ar gyfer ymgeiswyr tramor) ar gyfer gyrwyr, gweithredwyr, perchnogion ac anfonwyr. Mae'r Panel yn credu bod angen archwilio cefndir unrhyw un sy'n cymryd neu'n dal gwybodaeth bersonol am unigolyn i sicrhau fod y person yn addas a phriodol ("*fit and proper*").
- Mae angen i'r meddyg sy'n cwblhau'r gwiriad nodi ffitrwydd meddygol yr ymgeisydd ac yn benodol y gofyniad Safonau Meddygol Grŵp 2 a'r angen am hanes meddygol llawn yr ymgeisydd. Yn ogystal, dylai'r safonau ystyried cysondeb y mater o dystysgrifau eithrio o ran dyletswyddau'r Ddeddf Cydraddoldeb.
- Gwiriadau mewnfudo, yn enwedig yr Hawl i Weithio yn y DU
- Addasrwydd ymgeiswyr a deiliaid trwydded. Mae'r *Institute of Licensing* wedi cyhoeddi canllawiau ar bennu addasrwydd ymgeiswyr a deiliaid trwydded yn y diwydiant cerbydau hacni a hurio preifat. Dylid ymgorffori'r meini prawf a ddefnyddir yn y canllaw hwn mewn unrhyw safonau cenedlaethol.
[https://www.instituteoflicensing.org/documents/Guidance on Suitability Web Version \(16 May 2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance%20on%20Suitability%20Web%20Version%20(16%20May%202018).pdf)
- Cymwysterau galwedigaethol a gydnabyddir yn genedlaethol, yn cynnwys

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hyfforddiant ansawdd ac ymwybyddiaeth o anabledd, hyfforddiant ymwybyddiaeth o ddiogelu (Cam-drin Plant/Cam-fanteisio ar Blant yn Rhywiol, Llinellau Cyffuriau), prawf safonau gyrru ymarferol, sgiliau cyfathrebu a llythrennedd, gofal cwsmer, ymdrin ag argyfwng, rheoli gwrthdaro, ac ati.

- Prawf gwybodaeth ac addasrwydd (llythrennedd, rhifedd, rheolau'r ffordd fawr, amodau, gwybodaeth am yr ardal leol).
- Trwyddedau gyrru tramor

Yn ogystal, byddai'r Cyngor yn argymhell cynnwys y materion a ganlyn mewn perthynas â cherbydau:

- Safonau Archwilio Cenedlaethol ac amllder archwiliadau a phrofi, gan gynnwys y meini prawf ar gyfer profi. Yn ogystal, dylid ystyried addasrwydd, annibyniaeth ac argaeledd gorsafoedd profi a sut y'u cymeradwyr, e.e. ystyried p'un a yw'n briodol defnyddio gorsafoedd profi ym mherchnogaeth y Diwydiant.
- Dyluniad ac ymddangosiad a gofynion gofodol mewnol cerbydau, gan gynnwys y dull o adnabod tacsis a cherbydau hurio preifat.
- Y wybodaeth a ddylai fod wedi'i chynnwys ar unrhyw ffynhonnell adnabod cerbyd (platiau, arwyddion drws).
- Safonau ar gyfer cerbydau arbenigol a difyrrwch, megis limosîn, ceir priodasau ac angladdau, omnibysiau a phedi-cabiau.
- Safonau Mesurydd Tacsî gan gynnwys y meini prawf ar gyfer mesuryddion Pulse a GPS.
- Y defnydd o TCC mewn cerbydau a'r safonau cysylltiedig, awdio a fideo fel y'i amlinellir yn argymhelliad 17 ac 18 "*Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]*". Mae Swyddfa'r Comisiynydd Gwybodaeth wedi cynhyrchu cyngor i gynghorau a sefydliadau eraill o ran defnyddio gwyliadwriaeth a systemau TCC mewn tacsîs trwyddedig. Dylai safon genedlaethol ystyried y cyngor hwn.
<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand> Yn ogystal, mae'r Canllawiau LGA wedi'u cyhoeddi bellach.
<https://www.local.gov.uk/developing-approach-mandatory-cctv-taxis-and-phvs> Efallai y bydd y gost o osod TCC mewn cerbydau trwyddedig, yn enwedig i fusnesau bach, yn gofyn am gymhorthdal gan Lywodraeth Cymru.
- Cadw cofnodion, gan gynnwys y cyfnod cadw angenrheidiol. Cred y Panel, yn ddelfrydol, dylid cadw cofnodion ar gyfer pob siwrne; fodd bynnag, mae anawsterau ymarferol amlwg wrth weithredu dull fel hyn. Dewis gwell fyddai defnyddio technoleg i wella'r prosesau diogelu. Nid yn unig y byddai defnyddio TCC, tracwyr a systemau GPS yn rhoi system fwy cadarn ar gyfer cadw cofnodion, ond byddai hyn hefyd yn golygu nad oes angen rhoi byrdwn gweinyddol ar yrwyr tacsî.
- Ystyriaethau amgylcheddol megis safonau allyriadau cerbyd.

Mae'r safonau ar gyfer rhai o'r pwyntiau a argymhellir uchod wedi'u cynnwys mewn canllawiau eisoes ac fe ddylid eu hystyried wrth ddatblygu unrhyw safonau cenedlaethol, megis y *Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance* (Mawrth 2010) er bod hwn angen ei ddiweddarau.
<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment>

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<data/file/212554/taxi-private-hire-licensing-guide.pdf>

Yn ogystal, byddai'r Cyngor yn argymhell gwneud hyfforddiant yn orfodol i'r holl unigolion sy'n gysylltiedig â'r broses gwneud penderfyniadau ar faterion trwyddedu. Mae'n hanfodol hyfforddi swyddogion, cynghorwyr a chlercod cyfreithiol yr Ynadon (ar gyfer apeliadau) yn gyson a phriodol er mwyn sicrhau bod y rhai sy'n gweithredu'r safonau yn gymwys i wneud hynny. Dylai cynnwys yr hyfforddiant lunio rhan o'r safonau cenedlaethol.

Yn olaf, dylai unrhyw safonau cenedlaethol a ddatblygir fod yn gyson â'r meini prawf sydd wedi'u gweithredu yn Lloegr er mwyn lleihau'r amrywiaethau yn y gofynion i yrwyr, cerbydau a gweithredwyr, yn enwedig o gwmpas ardaloedd y ffin.

C24. A oes unrhyw faterion y credwch y dylid eu heithrio o unrhyw safonau cenedlaethol?

Nid oes unrhyw faterion y dylid eu heithrio, er na ddylai safonau cenedlaethol ddyblygu deddfwriaeth arall.

C25. Pa rwystrau ymarferol y gellid dod ar eu traws wrth osod safonau cenedlaethol cyffredin ar gyfer tacsis a hefyd CHP?

Y prif rwystr fydd ymgorffori'r safonau cenedlaethol i'r 10,000 o gerbydau a'r 12,000 o yrwyr sydd wedi'u trwyddedu yng Nghymru ar hyn o bryd, a'r darpariaethau fydd angen bod yn eu lle ar gyfer trefniadau trosiannol a hawliau teidiau. Yn ogystal, bydd angen ystyried dod o hyd i safonau cyson ac addas fydd yn gweithio mewn ardaloedd trefol a gwledig fel ei gilydd.

C26. Beth fyddai'r dull gorau o benderfynu ar gynnwys safonau cenedlaethol?

Mae nifer o bolisiâu cenedlaethol eisoes yn eu lle sydd wedi'u mabwysiadu gan nifer o Awdurdodau Lleol yng Nghymru er mwyn darparu lefel o gysondeb rhwng ardaloedd, er enghraifft:

- Safonau Archwilio Cenedlaethol ar gyfer cerbydau hacni a hurio preifat, a
- Yr *Institute of Licensing* o ran pennu addasrwydd ymgeiswyr a'r trwyddedau yn y diwydiant cerbydau hacni a hurio preifat.

Yn ogystal, ceir rhai enghreifftiau rhagorol lle mae polisiâu a safonau trwyddedu tacsii lleol yn eu lle sydd wedi'u datblygu a'u gweithredu ar lefel leol.

Yn gyntaf, bydd Llywodraeth Cymru angen sefydlu pa bolisiâu a safonau sydd eisoes yn eu lle yng Nghymru ac yna tynnu ar wybodaeth ymarferwyr trwyddedu

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sydd â phrofiad ymarferol arbenigol o wneud gwaith trwyddedu tacsis yn ddyddiol.

Byddai Llywodraeth Cymru yn esgeulus iawn pe bai'n diystyru unrhyw bolisiâu, safonau neu weithdrefnau sydd wedi'u datblygu gan bobl broffesiynol yn y maes trwyddedu ac sydd, mewn gwirionedd, yn ceisio cyflwyno gwasanaeth cadarn yn erbyn cefnlen o ddeddfwriaeth sy'n annigonol ac sydd wedi dyddio.

Mae Panel Arbenigol Trwyddedu Cymru Gyfan yn cynnwys rheolwyr ac arweinwyr tîm sydd â gwybodaeth a phrofiad helaeth yn y maes trwyddedu tacsis ac, heb os nac onibai, byddai angen eu cynnwys yn helaeth yn y gwaith o ddatblygu safonau cenedlaethol.

Awgrymir y byddai angen i Lywodraeth Cymru ymgysylltu â grwpiau diogelwch teithwyr a chynrychiolwyr y gweithredwyr yn ogystal, a hynny drwy gyfarfodydd, seminarau a gweithdai.

C27. Plîs nodwch unrhyw sylwadau neu gynigion eraill o gwmpas safonau cenedlaethol na chawsant eu cynnwys yn y cwestiynau uchod.

Bu i ymgynghoriad blaenorol Llywodraeth Cymru ar Drwyddedu Tacsis a Cherbydau Hurio Preifat yng Nghymru [WG31865] gyfeirio at: "*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*".

Er nad yw'r Papur Gwyn yn gwneud unrhyw gyfeiriad at safonau cenedlaethol sylfaenol, mae'n werth nodi na fyddai'r Cyngor yn argymhell bod awdurdodau trwyddedu lleol yn cael caniatâd i osod amodau lleol ychwanegol uwchben y safon genedlaethol.

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Gorfodi

C28. A ddylid galluogi awdurdod lleol i ddiddymu neu atal trwydded sy'n ymwneud ag unrhyw gerbyd sy'n gweithredu yn ei ardal, hyd yn oed os na wnaeethant gyhoeddi'r drwydded wreiddiol?

Ydw	
Nac ydw	

Eglurwch eich ateb os gwelwch yn dda.

Mae'r Cyngor yn credu mai cyfrifoldeb yr Awdurdod Trwyddedu cartref yw diddymu trwydded cerbyd. Lle bo argymhelliad i weithredu i ddiddymu trwydded, mae'n hanfodol bod deiliad y drwydded yn cael y cyfle i gael ei glywed, h.y. cyfle i gael gwrandawriad teg; mae hyn yn ofyniad yn Erthygl 6 y Ddeddf Hawliau Dynol sy'n gwarchod eich hawl i wrandawriad teg. Yn ogystal, bydd gan yr Awdurdod Trwyddedu sydd wedi cyflwyno'r drwydded wybodaeth leol werthfawr ynghylch deiliad y drwydded, mynediad uniongyrchol i hanes y cerbyd ac unrhyw gwynion a dderbyniwyd a dylai fod yn gyfrifol am adennill unrhyw ffioedd sy'n gysylltiedig â chymryd y camau gorfodaeth. Nodir nad oes cynigion mewn perthynas â gosod ffioedd wedi'u cynnwys yn y Papur Gwyn.

Fodd bynnag, cred y Cyngor ei bod yn briodol i unrhyw swyddog awdurdodedig o unrhyw ardal Awdurdod Trwyddedu gael y grym i atal ar unwaith (Adran 68, Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976), trwydded unrhyw gerbyd sy'n gweithredu yn ei ardal (waeth lle y cafodd ei drwyddedu), lle bo risg uniongyrchol i ddiogelwch y cyhoedd, e.e. teiar diffygiol, neu o bosib lle bo'r cerbyd yn methu â bodloni'r safonau cenedlaethol, e.e. arwyddion drws / platiau cefn ar goll. Yna, byddai'r awdurdod sy'n cyflwyno'r gwaharddiad yn adrodd ar y mater i'r Awdurdod Trwyddedu cartref er mwyn iddynt hwy ystyried p'un i godi'r gwaharddiad neu gymryd camau pellach.

C29. A ddylid galluogi awdurdod lleol i roi sancsiwn llai mewn perthynas ag unrhyw gerbyd sy'n gweithredu yn ei ardal, hyd yn oed os na chyhoeddodd y drwydded wreiddiol?

Ydw	
Nac ydw	

Eglurwch eich ateb os gwelwch yn dda.

Mae'r Cyngor yn ystyried bod hyn o fudd i gynorthwyo'r Awdurdod Trwyddedu cartref er mwyn pennu p'un a oes angen unrhyw weithredu pellach, e.e. hysbysiad gwella / cynghorol / rhybudd. Er enghraifft, byddai cyflwyno system o Hysbysiadau Cosb Sefydlog yn dod â gorfodaeth tacsis a hurio preifat yn unol â meysydd eraill mewn

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llywodraeth leol. Byddai angen datblygu rhyw fath o gynllun cyfeirio er mwyn hysbysu'r Awdurdod Trwyddedu a roddodd y drwydded; fodd bynnag, byddai angen rhoi ystyriaeth bellach i oblygiadau ymarferol hyn.

C30. Plis nodwch unrhyw sylwadau neu gynnigion eraill ynghylch gorfodi nad oeddent wedi'u cynnwys yn y cwestiynau uchod.

Mae Panel Arbenigol Trwyddedu Cymru Gyfan wedi bod yn trafod â Llywodraeth Cymru yn y gorfennol ynghylch cyflwyno'r grym i stopio a chyfarwyddo tacsis a cherbydau hurio preifat. Byddai hyn yn ychwanegiad defnyddiol a buddiol i'r dewisiadau gorfodaeth sydd ar gael i awdurdodau lleol ar hyn o bryd.

Ar hyn o bryd, ni all Awdurdodau Lleol roi amodau ar drwyddedau gyrrwyr cerbydau hacni; mae gan rai awdurdodau lleol Is-ddeddfau yn eu lle, a byddem yn argymhell ymgorffori unrhyw gydran berthnasol o'r rhain yn y safonau cenedlaethol.

Byddai'r Cyngor yn argymhell bod Llywodraeth Cymru yn cyflwyno darpariaethau gorfodaeth eraill, megis pan fo gyrrwr yn gwrthod taith gan ei bod yn daith fer, neu mewn achosion o godi gormod o ffi.

Yn ogystal, byddai'r Cyngor yn argymhell gwneud hyfforddiant yn orfodol i'r holl unigolion sy'n ymwneud â'r broses gwneud penderfyniadau ar faterion trwyddedu (fel y nodwyd uchod). Mae'n hanfodol hyfforddi swyddogion, cynghorwyr (yn cynnwys clerod cyfreithiol yr Ynadon yn ogystal) yn gyson a phriodol er mwyn sicrhau bod y rhai sy'n gweithredu'r safonau yn gymwys i wneud hynny. Dylai cynnwys yr hyfforddiant lunio rhan o'r safonau cenedlaethol.

Rhannu gwybodaeth

C31. A ydych yn cytuno â'n cynnig i greu cronfa ddata neu wneud trefniadau eraill ar gyfer rhannu gwybodaeth ddiogel berthnasol?

Ydw	
Nac ydw	

Eglurwch eich ateb os gwelwch yn dda.

Mae sefydlu cronfa ddata genedlaethol orfodol o'r holl yrwyr trwyddedig yn allweddol; fodd bynnag, dylid ehangu'r gronfa ddata hon i gynnwys cerbydau a gweithredwyr, perchnogion ac anfonwyr, i gefnogi gorfodaeth gryfach. Rhaid sefydlu hyn yn gyflym.

Yn y cyfamser, mae'r Rhwydwaith Gwrth-dwyll Cenedlaethol (NAFN) yn darparu cofrestr ar-lein o yrwyr tacsis a cherbydau hurio preifat sydd wedi cael eu gwrthod

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neu os ydyw eu trwydded wedi'i diddymu. Mae'r gronfa ddata hon yn cynnwys y rhesymau am unrhyw wrthodiad neu ddiddymiad, ynghyd â manylion yr Awdurdod Trwyddedu perthnasol. Rhaid i Lywodraeth Cymru gyflwyno deddfwriaeth i orchymyn bod hwn yn cael ei ddefnyddio, fel blaenoriaeth. Mae Panel Arbenigol Trwyddedu Cymru Gyfan wedi cytuno mewn egwyddor i ddefnyddio'r gronfa ddata hon ac yn ystod yr ymgynghoriad hwn, roedd yr holl awdurdodau lleol yng Nghymru yn bwrw ymlaen ar hyn.

Yn ogystal, rhaid i unrhyw gronfa ddata genedlaethol fedru derbyn neu gysylltu â chronfa ddata gyfatebol yn Lloegr, er mwyn osgoi dyblygu unrhyw fewnbyniad data a sicrhau diogelwch y cyhoedd, yn enwedig o amgylch ardaloedd ar y ffin.

C32. Plîs nodwch unrhyw sylwadau neu gynigion eraill ynglŷn â rhannu gwybodaeth Nac ydwd oeddent wedi'u cynnwys yn y cwestiynau uchod.

Mae darpariaethau'r *Common Law Police Disclosure* wedi'u hamlygu fel pryder dybryd gan y Panel Arbenigol Trwyddedu yn flaenorol. Nid yw'r cynigion hyn yn ymdrin â'r mater hwn. Awgryma'r Panel y dylid adolygu'r darpariaethau datgelu presennol i sicrhau bod yr holl wybodaeth berthnasol ynghylch troseddau ac ymddygiad gyrywyr tacsî a cherbydau hurio preifat, gan gynnwys gwybodaeth am achosion o arestio, cyhuddo ac euogfarnau, yn cael ei rhannu â'r Awdurdod Trwyddedu ar unwaith.

Mae'r Panel yn gwerthfawrogi y gall Llywodraeth Cymru fod wedi'i gyfyngu mewn perthynas â dylanwadu ar yr awgrym hwn, ond mae'n hanfodol sicrhau bod yr holl yrwyr, gweithredwyr, perchnogion ac anfonwyr yn saff ac yn addas. Croesawir unrhyw ddylanwad y gallai Llywodraeth Cymru ei gael ar hyn i wella rhannu gwybodaeth ar sail diogelwch y cyhoedd.

C33. A ydych yn cytuno â'n cynnig i ailgyfeirio'r holl swyddogaethau trwyddedu tacsî a Cherbydau Hurio Preifat presennol, oddi wrth awdurdodau lleol ac i mewn i awdurdod trwyddedu cenedlaethol (Opsiwn A)?

Ydw	
Nac ydw	Nac ydw

Eglurwch eich ateb os gwelwch yn dda.

Ni fyddai'r Cyngor yn cefnogi'r cynnig yn seiliedig ar y wybodaeth sydd wedi'i darparu gan nad oes tystiolaeth i gefnogi'r angen i ailgyfeirio'r swyddogaeth trwyddedu tacsîs a cherbydau hurio preifat gyfredol i ffwrdd o Awdurdodau Lleol. Ar hyn o bryd, nid oes unrhyw fanylion yn y papur gwyn hwn ynghylch sut fyddai'r JTA yn ymgymryd â'r swyddogaeth trwyddedu ac felly mae'n anodd iawn i ni ateb y cwestiwn hwn. Mae'r Cyngor yn teimlo nad oes digon o waith ymchwil wedi'i wneud mewn perthynas â'r bwriad hwn a bod yn rhaid i Lywodraeth Cymru gynhyrchu

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eglurhad llawer mwy manwl ynghylch sut fyddai'r JTA yn gweithio. Mae'r Cyngor yn teimlo y byddai mewn gwell sefyllfa i roi sylwadau ar y cynnig pe byddai hynny ar gael. Ein pryder mwyaf yw gwarchod y cyhoedd, ac nid oes unrhyw beth yn y cynnig hwn sy'n awgrymu mai diogelwch y cyhoedd sydd flaenllaw yn y cynnig hwn.

Dan y trefniadau presennol, mae gwerth a budd o wneud penderfyniadau lleol ar faterion tacsis; gydag aelodau etholedig drwy Bwyllgorau Trwyddedu a swyddogion yn sicrhau atebolrwydd lleol a gwleidyddol am benderfyniadau a wnaed, gan ddarparu dull cyson a chadarn sy'n cael ei arwain gan bolisiau trwyddedu tacsis lleol a chanllawiau cenedlaethol.

Yn ogystal, mae dyletswydd ar Awdurdodau Lleol i ystyried Fframwaith LIC ar gyfer Rheoli'r Economi Gyda'r Nos yng Nghymru. Mae angen i awdurdodau ystyried yr angen am drafnidiaeth yn eu heconomi leol gyda'r nos fel rhan o ddull integredig, sy'n cynnwys pwysigrwydd tacsis a cherbydau hurio preifat. Mae cydweithio mewn partneriaeth rhwng asiantaethau lleol allweddol, megis yr Heddlu (gan gynnwys yr Heddlu Trafnidiaeth), trwyddedu a'r diwydiant tacsis, yn cynnig y cyfleoedd gorau i gyflawni amgylcheddau trafnidiaeth gyda'r nos sy'n gynaliadwy ac sy'n hyrwyddo diogelwch. Ni fyddai tynnu'r ddyletswydd oddi ar Awdurdodau Lleol yn fuddiol o ran gweithredu cynlluniau i wella'r economi gyda'r nos yn ei chyfanrwydd.

Drwy'r Panel Arbenigol, byddai'r Cyngor yn fodlon ystyried y dystiolaeth ar gyfer cynigion Llywodraeth Cymru, a chydweithio ymhellach i sicrhau bod unrhyw ddiwygiadau a wneir i ddeddfwriaeth tacsis a cherbydau hurio preifat yn gadarn, yn orfodadwy ac yn gwella diogelwch y cyhoedd.

C34. A ydych chi'n credu y dylai awdurdodau lleol barhau i fod â chyfrifoldeb am drwyddedu tacsis a Cherbydau Hurio Preifat (Opsiw B)?

Ydw	ydw
Nac ydw	

Eglurwch eich ateb os gwelwch yn dda.

Ydw, cred y Cyngor y dylai awdurdodau lleol barhau i fod â chyfrifoldeb am drwyddedu tacsis a cherbydau hurio preifat. Er bod y Panel yn gwerthfawrogi bod y swyddogaeth Trwyddedu angen ei chryfhau, fel y nodwyd yn Dewis B, cydnabyddir bod trwyddedu yn gweithio'n dda ar y lefel lleol.

Mae swyddogion yr awdurdod lleol ac aelodau etholedig yn elwa o'r wybodaeth leol sydd wedi'i chael drwy gydweithio'n effeithiol mewn partneriaeth a rhannu data â phartneriaid megis Heddlu Gogledd Cymru a thimau gorfodaeth lleol y Swyddfa Gartref.

Gofynnir am dystiolaeth ychwanegol gan Lywodraeth Cymru i gyfiawnhau'r

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gwrthwyneb o ran parhau â chyfrifoldebau Awdurdod Lleol.

C35. Plis nodwch unrhyw sylwadau neu gynigion eraill sy'n ymwneud â chyfrifoldeb am drwyddedu tacsï / Cerbydau Hurio Preifat nad oeddent wedi'u cynnwys yn y cwestiynau uchod.

Nid yw'r Cyngor yn credu bod y cynigion presennol sydd wedi'u cynnwys yn y Papur Gwyn yn mynd yn ddigon pell i geisio ymgymryd â'r diwygiad y mae ei ddirfawr angen yn y maes trwyddedu tacsï a cherbydau hurio preifat. Byddai'r gyfres flaenorol o gynigion a oedd wedi'u cynnwys yn *Taxi and Private Hire Vehicle Licensing in Wales* [WG31865] wedi cyflwyno trefn trwyddedu tacsï gadarn a oedd yn addas ar gyfer yr 21ain Ganrif ac yn rhoi'r teclynnau angenrheidiol i awdurdodau lleol warchod y cyhoedd, taclo gweithio ar draws ffiniau a chyflwyno mwy o rym er gwell gorfodaeth. Yn hytrach, yr hyn sy'n cael ei gynnis ar hyn o bryd yw ateb cyflym, ac nid yw'n cynnig dim mwy nag ateb dros dro. Mae'r deddfwriaeth bresennol yn hynafol, nid yw'n addas i'r diben ac mae angen ei diwygio'n sylfaenol gyda phrif deddfwriaeth newydd.

Mae'r Cyngor yn siomedig bod y cynlluniau radical, uchelgeisiol a chyffrous a gynigiwyd gan Lywodraeth Cymru yn flaenorol wedi'u rhoi o'r neilltu, i bob pwrpas, a'i bod yn annhebygol y byddant yn gweld golau dydd. Fodd bynnag, mae dewis hyfyw arall ar gael yn rhwydd drwy ystyried mabwysiadu argymhellion y "*Ministerial Working Party into Hackney carriage and Private Hire Licensing in England* [2018]" mewn mwy o fanylder, gan eu bod yn adeiladu ar y gwaith a wnaed gan Gomisiwn y Gyfraith ar "*Reforming the Law of Taxi and Private Hire Services* [2012]".

Mae'r argymhellion hyn yn cynnig llawer mwy nag ateb dros dro a byddai hyn yn moderneiddio'r fframwaith deddfwriaethol, yn cyflwyno rheoleiddio priodol ac yn rhoi'r teclynnau gorfodaeth angenrheidiol i awdurdodau trwyddedu fedru amddiffyn y cyhoedd yn well. Yn ogystal, o weithredu'r argymhellion, byddai hyn yn sicrhau bod yr anghysondebau rhwng awdurdodau Cymru a Lloegr, yn enwedig ar hyd y ffin, yn cael eu dileu.

C36. Hoffem wybod eich barn am yr effeithiau y byddai'r cynigion deddfwriaethol a nodir yn y papur hwn yn eu cael ar yr iaith Gymraeg, yn benodol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac ar drin yr iaith Gymraeg heb fod yn llai ffafriol na'r Saesneg.

Rhaid i Lywodraeth Cymru ystyried Safonau'r Gymraeg fel y'u gosodwyd gan Gomisiynydd y Gymraeg. Mae'n bwysig bod ymgeiswyr yn cael gwneud cais yn eu dewis iaith. Gellid cynyddu'r effeithiau cadarnhaol drwy sicrhau bod arwyddion, ac ati, yn cael eu darparu mewn diwyg dwyieithog ar bob tacsï a safle tacsï. Byddai angen i'r Llywodraeth gynnal Asesiad Effaith ar yr iaith Gymraeg mewn perthynas ag unrhyw gynnis i ganoli'r swyddogaeth trwyddedu mewn Gwasanaeth

REFERENCE WP070

Cenedlaethol. Gyda gwasanaeth trwyddedu cenedlaethol, byddai pryder o ran effaith bosib hyn ar y cyfleoedd i ddefnyddwyr gwasanaeth, mewn ardaloedd megis Gwynedd, barhau i dderbyn y gwasanaeth, drwy gydol y broses drwyddedu, drwy gyfrwng y Gymraeg.

C36a. Pa effeithiau ydych chi'n meddwl y byddai? Sut ellir cynyddu'r effeithiau cadarnhaol, neu liniaru'r effeithiau negyddol?

C37. Hefyd, eglurwch sut rydych chi'n credu y gellid llunio neu newid y cynigion er mwyn cael effeithiau cadarnhaol neu gynyddu effeithiau positif ar gyfleoedd i bobl ddefnyddio'r Gymraeg, ac ar drin yr iaith Gymraeg dim llai ffafriol na'r Saesneg; a dim effeithiau andwyol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac ar drin yr iaith Gymraeg ddim llai ffafriol na'r Saesneg.

Gweler uchod. Byddai cadw'r swyddogaeth trwyddedu tacsis yn lleol yn yr awdurdod lleol yn liniaru unrhyw risgiau i'r iaith Gymraeg gan fod Cyngor Gwynedd eisoes yn darparu'r holl wasanaethau sy'n gysylltiedig â thrwyddedu tacsis drwy gyfrwng y Gymraeg.

C38. Rydym wedi gofyn nifer o gwestiyNac ydwi penodol. Os oes gennych unrhyw faterion cysylltiedig yn benodol nad ydym wedi mynd i'r afael â hwy, defnyddiwch y gofod hwn i'w hadrodd

Nid oes gan Gyngor Gwynedd unrhyw sylwadau pellach i'w gwneud.

Improving public transport

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

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	Yes
No	

Please explain your answer.

Local authorities already work well together in North Wales and this needs formalising to maximise capacity, expertise and funding. With a declining number of professionals in the passenger transport sector and pressures upon existing budgets, the pooling of resources in this way is an idea whose time has come.

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

None (see answer to Q3, below).

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

Beneath a national JTA, WG should consider a different organisational model to those suggested within the White Paper. The model should better reflect the current position across North Wales. The North Wales Economic Ambition Board and the Council leaders group for whom the NWEAB works is currently the best mechanism for driving significant regional change. This is aligned to the delivery of priorities in other related areas, offers a holistic approach and, above all, is aligned to the delivery of the Growth Deal Bid, for which transport plays a significant part.

Regional working in this form is long-established (even before the establishment of the former regional consortium known as Taith) and works well. A JTA based upon the existing structures is more easily manageable in terms of physical scale.

Under the Leaders' group sits the Transport Cabinet Members Group, which is the appropriate local authority political structure to discuss and implement the changes WG is proposing. Reflecting and building upon the region's existing arrangements for a JTA would ensure that there is less of a requirement to re-engineer structures.

Importantly, such a structure would also align closely with the region's most significant bus operator. To enforce a second, different or larger structure would result in duplication, opacity and delay.

To be successful, a JTA will require appropriate powers to effect the sort of change required by WG.

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 is important to ensure that national and local government (and operators) work well together in partnership. A JTA should be transparent and fully and democratically accountable. As a result, a regional JTA should be under the control of local government, with representatives of Welsh ministers as observers. This would overcome otherwise potentially problematic differences of opinion.

Recognising that under an EQP (or franchising) councillors are likely to have an extended interest across the entire network, there needs to be a further mechanism to ensure that the views of grass-roots councillors representing individual bus users in their communities have a stake in the JTA. This may be delivered by sub-regional structures or mechanisms perhaps aligned to existing county boundaries.

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?

Subject to the usual democratic safeguards, WG should be able to intervene in clearly defined and prescribed circumstances by a range of measures broadly as now through inspections and audits.

Proposed JTA Functions in relation to buses

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

Broadly, yes. We would suggest more work to hone this area, with input from practitioners.

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

There is quite a range of possibilities including planning and highways, trunk road agencies, etc. but a JTA's primarily focus should be on public transport, to enable it to be more resolute and purposeful and would more likely succeed in driving forward the changes that WG wishes to see. A larger, broader organisation might find itself diverted.

The proposed regional JTA though required to balance regional and local delivery should be a fully constituted body with direct powers in terms of public transport that would enable it to have sufficient standing and be taken seriously in terms of sister organisations and delivery bodies working across North Wales. It should work in parallel and be on par with such bodies.

Key would be the establishment of workable and accountable relationships with other organisations, to counter accusations of a loss of grass-roots democratic accountability. Such a process should ensure local councillors through structures aligned either to travel to work areas or existing councils have sufficient voice, as they remain key stakeholders.

On two occasions, the White Paper mentions the importance of integrating learner transport and local bus services but it provides no specific detail. Currently, under S63 (3) of the Transport Act 1985, local authorities have a duty to integrate. This should continue under a JTA.

In all counties in North Wales, virtually all of the current local bus contracts operating at school times carry learners and many commercial services do also. We estimate that, across North Wales, more than £2m of direct learner transport revenue supports tendered local bus services. This broadly equals the LTSG part of BSSG. Education funding is therefore an important element of the way in which councils help to sustain their local bus services.

In framing any legislation, WG is asked to ensure that they specifically maintain the link between learner and local transport. This prevents duplication, saves resources and gives a valuable additional revenue stream to local bus services at peak times. Without it, some towns or villages would lose their peak bus service and some would lose their entire service, as it is school revenue that effectively ensures rural services survive.

Further, to safeguard this important provision and to allow for a co-ordinated and planned local and school network, it should be the JTA rather than local authority responsible for delivering statutory and discretionary learner transport under the Learner Travel measure, at least as regards buses and coaches. Eligibility and admissions policies would remain local in nature but the delivery should be unified. There is a concern otherwise that over time the two elements will drift, introducing unnecessary diseconomies and duplications.

A JTA dealing with all aspects of passenger transport further strengthens their capacity to effect the changes required while ensuring competent, professional staff resilience.

By dealing with all large vehicles, a JTA can more easily hire the necessary skills and expertise.

Enhanced Quality Partnerships (EQP)

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

Yes	Yes
No	

Please explain your answer.

The Transport Act (2000) is insufficient to ensure the type of advanced partnership proposed. Any proposed legislation that simplifies and enhances this process is welcomed if this makes partnerships easier to introduce and administer.

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

Yes	Yes
No	

Please explain your answer.

The proposal for EQPs is probably the single most important part of the White Paper. It is something that both local government and commercial bus operators can support without finding themselves in significant disagreement. Local government in particular considers positively the reduced requirements regarding infrastructure, previously a barrier to partnerships. EQPs are likely to be the one element of the White Paper that drives real change in the shortest possible timescale. Given that there are few partnerships (with sufficient bite) in North Wales, owing to the complexity of doing so, EQPs potentially redefines bus networks. An EQP would rebalance the relationship between operators and democratically accountable local bodies within a commercial market. It gives a measure of democratic control over commercial services; councillors are frustrated as they see negative changes to commercial services having a detrimental impact on their residents. The public, even after more than 30 years, continues to equate bus services with democratic control.

Franchising

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

Yes	Neither yes nor no
No	

Please explain your answer.

Under such proposals, it would be the JTA alone responsible for the total bus market. Under such a reality, JTAs would need to prepare significantly regarding its capacity and skills base well beyond the current number of staff. It is doubtful whether the bus industry itself could provide the required level of staffing or supplement current expertise.

Given that EQPs henceforward have the potential to offer a real benefit, franchising should certainly be available to local authorities but only in the event of

a failure in provision. The establishment of such quality contracts will undoubtedly remain difficult and costly.

There is, however, a case for mini- or micro-franchising where, for example, a single commercial service operates in what is otherwise a network of totally supported services, to ensure that all such services align and the network is seen as a single, complete entity.

EQPs nevertheless remain the most important element of the tool kit available.

In deeper rural areas, where authorities currently tend to control more if not all of their network, there is a case for a third way (see answer to Q38).

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

Yes	Yes
No	

Please explain your answer.

Under the current legislation, such a scheme would need formal approval beyond the local authority level. Review and or approval of the Traffic Commissioner for Wales may be a way forward, as well as or instead of a national JTA. The Office of the Traffic Commissioner can be an objective and impartial arbiter in what will be a difficult, cumbersome and costly legal process.

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

Franchising (or any other new or proposed model) does not of itself solve some of the deep-seated issues facing the bus industry. These specifically include congestion and sufficient and continuous funding (please see Q38). Ridership increases will only become evident when the key measures within the White paper are set alongside other important policy changes in the arenas of regeneration, planning and measures to support and sustain the high street, the latter being a significant generator of bus revenue, a destination best served by bus the bus but one that is struggling. Reductions in footfall clearly have an impact on the sustainability of bus services, especially marginal ones.

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 support the issuing of permits for commercial operations entering or crossing areas the subject of franchising.

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	Yes
No	

Please explain your answer.

Most SMEs currently provide good quality and cost-effective services to local authorities as the main reservoir, certainly in the North, of niche & socially necessary supported local bus services. As such, they offer significant value for money when compared to larger operators. They are also generally more responsive and considerably more flexible in terms of both meeting local needs and adapting to specific transport circumstances. The lag associated with larger operators can lead to undue delays. Aligned with the learner transport market, SMEs' roles within the education sector interplays with and supports their business and the communities in which they operate. Under a franchise, it is difficult to see how smaller operators will be able to secure a place unless there is specific provision for them to participate. This is because of the resources larger operators will be able to employ during the franchise process and the aggressive nature they are likely to employ. Given the importance of SMEs within the education sector (and the potential threat of damage to learner transport provision should the SME sector diminish) and the interplay between local and learner transport, there should therefore be safeguards to support a mixed economy of larger and smaller operators. This should not come at a cost to integration. A defined micro-franchising path may be a mechanism to secure SMEs.

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?

(Deliberately 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)?

Local authorities should have the flexibility to do this, as either an arms-length or a direct operation. Direct operation is preferred. There is a case for this in rural areas where local authorities struggle to attract sufficient or sometimes any bids at tender and here the market may be considered as failing. In such circumstances, the proposal is a good one.

All other things being equal, however, establishing such an organisation will not, in itself, make a local authority immune from the realities of local bus service operations and the difficult operating environment in which commercial providers run some services. The public will rightly expect the highest standards of municipal operations. This would probably come at a cost. While this should certainly remain among the tools available, it is difficult to see how this will drive ridership increase if, for example, an existing commercial provider is already struggling to do so.

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

In the following areas:

Where a JTA or local authority supports a high proportion of mileage in a specific network.

Where the current quality of service does not or cannot match WG's or a JTA's expectations.

Where it can be established that bids do not (or are unlikely to) offer value for money.

Where commercial operators do offer value for money but cannot or will not operate during the evening, on Sunday, etc.

Where the number of operators is insufficient to offer market competition.

Where commercial operators are providing a good level of service but where a business unit could help drive further quality improvements and or cost reductions were it to be integrated with learner transport operations.

This should not necessarily be the case where there is an EQP (or a franchise). In all other cases, such an operation would seem acceptable for consideration.

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?

Five-case business plan.

Open discussion with commercial operators to establish boundaries.

Subject to public and open scrutiny.

Agreements to share risks.

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

Yes

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

See answer to Q16

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?

See answer to Q16

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?

Possibly but only if:

(a) savings are recycled into other public transport initiatives (including further help for younger people);

(b) there is appropriate phasing (as proposed);

(c) WG first explores other mechanisms such as addressing the reimbursement formula which is generous when compared to England and only accounts for single rather than return or network trips; and

(d) There is a proper assessment of how the proposed change may impact on the social and health-related well-being of those likely to be excluded in the future.

(e) WG protects marginal services especially in deeper rural areas more heavily reliant upon concessionaires and where any change in the qualifying age will have a significant detrimental impact upon the number of people travelling which would result in weaker services and either potentially increasing the amount of direct public support or in the withdrawal of mileage.

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	Yes
No	

Please explain your answer.

This is in the public interest and, ultimately, likely to result in greater ridership.

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	Yes
No	

Please explain your answer.

To enable a proper, planned response to the changes and to facilitate a level playing field.

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	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, which, in turn, aids businesses plan their services which is especially important for those operating in areas which span neighbouring authorities.

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 Council 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, the Council 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 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. In respect of the data obtained on CCTV the Council wish to highlight that Councils may be considered data controllers and as such may be affected by additional burdens.

- Record Keeping including the retention period required. The Council 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 criteria, if any, for exemption from displaying vehicle plates / stickers

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, the Council 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.

The Council would urge the Welsh Government to ensure that any standard adopted does not reduce any standard currently being applied in any of the licensing authorities across Wales.

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.

This review should be seen as an opportunity to drive up standards and 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 consists of managers and team leaders from local licensing Authorities across Wales 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 Council 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	No

Please explain your answer.

No, the Council 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 Council 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.

Irrespective of the action the process will need to be consistent across Wales. This is especially important for revocation as local process to determine such an application might differ.

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	Yes
No	

Please explain your answer.

Yes, the Council 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 Council are aware that the 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 Council would recommend incorporating any relevant component of these into national standards

The Council 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 Council 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	Yes
No	

Please explain your answer.

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.

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 Council 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.

Additionally, other organisations may have vital information on applicants or current drivers which sits outside usual DBS process but may be equally relevant to determining suitability of an individual. Current practices make the sharing of information with organisations difficult, especially, for example, in other authorities. Creation of a safeguarding database would remove barriers and improve information flow.

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

The Council are aware that 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 Council 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.

The 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. It would be particularly helpful if, for example, specific questions on whether an individual when appearing in custody is a holder of any licence.

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	No

Please explain your answer.

No, the Council would **not** support the proposal to redirect all of the existing taxi and PHV licensing functions into a national Licensing Authority on the information provided, as there is no evidence to support taking the 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 Council 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 Council 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 Council would urge the Welsh Government involve the Licensing Expert Panel in considering 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	Yes
No	

Please explain your answer.

Yes, the Council believe that local authorities should continue to have responsibility for taxi and PHV licensing. Whilst the Council 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.

The 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.

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.

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?

(Deliberately 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.

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:

Congestion

The White Paper demonstrates that WG is serious about the role buses play in terms of urban and rural regeneration, social inclusion, etc. WG therefore also needs to be equally serious about ensuring bus services are punctual. The key factor that will influence ridership increases and a strong operating industry is not the regime under which buses operate (e.g. deregulated, regulated, partnerships or franchising, municipal operations). Rather, irrespective of the chosen model, it is giving the road space the bus requires.

This is more of an urban problem and it affects the arc of denser population across the North Wales coast, through Deeside and to Wrexham, which includes the Denbighshire coast. In these areas, bus operation suffers from the effects of congestion, some of which is further exacerbated by seasonal and weekend general vehicular traffic. In Denbighshire, this specifically has an impact upon bus services into Wrexham, Deeside and Chester and it also affects Flintshire and Wrexham more generally.

Aside from social inclusion and the general health of town centres, there are sound environmental, emissions and air quality reasons for tackling congestion, along with equity for those who chose to use the bus. In relation to the aspirations within the White Paper, in allowing buses priority road space to overcome congestion, tackling congestion will have a more significant impact on the desired rejuvenation of bus services than any other measure proposed by in the White Paper. Indeed, improving the bus service's punctuality and reliability in this fashion will likely see improvements in performance and strong ridership growth irrespective of the current or proposed new regimes and will lead to a suite of virtuous improvements. The regime under which buses operate then becomes less important. The benefits are greater efficiency, ridership increases and reduced fares. EQPs and

franchising in themselves will not address such ridership growth unless aligned to giving bus services the road space they require.

The most significant commercial operator has progressively added resources to individual strategic bus services (i.e. additional buses and drivers) in order to mitigate the effects of congestion upon passengers. This comes at a considerable cost with the likelihood of only marginal increases in revenue. Savings of this nature, if released, would help to support marginal services or mileage operated at marginal times of the day or week (e.g. evenings/Sundays).

There is also an example of where the dominant operator has felt it necessary to widen frequencies to combat the effects of congestion within the same resources, rather than add them. This means, owing to congestion, passengers directly suffer detriment and, ultimately, ridership falls. This one example is on a Flintshire corridor (used by Denbighshire residents by connection) where the operator has added resources and widened frequency from six to four buses an hour.

Deeper Rural Issues

A JTA will need to address the very different needs of deeper rural areas in North Wales. Other than along strategic inter-urban corridors, here, buses perform less well, owing to the more irregular timetables and scattered, sparser population.

Funding

For bus services to play their part, funding needs consideration. This is not mentioned in any depth within the White Paper. Perhaps following an assessment of need as approved by the national JTA, WG should ensure that sufficient, ring-fenced funding is available to JTAs to develop infrastructure and bus services. This should include sufficient revenue funding.

WG may wish to consider whether, in allocating BSSG to a regional JTA, there should be more flexibility regarding the rules surrounding such a grant to reward operators who enter into, for example, EQPs and who as a consequence show a willingness to provide a service that in the JTA's view contributes to the JTA's policies and outcomes.

BSSG should be available to those operators whether commercial, municipal or CT which directly replace bus under-used or expensive bus services with smaller, cheaper or more flexible schemes (e.g. shared taxis, shared community cars, etc.).

S19 and S22

Policies surrounding S19 and S22 are currently centrally administered by the UK DfT and WG may wish to explore how best paratransit solutions may best be incorporated within future Welsh legislation and regulations.

Implementation

In the early 1980s, at the time of the fundamental changes associated with the Transport Act 1985, the UK government undertook trials. Given the possible implications of the proposed changes, WG may wish to consider similar trials in Wales of the principal proposed operating models (franchising, EQPs, municipal operations) for monitoring and comparison.

Taxi Fees and Charging

Consideration should be given to the potential for setting of fees and tariff charging. While there is a difference between rural and urban areas, there is merit in standardising fees for licensing, similar to that under the Licensing Act 2003 or Gambling Act 2005. As with national standards, a universal fee may prevent operators and / or proprietors shopping around and seeking to get licensed in an authority with a lower application fee. Although standardising tariff charging might be more problematic any changes to the regime should include guidance on setting a maximum tariff charge for metered journeys.

While this might not fall within the remit of this review the Council think it is appropriate to consider the driving hours of licensed drivers. A taxi driver is a professional driver and yet sits outside the maximum driving hours linked to other driving professions. The safety of passengers, other road users and the general public should not be put at risk due to drivers' tiredness.

REFERENCE WP072

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

REFERENCE WP073

Hi,

These are my responses to many of the questions in the consultation document. I could not find the Annexe A to formally respond, so please accept these answers and add to your findings.

Q1. I agree strongly. Transport services have to go between the places that people want to go, regardless of administration boundaries.

Q2. For the above reason, I favour an All Wales JTA.

Q3. I would suggest comparisons with similar regional bodies in England, such as the findings of the Urban Transport Group.

Q4. I agree ministers should be represented on Local Authorities and Committees.

Q5. I agree that intervention powers are sensible.

Q6. Yes

Q7. No

Q8. Yes - a legal framework would give confidence to all parties involved and ensure services for customers.

Q9. Yes.

Q10. Yes.

Q11. Yes. It would give assurance to the public and passenger representative groups.

Q12. No.

Q13. Yes. It would have to ensure that operators do not choose to run on only the high-use (most profitable) routes.

Q14. Yes.

Q15. I don't know.

Q16. Yes. L.A's with mixed rural and urban routes can balance transport provision for its constituents if it has the legal and managerial resources to do so.

Q17. Yes. If a rural authority has reduced resources, combined authorities could operate arms-length companies.

Q18. Yes. More financially sustainable and greater equality between men and women.

Q19. Yes.

Q20. Yes.

Q21. Yes.

Q22. Yes.

Q23. Possibly a financial incentive initially for low emission fleets.

Q24. No.

Q25. Don't know.

Q26. Don't know.

Q27. To encourage a new generation of adults choosing to use integrated transport systems as a first choice, rather than have private car ownership as their default setting, information and encouragement should be considered in education. As an example, perhaps 8 - 10 year old children could be trained in safe bus use, street safety, and acceptable public standards when applied to public transport.

Thank you for this opportunity,
Best wishes,

Eddie Hall



The Association of Local Bus Company Managers

Improving Public Transport White Paper

March 2019

1.1 What is ALBUM?

ALBUM represents the 'non-aligned' sector of the bus industry. The Association has over 120 members, representing 50 companies: 35 private businesses, 9 municipal companies including Cardiff Bus and Newport Transport in Wales, two 'second tier' groups (TrentBarton and Centrebus) the Isle of Man Transport Company and five associated companies. We have recently expanded our membership base to include individuals employed by any bus company not aligned to any of the "Big 5" PLCs. Between them ALBUM Members' companies operate 4,600 buses, which is about 11% of the 40,000 buses used by local operators across Great Britain.

Our Welsh membership includes the previously mentioned Cardiff Buses and Newport Transport along with South Wales Transport and Edwards Coaches. In total our members operate 561 vehicles and employ in excess of 1,600 staff in Wales.

1.2 ALBUM's importance

ALBUM members collectively are equivalent to Britain's fourth largest bus operator - in the same league as the big five multi-national groups. Stagecoach runs 8,100 vehicles in the UK, First Group 6,200, Go Ahead around 5,500, Arriva 5,300, ALBUM members 4,600 and National Express 1,600.

1.3 Introduction

ALBUM welcomes this opportunity to express our view on the proposals included in the Welsh Government paper "Improving Public Transport". We would welcome the opportunity to expand our views by giving oral evidence to the Welsh Government if this would assist the process in delivering an effective public transport system or by participating in the stakeholder events planned as part of this consultation exercise.

REFERENCE WP074

ALBUM welcomes any initiatives or changes in policy which are aimed at improving local bus services. Our membership criteria is built around only those operators deemed to operate high quality bus services and who believe that partnership is the most effective way to promote better bus services for all. We believe buses are integral to developing national economic as well as health and wellbeing agendas such as the Well-Being of Future Generations (Wales) Act 2015.

We welcome the Welsh governments wish to promote better public transport and hope that our current and future members will play an effective role in modernising the industry developing local solutions to local issues with customer-based responses to current issues.

2. Question responses

2.1 Below are our responses to the individual questions followed by additional comments we wish to be considered.

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.

Yes, it is imperative that local authorities work together to improve bus services. Bus services do not stop at authority boundaries, many of them crossing between areas. 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.

It is difficult to plan and operate effective bus services when dealing with 22 local authorities where services can operate across multiple local authority areas. Thus ALBUM supports the principle of JTA's aimed at making the process simpler by dealing with a smaller number of authorities.

We mention elsewhere that we believe that local authorities lack the necessary manpower and skills to deliver many of the improvements that the Welsh government wish to see. ALBUM believe that their members have skills sets and manpower which could be used in an effective partnership to deliver the improvements in local bus services.

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

We believe that **option 2**, a national JTA with separate regional JTAs is the best model to deliver the Governments aspirations. This option allows for local solutions to local specific needs. The various sub regions of Wales have different social and operating

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challenges which will need different solutions to local issues. Whilst the consultation paper outlines three regional JTAs, we should not get fixed on this number planning for the most suitable structure to address local needs.

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

We are not aware of any other organisational structure which would be effective for JTAs.

JTAs must have sufficient funding, resources and authority to deliver the improved services at a local level having Key Performance Indicators (KPIs) to make the JTA accountable to all local stakeholders, not just local and national politicians.

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?

For any JTA to be effective it must include in its make up stakeholders from as many interested parties as is reasonable and integral to the delivery of local services including representatives of health and education bodies. The stakeholders should be those that hold an interest in the bus services, not just politicians aiming to meet their political aspirations. Bus Users Cymru and the Traffic Commissioner along with disability groups and air quality representatives should all be encouraged to play an effective role in the 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 Minister should be involved in setting the objectives and KPIs for the JTA, but should in our opinion sit outside the body. The Minister needs to be the arbiter. If the Minister sits on the JTA then a separate appeals procedure will need to be built into the process.

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

Policy should be set nationally with a common theme, i.e. air quality/congestion beating infrastructure with the regional boards responsible for delivery of that policy.

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

We believe that the initial scoping and specification of the JTAs will allow a full and thorough examination of any transport functions which could be allocated to the JTAs not presently to be covered by this consultations papers recommendations. The transport functions of the JTA should involve transport planning, especially with new developments and highway infrastructure provision and improvements.

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.

Yes.

Enhanced Quality Partnership (EQP) arrangements are designed to facilitate better joint working between local authorities and bus operators.

Bus services work best where there is a positive local partnership approach through all stakeholders, not just the two main local players - local authorities and bus companies - but also town centre management teams and other stakeholders. ALBUM believes that partnerships is still the best way to provide better bus services for existing and future bus users.

Voluntary partnerships work best but in too many instances the 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 of the Bus Services Act 2017 as a way of formalising partnerships to try and ensure their long term success.

ALBUM welcomes the EQP principle where for any number of reasons past partnership working has not proved possible or where former arrangements have stalled. An EQP ensures that the commercial sector can continue to develop its services, innovate and invest with some level of certainty.

Partnership working is the best and most effective way to deliver improved bus services. 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 provide 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 hanging over it. We would like to see this imbalance rectified so that all parties deliver their promises on time.

The major issue addressing the bus industry at the current time is congestion. The excellent report by Professor David Begg, "The Impact of Congestion on bus Passengers" succinctly states that;

1. Slower speeds leading to higher costs, higher fares, fewer passengers, service decline, fewer passengers.

REFERENCE WP074

2. Slower speeds leading to increased journey time, fewer passengers, service decline, fewer passengers.
3. Slower speeds, punctuality and reliability decline, fewer passengers, service decline, fewer passengers.

The report states that traffic speeds are reducing by 1% per year. A 10% reduction in speed causes bus operating costs to increase by around 8% which would require a 5.6% increase in fares to offset the additional costs.

Some local politicians do not see congestion as an issue. They see it as a positive indicator of growing economic activity and therefore their wish to address it diminishes. Many town centre managers and politicians see car users rather than bus users as being good for their town, perceiving them as better spenders.

Research by ARUP indicates that up to 23% of car users would consider switching to buses if they were quicker and more reliable (Source: Route One magazine 18 July 2018). Improving punctuality is the most frequently quoted improvement to services that would bring about such modal shift.

Bus priority schemes can go some way to improving bus services but such schemes need to be planned as part of an overall transport package which includes car parking availability and pricing. Too many bus priority schemes are gestures towards sustainable transport rather than an integral part. Removing bus priority schemes, such as seen in Liverpool and Coventry, sends the wrong signal about the importance of bus travel.

The economic benefit of capital investment in local transport scheme should not be undervalued. The KPMG report for Greener Journeys “The true value of local bus Services “indicates that for every £1.00 spent on such schemes there is a local economic benefit of £4.90.

It will take a very brave local politician to attack car based congestion but for the future benefit of all this issue will need addressing if we are to operate punctual reliable bus services in pollution free zones.

We must ensure that enhanced quality partnerships (EQP) do not allow franchising by the back door. A “franchise lite” partnership placing too much emphasis on the operator will allow greater political/local authority control without all the benefits of a genuine partnership.

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 ALBUM members as giving them a voice in the plan and scheme process.

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, we do not believe that any franchising of local bus services will meet the Welsh Governments aim of improving public transport. We believe that a local authority which wishes to franchise its bus network is based on political ideology with little or no regard to the quality of local public bus services. It is a way of taking back control of bus services by a body which we believe, as stated above does not have the manpower and skills set to deliver a major paradigm shift.

Franchising will not improve bus services for users. 90 % of bus users in Wales find their bus services to be satisfactory or very satisfactory; this indicates that there is not a lot wrong with the commercial regime. A figure 90% will not be improved on under a franchise arrangement. (Source: Transport Focus, Bus Passenger Survey Autumn 2017, published March 2018).

Under a franchise system, networks will be planned to meet local politician's aspirations. Rather than seeing high frequency attractive bus services we will see networks transferring resources to less well used, perhaps more isolated urban and rural areas thereby making the bus service less attractive, less used and then entering another cycle of decline which the commercial bus market has successfully slowed down or reversed.

ALBUM is in total agreement with the Competition and Markets Authority (CMA) in their view that 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.

REFERENCE WP074

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 the proposal that must 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 totally transparent and motivated by better bus services and not for any political ideology or control issue. One should not underestimate the costs and financial risks of entering into a franchise arrangement. ALBUM has undertaken significant work on behalf of a number of interested local authorities in the UK outlining the significant costs and risks of moving to a franchise system. This work will be made available to the Welsh Government if it is wished.

After the ALBUM work was presented to nearly twenty local authorities all of them declined to take the process any further. At a time of local authority austerity a move to franchising must be seen as a political objective not a move based on objective ways to improve and grow bus service usage and improve congestion, thus addressing positively the increasing environmental problems being experienced in Wales.

An independent audit must be made aware of the costs and risks involved along with the manpower issues if implementing and delivering a franchised system.

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

The threat of franchising hanging over a local bus business will have a significant effect on investment plans and service improvements. Why should any operator invest in better buses and services if this business is 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 at least another 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 rely 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.

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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 an operator 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.

Many ALBUM members are small or medium sized business competing against other such similar SMEs but also against larger subsidiaries of multi-national PLCs.

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. Many SMEs are family businesses built up over a period of time with the family taking significant and considerable personal financial risks. To eliminate this at a stroke with a franchise system is patently wrong and immoral.

We would suggest that SMEs be given a small, say 10% discount in the tender price process as one way of encouraging their participation and that the final network should have a minimum mileage element operated by SMEs.

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. We mentioned above once a local authority starts to investigate a franchise it is reasonable to expect that local operators will cease any investment in their business.

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?

ALBUM has its roots in local authority owned bus companies since our set up in the mid-1980s prior to the 1985 Transport Act. We still represent all the local authority owned bus companies in the UK. We believe that local authorities should be allowed to run bus services where this is done on a wholly transparent and open basis free from any political control. These 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 a local 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. Whilst 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 an independent Board made up of external non-executive directors ensuring that the business is transparent and open in its activities.

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?

See our response to question 16 above where we believe the same principle applies. In house or arm's length operation boils down to the same issue of transparency and openness with the effective use of public funds.

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 give reasons for your answer.

Yes we agree with this proposal as long as there is no change for existing permit holders and the new arrangement applies only to new applicants.

REFERENCE WP074

We would not want to see any change which puts any detriment to travel on this market segment. Similarly whilst we appreciate that the costs of the present scheme are significant, this investment does promote wider economic benefits to local economies as well as health benefits to an ageing population and potentially halt the increase in congestion currently being experienced in the urban conurbations of Wales.

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/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 to provide up to date real time and fares information. This should be rolled out where ever possible.

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. 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. Hopefully this can be achieved without resorting to lengthy legalistic confidentiality agreements.

PART 2 Taxis and private Hire vehicles (PHVs)

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 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 with a suitable timescale for introduction 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 expectation from every type of operator.

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

There are none that we can think of at this time, 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 change for the benefit of customers.

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

We have no further comments to make at this stage.

REFERENCE WP074

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 parameters for local authorities to be 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 outset.

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.

REFERENCE WP074

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.

We have no further comments to add to the above.

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 legislation around the use and promotion of the Welsh language is 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 a number of 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 paper.

Air quality

Greater emphasis is needed to address local air quality issues. Funding should be made available to provide cleaner vehicles, not only buses but taxis and private hire vehicles.

Accessibility

Significant progress has been made on improving accessibility for all bus users by providing low floor wheel chair accessible buses. These standards should be applied to all taxi and private hire vehicles.

REFERENCE WP074

Audio visual next stop announcement systems should be provided on all public transport services thereby improving the service for those users with sight or hearing impairments.

The costs of new systems such as audio announcements should not be underestimated. The recent announcement of an English fund of £2m sounds a lot but in reality will not cover many new systems at around £3.5k per bus or retro fitted systems including induction loops , speakers and the intensive skilled labour required which is calculated to amount to between £25K to £30k per bus. Incurring such costs may lead to more accessible services but it will also mean fewer services are operated to recoup the additional cost of such systems if adequate financial assistance is not made available.

Community bus services

This paper is totally silent on the role of community bus services that in some instances are able to provide essential services to isolated communities. Isolation is not only a rural issue but can also occur in urban areas where users with mobility issue are confined to their local household area. We would like to see genuine “not for profit” providers playing a role in improving the overall public transport offer.

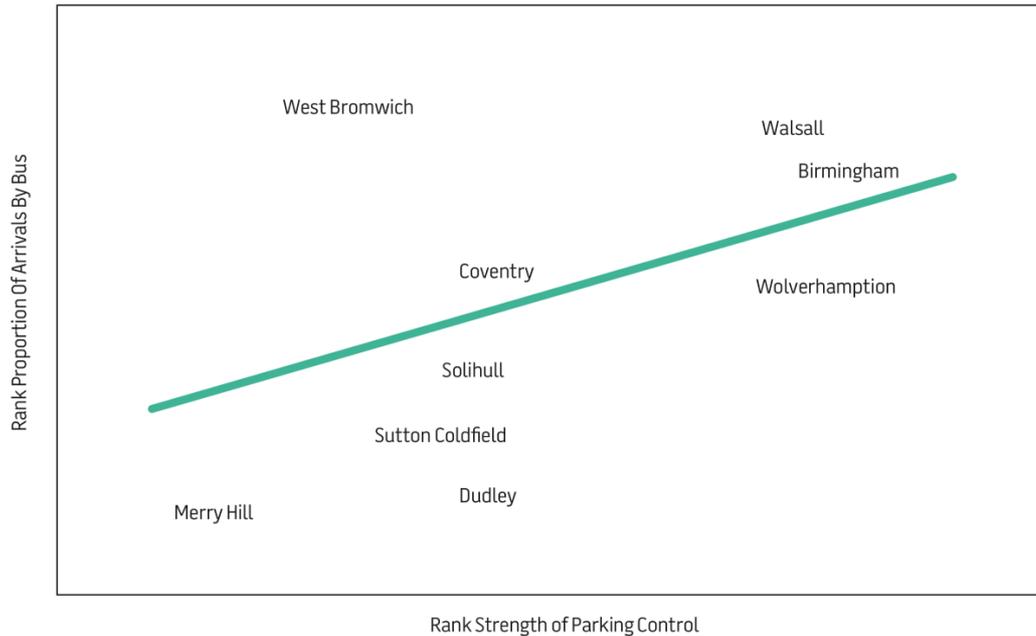
Integration with land use planning and parking enforcement

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. The diagram below shows a direct correlation from increased car parking enforcement resulting in more arrivals by bus at various towns in the West Midlands (Source Professor D Begg). A policy ALBUM would recommend is adopted to reduce car based travel and promote bus based travel to town centres.

REFERENCE WP074



Congestion is the big issue not ownership or control

As stated above congestion is the major issue affecting bus operator's abilities to provide punctual bus services. Bus users want a reliable punctual bus service at value for money fares. Addressing the congestion issue with all the subsequent benefits as outlined above from Professor Beggs paper will go a considerable way to improving public transport with the need for new primary legislation.

The present legislative framework

The present legislative and regulatory system may not be perfect but we feel that it is as good as it is going to get. ALBUM wants to see improved bus services as this will greater usage and in turn better and sustainable financial stability allowing for even more investment in better services for the user.

The regulatory framework has to change to allow bus operators to respond quicker and more effectively to changes in demand meeting the requirements of a modern travelling society provided with these responsive services through the present new disrupters such as UBER.

Certainty, stability and control

The future of all industry is changing. Industry must be allowed to adapt and change to survive. This applies to the bus industry as much as any other business. The Welsh

REFERENCE WP074

Government must be seen to adopt policy that gives operators some certainty in their future so that they can invest with confidence. The present threat of franchising does not do this.

The major proposals of this consultation exercise revolve around control of the public transport network. Control of bus operators through tighter EQP or even the draconian franchise proposals. Bus operators have shown themselves to be innovative and not risk averse under the present deregulated environment. Any change to the regulatory environment should aim to maintain the benefits of innovation and flair whilst addressing the issues of congestion to provide better public transport.

The industry desperately needs financial stability based on 3/5-year funding streams which are essential for investment and sustainability of this market. Currently the industry experiences year to year funding which simply stifles investment opportunity and growth for the benefit of the travelling public.

What is best for bus users?

And finally.....we are disappointed in the lack of reference to bus users in this paper. Surely these are the stakeholders who lie at the centre of all that the Welsh government is aiming to achieve. The travelling public both users and potential users of bus should therefore be involved at all stages of this process, initially through the stakeholder events as part of this consultation to ensure what is introduced has the full support of users in providing them with better services.

We must never forget that over 70% of public transport taken are journeys completed on bus services across Wales with 90% of users satisfied or very satisfied, this is an excellent measure of what is currently being delivered but what could be delivered for Wales with the right partnership approach.

Sources

Professor David Begg "The Impact of Congestion on Bus Passengers" 2016

KPMG report for Greener Journeys "The True value of local bus Services" June 2017

Transport Focus Bus Passenger Survey Autumn 2017 published March 2018

Passenger Transport magazine 1 March 2018

Route One magazine 18 July 2018

REFERENCE WP074

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.

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

A single, national JTA. Otherwise you create another batch of committees. We need one transport authority for the whole of Wales.

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

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 good idea, but it must be only representation – ministers should not have any powers.

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.

Trains
Smaller bus companies, eg companies that run mini-buses
We need integrated services that link up

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.

We need to go back to the way it used to be with services run for the customers, not for the money-makers.

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.

You need to ensure that the bus services are linked in with the train 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.

In some local authorities, it might be necessary under very specific circumstances, but franchising should be discouraged.

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

Yes	✓
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No	
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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.

It has to be an open process that involves all companies.

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)?

Yes. Why hasn't this already been done?

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

In every circumstance – it's the way it should be run.

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 JTA is the safeguard.

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 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, as long as the proposal is exactly as stated in the white paper. When the bus pass was introduced, it was linked to a woman's pensionable age, so there is no real change.

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	✓
No	

Please explain your answer.

It is a public service, so the information should be 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	✓
No	

Please explain your answer.

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.

The standards need to be top level, not the lowest common denominator.

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

Ensure that the person driving the vehicle is the one who is licenced.
All services have to be disability friendly.
High standards of roadworthiness for vehicles.
A dignity code regarding the way that drivers treat passengers.
Standards of cleanliness.

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.

There should be spot checks and mystery passengers to ensure standards are being met.

Drivers should have a rudimentary knowledge of the area in which they operate, not just the area in which they are licenced. That knowledge should not be just a satnav.

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.

If local authorities are going to have the ability to enforce, then they should actually enforce, otherwise the powers are pointless.

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.

You need a national body to make sure everything is enforceable, but local authorities have the local knowledge.

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:

REFERENCE WP076

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.

Since it was set up in 2000 NPTF has liaised closely with the South West Wales Integrated Transport Consortium (SWWITCH), and is now one of the partners of its successor, the South West Wales Regional Transport Forum. Both bodies have worked very effectively together, dealing with all aspects of transport in our region and in particular with bus services. NPTF continues to be impressed by the cooperative way in which the four Local Authorities work together to address the challenges they face and in meeting the service needs of their authorities, as well as the region as a whole.

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

NPTF endorses the Pembrokeshire County Council (PCC) preference for a national JTA with 4 regional JTAs structure. We agree with its view that this would be more effective in helping to achieve fully integrated public transport across Wales. Having seen it in practice in our own regional transport set up, we support PCC’s view that this should ensure that local knowledge is not lost and networks are planned effectively. We would recommend the continuation of the current South West Wales Regional Transport Forum, as it replicates SWWITCH, which was one of the regions in the original 4 TAs structure.

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

No.
PCC has referred to an alternative structure: to ensure that the regional areas are of a manageable size, and to ensure effective strategic and operational control and to avoid conflict of interest that may arise with larger conurbation. NPTF believes that its preferred structure would be capable of achieving these objectives.

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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REFERENCE WP076

NPTF supports the proposal.

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?

NPTF endorses PCC's response that: 'We think that where applicable, Welsh Ministers should have the power to intervene should a JTA fail to discharge its functions. We also think that this intervention should lead to financial penalties to the offending JTA which would result in increased funding for the performing JTAs'.

Proposed JTA Functions in relation to buses

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

NPTF endorses PCC's response that: 'The division of functions seems appropriate and will provide a consistent approach. However, there are some functions that would need to remain relatively local, the funding for section 63 Transport Act bus services are currently undertaken county by county and depending on funding, access to services and the availability of commercially viable services. It is difficult to comprehend how this function could be carried out by a JTA where some LAs within the JTA currently provide no funding for bus services. Local engagement and knowledge is critical for the proposals to work effectively. There appears to be some overlap of the functions to be undertaken by the National JTA and that by the Regional JTAs'.

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

No.

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.

NPTF believes that partnership working between LAs and transport operators ought to help bringing about improved bus services for passengers.

REFERENCE WP076

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.

While PCC already has strong partnerships with operators, it is unsure how effective this is in other parts of Wales. NPTF agrees with PCC's view that: 'Making EQPs across Wales will therefore help ensure that there is effective partnership working'.

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.

Having closely observed all aspects connected to the provision of bus services in our area, NPTF emphatically agrees with PCC's explanation of its answer: 'Pembrokeshire currently contract a majority of the network, over 80% of routes are contracted by the Local Authority and are therefore provided to respond to local needs and are passenger focused. Timetables and fares are set by the local authority and changes are consulted on. However, with the current financial strain on local government, we are concerned that franchising across Wales will require significant investment. In addition, the lack of competition may make this costly to implement'.

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.

This should obviously be carried out as a matter of course.

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

NPTF endorses PCC's comments: 'Affordability and therefore the availability of funding remains a concern. It is envisaged that the JTA will be able to make funds available to support regional JTAs and Local Authorities'.

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?

NPTF endorses PCC's comments: '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	✓
No	

Please explain your answer.

Over the years NPTF has observed the valuable role that is played by the transport services that are operated by SMEs; and endorses PCC's comments: 'These same SMEs are 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?

NPTF endorses PCC's comment: 'Short term interim contracts should provide sufficient support to enable change'.

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. Over the years NPTF has observed the extremely effective in house operation of public transport services by Pembrokeshire County Council, along with its excellent passenger focused in house training of drivers. The services are widely

REFERENCE WP076

used and appreciated by both local residents and visitors to the area.

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

NPTF endorses PCC's comments: 'Where there is little or no competition or when prices are inflated 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?

NPTF endorses PCC's comments: '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?

NPTF endorses PCC's comments: '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?

NPTF endorses PCC's comments: '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.

REFERENCE WP076

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	✓
No	

Please explain your answer.

NPTF endorses PCC's comments: 'Passengers and potential passengers need accurate information before travelling. This would help develop a nationally recognised real time passenger information system. This could also provide up to date information relating to punctuality and provide an audit trail for dealing with complaints. Such a system has already been introduced in Pembrokeshire.'

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.

NPTF endorses PCC's comments: 'Without this knowledge, maintaining accurate roadside information and RTI, where appropriate, would be impractical. Fare revenue 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

REFERENCE WP076

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.

NPTF shares PCC'S view that 'National standards would ensure that taxi services are delivered consistently across Wales and deal with any perceptions of any unnecessary inconsistency across Local Authorities'.

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

PCC has provided a list of over 15 matters which it would like to see contained in any national standards. NPTF confirms its agreement to all of them.

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

No

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

NPTF endorses PCC's comments: '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?

REFERENCE WP076

NPTF supports the PCC's response: '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.

Local authorities have 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.

NPTF shares PCC'S view that 'the Authority would not recommend that local licensing authorities be permitted to set additional local conditions above the national standard'.

Enforcement

REFERENCE WP076

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.

NPTF supports PCC's response: 'The Authority 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 Authority 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.

NPTF supports PCC's response: 'The 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 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'.

REFERENCE WP076

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

NPTF supports PCC’s response: ‘Licensing Authorities 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 Authority would recommend incorporating any relevant component of these into national standards.

The Authority 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 Authority 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.

NPTF supports PCC’s response: ‘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 Team 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’.

REFERENCE WP076

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

NPTF supports PCC’s response: ‘The Common Law Police Disclosure provisions have been highlighted as a significant concern by the Licensing Authority’s previously. These proposals do not cover this issue. The Authority 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.

The Authority 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.

NPTF supports PCC’s response: ‘The Authority 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 Authority 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 Authority 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 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

REFERENCE WP076

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.

NPTF supports PCC’s response: ‘The Authority believe that local authorities should continue to have responsibility for taxi and PHV licensing. Whilst the Authority 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.

NPTF has no further comments to make.

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.

NPTF supports PCC’s response: ‘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?

See 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.

See 36 above.

REFERENCE WP076

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:

NPTF have no further comments to make.



Comisiynydd Plant Cymru Children's Commissioner for Wales

Ymateb i Ymgynghoriad / Consultation Response

Date / Dyddiad: 25/03/2019

Subject / Pwnc: Improving public transport white paper consultation

Background information about the Children's Commissioner for Wales

The Children's Commissioner for Wales' principal aim is to safeguard and promote the rights and welfare of children. In exercising their functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC). The Commissioner's remit covers all areas of the devolved powers of the National Assembly for Wales that affect children's rights and welfare.

The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. The Welsh Government has adopted the UNCRC as the basis of all policy making for children and young people and the Rights of Children and Young Persons (Wales) Measure 2011 places a duty on Welsh Ministers, in exercising their functions, to have 'due regard' to the UNCRC.

This response is not confidential.

Summary of response:

In this response I highlight:

- The views of children and young people that I have gathered over the course of my term as Children's Commissioner for Wales regarding improvements required for public transport;
- The need for coherent and consistent national provision of quality and reliable transport, particularly for children and young people due to their limited options for individual travel arrangements;
- The importance of obtaining children's views directly and the need for clearer documents to enable children to participate in consultations; and
- Safeguarding matters that should be considered in the revisions to taxi licensing systems.

General points

I note that the aims of this consultation are to further the ambitions of a “connected and sustainable society”. There is acknowledgment that improvements are required to the current provision and that legislative tools will be needed to create the right standards and ensure consistency across Wales.

I welcome this proposal as citizens across Wales, including children and young people, have the right to access a quality and consistent public transport service.

I note from the consultation document that the Government has “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”. It is unclear to me whether children and young people have had active opportunities to participate in these listening exercises.

Children have the right to be informed and to express their views under Articles 12 and 13 of the United Nations Convention on the Rights of the Child (UNCRC) and the Government is committed to upholding those rights under the Rights of Children and Young Persons (Wales) Measure 2011. I would strongly urge the Government to take concrete steps to ensure the continued engagement of children and young people as these proposals develop.

Related to this I’d like to comment on the Community and Youth version of the consultation document. The introductory sections of this version are clearly explained and laid out, which I welcome. However the questions themselves are still quite technical and refer to complex terminology and concepts such as Joint Transport Authorities (JTA), Enhanced Quality Partnerships, Franchises and specific terms of Licensing. Whilst there are some attempts made within that document to explain these terms, it isn’t particularly clear in explaining enough detail of how those arrangements would work. The questions that follow the explanations are still quite technical and off-putting and the explanations do not give enough information to enable a young person to fully answer these rigid questions.

I’d anticipate that most young people would find this extremely difficult to respond to, without sufficient information to inform their answers or without referring to the main consultation document for interpretation. The point of a youth friendly version should be to give enough information in a clear format, to enable young people to respond. Simply creating a youth version but without ensuring that the questions are in a suitable format largely negates the effort made in trying to produce this version.

Transport is a significant issue for children and young people and I’m disappointed that this consultation is largely inaccessible to the sharing of their views for that reason. As I will go on to show within this response, young people have strong views on this issue and would have lots to contribute if provided with a suitable format to do so.

I would also note that a Children’s Rights Impact Assessment will be expected to be produced early in this process, to *inform* the policy developments and not at the end of the process to simply confirm the decision that has been taken. No impact assessments have been published alongside this white paper. Again the information provided on the consultation web page is confusing, as it states that the intention had been to publish an Impact Assessment at the end of January but that there had been a delay “due to complexities of the proposed legislation”. It is of concern that the complexities of the legislation have delayed the publication of the impact assessment as there are complexities with the consultation and it may have been preferable to delay the consultation if that level of complexity persists during the public consultation period. The website information also states that “There is an

opportunity for you to comment on the draft Regulatory Impact Assessment”; yet it is not clear what this opportunity consists of.

I note that the consultation document refers to falling passenger and journey numbers, but there doesn't appear to have been a reflection on the particular circumstances of specific groups such as children and young people, including young adults with learning difficulties or impairments that may not enable them to drive a car themselves. I believe that this needs to be overtly recognised, using the CRIA process to inform this thinking, at the early stages of developing the new legislative framework for these proposals.

Children and young people's views shared with CCfW

Despite never having done a distinct piece of consultation work or a project solely focused on transport issues, the issue of access to transport for children and young people has come up in almost every piece of project work I've undertaken since I became the Children's Commissioner for Wales in 2015. In addition, it is a topic that is often raised with me by children in all areas of Wales when I'm out visiting schools and youth provision or at conferences and events.

I will outline the main issues that have been raised in the various reports I have published during this time, in order to illustrate the views that I have gathered.

Children in care and care leavers

In March 2017 I published the *Hidden Ambitions*¹ report which was the result of my work with care experienced young people from all across Wales. The report was looking at the support offered to young people as they move on from local authority care into independent living, and sought to secure consistent provision of care and support for these young people across Wales. The report led to the introduction of the Government's St. David's Day fund, in recognition of the financial pressures faced by young people leaving care.

As noted in the report, “[m]any young people experience a real drop in living standards when they move from foster or residential care to independent living. Many live on around £8 a day, for all their needs, including clothes, transport and bills.”

The report looked in detail at opportunities for apprenticeships and training for young people aged 16 and over. Young people living independently found things like transport costs a particular barrier to taking up the course or training that they may have wanted to pursue, due to the need to budget their finances to pay for bills and living costs as well as transport and the costs of the course materials. Although the St. David's Day fund is a very welcome development that has already benefitted around 2,000 young people directly, the cost of transport remains a significant concern for this group.

Annual report 2016/17

This report highlighted the costs of bus travel for young people, as set out below.

“Transport for young people is an issue that is often raised with my office; particularly in relation to accessing education but also as a general point. In the last year I have heard about difficulties with transport in rural areas especially. Young people have told me how they spend the first hour or more of their pay from a minimum wage job just on transport costs.”²

¹ <https://www.childcomwales.org.uk/wp-content/uploads/2017/02/Hidden-Ambitions.pdf>

² <https://www.childcomwales.org.uk/wp-content/uploads/2017/10/A-Year-of-Change-CCFW-Annual-Report.pdf>

Young people under 17 are particularly dependent upon public transport as they are unable to drive and even at age 17 and over the costs of learning to drive and maintaining a car with insurance and running costs can be prohibitively expensive.

The report noted a recommendation to the Welsh Government to “ensure that public transport subsidies for children are available up to age 18 with no change in eligibility at age 16.” This was in direct reference to the existing arrangements for the MyTravelPass discount scheme for 16-18 year olds. Take up of this scheme was extremely low as it was not well publicised or known about.

Article 31 spotlight report – access to play and leisure opportunities³

In 2017-18 I undertook a report to hear from children and young people about their opportunities to access play, culture and leisure activities in their local area. The most common barriers that my team identified to accessing structured activities for children were finances, lack of variety and transport.

Transport and getting to places was identified as a significant challenge. This was in all contexts; going to play or hang out with friends or to take part in more structured activities. I’ve included some quotes from that report below to illustrate the concerns:

“Price of the bus.”

“My family often can’t even afford the car park prices so we aren’t able to go many places together and experience new things as a family.”

“Bus times and train times.... too early or too late for the planned activity”.

Transport was an issue which received a large volume of comments throughout our fieldwork, and was viewed as a significant barrier by those children and young people who participated in this project. Lack of local provision for play, cultural and leisure activities meant that public transport becomes a necessity for many.

Don’t Hold Back⁴

In 2018 my office worked with CARP Collaborations to engage with children and young people with learning disabilities and their families. The report aimed to look at the opportunities and support provided to young people as they move towards adulthood and greater independence.

Young people who participated in this work were very clear about the things they wanted help with as they moved towards independence as they got older. Questions were open ended but transport often featured. Below are some quotes from that report:

“The cost, confidence and tickets.”

“I need to know directions or have travel arrangements.”

My team also undertook a survey of parents and 83% of those respondents replied ‘yes’ to the question ‘Are you are worried that your child may be socially isolated?’. Transport was identified as a factor in this worry.

³ <https://www.childcomwales.org.uk/wp-content/uploads/2018/04/Play-FINAL.pdf>

⁴ <https://www.childcomwales.org.uk/wp-content/uploads/2018/07/Dont-Hold-Back.pdf>

Transport poses a massive barrier for young people with learning disabilities to see each other. The same barriers identified above in terms of cost and availability apply to this group of young people too, but they also face additional barriers including accessibility, understandable information on times and routes, and support for travelling independently.

Transport is an issue for more than just socialising. Transport to college and work placements can also be a barrier. Parents noted the heavy reliance on them to provide transport and the impact that needing to be available to provide transport could have on their ability to work for example. Here are some quotes from parents about transport costs:

“We have been quoted £20 per day for taxi for college so 5 days a week will be £100. This comes to more than their benefit plus the other appointments we go to with them clubs etc. as they can’t go out on their own.”

“My son can’t catch a bus but social services have stopped transport he can’t cope he having melted down but he won’t to carry on in college the taxis is going to cost us over 160 a week it will take all his PIP money.”

During this work we identified transitions projects and self-advocacy projects which support young people with travel, often helping them to understand timetables and routes, working with local bus companies on disability awareness and accessibility, supporting young people to apply for a disabled person’s bus pass and also providing travel buddies or lift share opportunities. However these were not universally available across Wales.

Skills taught in specialist settings during years 12 to 14 and within college were identified as positives during this work. However, most young people we engaged with had not had support to travel prior to this, and had not been out alone, and therefore did not have much time available for progression.

The report made a number of recommendations to the Welsh Government, including that the 2018 review of concessionary transport schemes “should consult with young people with learning disabilities directly, to provide services and schemes that meet their needs.”

I would reiterate the importance of engaging with young people with learning disabilities as this work progresses, to ensure that the concerns identified above are being expressly noted and addressed.

Annual report 2017/18⁵

Under the heading of an “Adequate standard of living” I made further recommendations within this annual report in relation to transport access.

Young people continued to raise concerns about access to reliable and affordable transport options with me as I visited places across Wales. Access to transport was related to children’s ability to attend education or training places, to access employment opportunities and to socialise.

Below are some additional quotes related to this:

“Bad public transport – £3.90 return to town – so expensive!”

“Need transport to where things are happening / some activities are too far”

⁵ <https://www.childcomwales.org.uk/wp-content/uploads/2018/09/Annual-Report-2017-18.pdf>

“Young people living in poverty may struggle to pay for train tickets etc. to travel to see their friends and make use of facilities – exclusion”.

At that time a consultation on concessionary travel was being undertaken. The MyTravelPass scheme had been extended in its existing format until further announcements. The recommendation that resulted was that the Government would “need to ensure that any revisions to the current scheme are made in consultation with children and young people so that it meets their needs and is easy to navigate”.

The recommendation for child fares to extend to the age of 18 was repeated, alongside a recommendation that a CRIA should be undertaken to “identify any potentially excluded groups such as young parents and carers, care leavers undertaking work place training of apprenticeships, and those engaging in voluntary work”.

Although I am aware that the MyTravelPass scheme continues to run and has been extended to the age of 21 also, my office has been informed that there is not a CRIA relating to those particular proposals. I therefore do not know whether or not the groups identified about have been consulted or considered as part of the changes being proposed within this consultation. This is important due to the previously low take-up of the scheme and the need to ensure that the scheme is made as accessible to all eligible young people as possible. I would strongly urge the Government to ensure that this does take place at the earliest possible stage and throughout the development of these proposals to ensure that groups of young people or even children and young people as a whole group are not being excluded inadvertently.

Child Poverty

In March 2019 I published *A Charter for Change: Protecting Welsh Children from the Impact of Poverty*⁶. This was the culmination of work with 550 children and young people, as well as professionals and parents, seeking to find the practical changes that could be made in Wales to ease the impact of child poverty on families.

The report notes that I had recently responded to the Government’s consultation on the draft Loneliness and Isolation strategy. In my response to the consultation I urged the Welsh Government to consider the ‘pinch points’ of costs for families living on a low income, including transport costs.

The fieldwork was loosely structured so that the topics discussed came under broad headings such as school, community and housing, but we deliberately kept this open to those issues consultation participants wanted to raise with us. Children and young people and parents/ carers discussed the costs of after-school clubs where the option of a free bus from school is not available. We heard that this can mean that families on a low income, or who rely on public transport, are excluded from these activities. As one individual stated, “Schools are far too expensive for people who can barely afford food.”

The cost and availability of transport was something that children and young people felt passionately about. This was particularly the case for children and young people in rural areas, but was evident for those living in city or town suburbs too. Parents also noted that some bus companies allow a child under the age of 5 to travel for free, but this only applies to the first child, so for families with more

⁶ <https://www.childcomwales.org.uk/wp-content/uploads/2019/03/A-Charter-for-Change-Protecting-Welsh-Children-from-the-Impact-of-Poverty.pdf>

than one child under that age there is only a fee exemption for the first child. This was the first time that this had been raised with the office and was surprising to note.

Poor quality and expensive public transport was considered to restrict mobility and life opportunities for those on low incomes. Many of those we spoke to highlighted how expensive public transport is, with one child/ young person stating that they spent £700 per year on bus travel. This was stated to have significant implications for children and young people and their families, making it difficult for those on a low income to socialise, to attend healthcare appointments and to find work.

For families experiencing food poverty, and relying on donations from food banks, public transport can be absolutely essential in order for them to access food. During the fieldwork for this project we heard about local authorities paying for transport costs to attend food banks for those who simply did not have the money on that day.

One child/ young person commented that “[i]t needs to get better and easier, so we can get jobs”. This was backed up by a youth worker from the same area whose view was that: “by having bad and expensive transport links it makes it impossible for the young people to get jobs in town. It’s effectively like saying to them “you stay here, where you belong with no hope.”

Parents/ carers told us of the cost of public transport to leisure or cultural activities restricting their ability to provide stimulation for their children. There were also several reports of the high cost of buses or trains in circumstances when children and young people have to pay for travel to school.

Free public transport or reduced fares, where available, were therefore very important to the families we spoke to. Several mentions were made of the Traws Cymru service, for example, which provides free travel on the weekends. Families from North Wales described using this service to travel from Wrexham to Barmouth in the summer, while the Merthyr Tydfil to Cardiff service was frequently used on the weekend by the children and young people we spoke to in the South Wales Valleys. The My Travel Pass scheme, which offers 1/3 off bus fares for 16-21 year olds, was mentioned by several professionals as a helpful reduction in costs but it is notable that young people didn’t particularly mention this and may not be aware of the discounts available.

Professionals working with children and young who also found the experience of using public transport difficult, such as those on the Autistic spectrum, highlighted the Orange Wallet scheme, which helps those children and young people communicate through words and pictures written and drawn in the wallet. The wallet also contains emergency contact details. This is a scheme that is valued by children and families and again should be actively considered within these proposals.

Amongst many recommendations that form part of a wider call for Government to have a concrete delivery plan on child poverty in Wales, I made a specific recommendation in relation to transport, that “Welsh Government and local authorities should extend their investment in free or affordable and accessible transport schemes for children and young people, and look to make these more regular, covering both rural and more metropolitan settings.”

Consultation proposals - buses

I note the proposal to establish a Joint Transport Authority (JTA), which would allow for distinctive regional approaches to transport, within a broader national context. My preference would be for a single JTA for the whole of Wales with regional delivery boards, rather than giving specific responsibilities to a number of regional or local structures. This is because young people have highlighted to me the importance of a consistent service across Wales. Those who travel across formal county or area boundaries, for example to attend specialist college courses or job opportunities may

experience difficulty in accessing transport should there be regional variations in the decision making and performance of functions.

In addition I note that the Government is proposing to revise the current legislation to allow local authorities to run their own bus services. It is unclear from the consultation whether there is the appetite or capacity within local authorities to do this; it is proposed to 'solve' the problem of local authorities being unable to fill their contract tenders. In addition I am unsure how this assists in providing consistency across Wales. I'd suggest that further work should be done as part of these proposals to establish what people want from their bus service, with a view to considering who is best placed to provide the necessary services. I'd expect children and young people to play an active part in this work in order to shape the services for the future.

Consultation proposals – taxis

I welcome the recognition within this white paper that there is a need for national taxi licensing standards.

Some local authorities currently require taxi drivers to undertake safeguarding training as part of their licensing application. This is as a result of concerns around Child Sexual Exploitation and Abuse, and the national scandals that have emerged in England and Wales in recent years regarding gang exploitation and trafficking. It has been identified that vulnerable children and young people may be travelling by taxi. Taxi drivers come into contact with a wide range of people through their work and should be supported to understand the concerns and warning signs that they should look out for. This would enable them to report any concerns to the relevant authority to assist with safeguarding and protecting vulnerable people including children.

I also note that the proposals would include a duty on ministers to create a safeguarding database. From the limited details within the consultation document I am unclear as to exactly what the purpose of this is or what it would include but I would welcome involvement in further discussions. There may be links that need to be made to the National Child Protection Procedures that are currently being developed to replace the All Wales Child Protection Procedures from 2008 for example. I am currently involved in other discussions across Government in relation to safeguarding and database records which I believe could be relevant to these proposals also.

As these legislative proposals develop, I look forward to having the opportunity to engage further. But more importantly I hope that greater opportunities will be given for children and young people to be actively involved and to help shape the new legislative framework and services. At present I am unsure how the views of young people have shaped the technical proposals within this white paper and I recommend that the Government takes account of the views shared in this response in developing this work further.

Submitted by:



Sally Holland
Children's Commissioner for Wales

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.

REFERENCE WP078

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 CCRCD, 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.

REFERENCE WP078

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	*

REFERENCE WP078

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

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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.

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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.

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

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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.

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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.

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?

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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?

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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. 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.

REFERENCE WP078

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.

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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

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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?

REFERENCE WP078

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

REFERENCE WP078

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.

REFERENCE WP078

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.

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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.

REFERENCE WP078

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

REFERENCE WP078

choice. Positive effects could be increased by ensuring that signage, etc. is provided in bilingual format on all taxis and taxi ranks.

REFERENCE WP078

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	✓
No	

Please explain your answer.

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

While the proposals would appear to be advantageous in some respects, such as the procurement of bus shelters, I am concerned that moving decision-making away from local authorities may lead to some areas being overlooked with resources focused elsewhere. For example, the Ceredigion coastal path bus service may well be off the radar of a large JTA and suffer cuts to funding as a result.

In other policy areas, the Welsh Government is still pursuing devolution of functions from the UK Government. Taken to its logical conclusion, shouldn't decisions be made as locally as possible?

Additionally, caution should be exercised while designing the new structure in order to avoid increasing costs by creating excessive additional overhead. The two structures proposed (a single JTA supported by regional delivery boards, or a two-tier system with 4 JTAs) might create another layer of bureaucracy and costs.

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

Given the concerns raised above (see response to Q2.) it may be worth pursuing a single Wales-wide JTA but with a limited range of functions and no second tier (either subordinate JTAs or regional delivery boards). Instead, the single JTA would support individual local authorities directly, without the additional layer between them.

Local authorities may also be able to realise some of intended benefits by collaborating directly with each other, without the need for JTAs.

Another alternative to consider would be to have three regional JTAs without the Wales-wide JTA. Functions of the latter body would be delivered through collaboration between the regional JTAs. It is important to ask in what way this would be different (apart from having one fewer region) to the Regional Transport Consortia (Taith, TraCC, SEWTA and SWWITCH), which are no longer funded. The reasons for the termination of this funding should be understood before pursuing the introduction of any JTAs.

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?

As noted above (see responses to questions 2 and 3) moving responsibility for specifying bus services away from local authorities is a cause for concern. There is possibly a case for a regional JTA to enter into contracts for bus services which cross local authority boundaries, but the local councils should continue to be involved in designing the network.

It should also be noted that the current TrawsCymru services double as local bus services. Procuring these separately has the potential to improve the network for long distance journeys (reducing journey times by removing detours that serve local needs). However, it is vital that this does not result in a reduction in local bus service provision; therefore any stops removed from TrawsCymru must be covered by replacement local services. Putting procurement for TrawsCymru and local services in separate hands therefore appears to be a risky proposition. The proposed separation would only make sense if the current services (aside from T1C) were removed from the TrawsCymru network and treated as normal local services. TrawsCymru could then become a network of limited-stop long-distance coach services, which could be managed by the 'all-Wales' JTA.

Aside from the procurement/contracting of local and long-distance bus services, the proposed division of functions appears to be appropriate.

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

The possibility of transferring functions related to infrastructure on the Core Valley Lines (to be transferred away from Network Rail), and for tram-related infrastructure, should be explored. The 'South Wales Metro', as currently proposed, is really a Cardiff (and Newport) Metro. A true South East Wales Metro should include a tram-train network in and around Swansea. A consistent approach to branding etc. across this expanded metro, and shared procurement of infrastructure such as platform shelters, may be beneficial.

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.

--

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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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.

Small/medium-sized bus companies often provide a superior service to the large nationwide/international operators. For example, the local operator in my area has impressed me on several occasions by supplying prompt, helpful, replies to my correspondence. My previous dealings with a much-larger firm were unsatisfactory. The local knowledge held by smaller firms may also be advantageous in designing a successful bus network.

Job security for the staff of small operators should also be considered.

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?

Subsidised services, operated under contract to local authorities, will presumably be (and should be) contracted to continue until the franchised services commence to replace them. Where a route is operated without subsidy, there needs to be provisions to ensure that these continue to operate (with a subsidy if required) until the franchised services commence to replace them should the operator decide it is no longer financially viable to continue operating the service commercially. Operators should not be allowed to discontinue a service without presenting evidence that they are making a loss by operating the service.

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?

They should be able to do this in all the following situations:

- Where they already run bus services (either directly or through an arms length company).
- Where they have put a service out to tender and received no bids to operate the service.
- Where they have put a service out to tender and received little interest, with only one or two bids to operate the service received, and they can demonstrate that the bids offer poor value for money due to the limited completion.
- Where a bus company has folded, or is closing a depot without replacement, and no other bus company will step in to cover services and take on the effected staff. In this case the local authority should have powers available to take over the depot(s) and the staff that worked there, to provide continuity of both the bus services and employment of staff.

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

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

The same rules should apply as for direct operation of bus services (see response to Q16a.)

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?

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?

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.

I am, in general, in favour of transparency. However, given the loss of several local bus operators in and around Wales in recent years, it is important to avoid imposing unnecessary additional costs on operators. Therefore, there should be no requirement for operators to (for example) purchase specific software in order to provide data in a certain format, or to obtain data they do not already collect.

Any new requirements should therefore be limited to data that operators already have available; they should merely be required to make this available to other parties as appropriate.

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.

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.

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.

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.

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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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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:

The title of this consultation is "improving public transport"; however the proposals discussed herein do not directly concern an improvement to public transport. Ultimately, it is real improvements to service frequencies and service quality; including passenger comfort, that is needed. The decline of bus services must be reversed and rail infrastructure improved. No improved legislative framework can deliver this by itself.

It should be possible to reduce long-distance driving in particular, since public transport will almost always be available for at least part of the journey. Major road schemes are counter-productive to the objective of encouraging public transport use.

The TrawsCymru network is not the exemplar it should have been. The brand lacks an exciting Unique Selling Point; the claims of 'your direct link' given on the website are not backed up by reality, with significant detours included in most of the routes. The buses used can also be unimpressive, with many vehicles having the same seats as other local bus services and lack leg-room.

In some respects, public transport is going backwards. Unfortunately, the Wales and Borders rail franchise is currently proposing to compromise on quality, with the new fleet of long-distance trains intended to have wider doors away from the vehicle ends in order to reduce station dwell times. This would reduce passenger space, destroy the saloon ambience and lead to toilet doors opening directly into the passenger area. That compromise should be reconsidered.

Response to Welsh Government Consultation Document “Improving Public Transport”, issued 10th December 2018, from South Wales Transport (Neath) Ltd PG1043409

1. Introduction

South Wales Transport (Neath) Ltd is an independent, family-owned bus and coach operator based in Swansea. As well as a coach fleet of 21 vehicles, it operates 18 buses on Local Bus Services in the Swansea and Neath conurbation. Approximately half of the services are operated without any Local Authority support. The company has a green OCRS classification from the DVSA, is accredited with ISO 9001 and is progressing towards DVSA’s Earned Recognition Scheme by autumn 2019. The company is a member of ALBUM which represents approximately 11% of the buses operated across the UK.

2. Question Responses

Joint Transport Authorities

- Q1. Yes. The very essence of a Local Bus Service is in the title. It is essential that Local Authorities work with local bus operators in partnership, sharing skills and abilities.
- Q2. Option 2; a national JTA with regional divisions will suit Wales best and provide local solutions in what is a very diverse country with considerably differing social and operating needs. It may be that more than the 3 suggested JTAs would be more successful.
- Q3. No. The previous experience with SEWTRA/SWWITCH etc almost succeeded. Given powers and funding it probably would have given what is anticipated from the JTAs.
- Q4. This question must be jointly considered with question 5. All such bodies will need an arbitrating body to refer to from time to time. Presumably, this would be the Welsh Government.
- The composition of JTAs should be as wide as possible including planners, health and education bodies, Traffic Commissioners and disability groups. It would be difficult to see how Welsh Ministers could be represented if the Government must arbitrate or intervene in the performance of a JTA.
- Q5. See question 4, but in addition, at the setting up of JTAs Ministers should be allowed to give guidance and help set objectives.
- Q6. Yes. National policy with JTAs delivering.
- Q7. Yes. It is essential that partners in the JTAs come from as wide a field as possible. Opportunities for integration with, for example, health (non-emergency) and any other transport functions should be thoroughly examined.

Enhanced Quality Partnerships

- Q8. Yes, lasting partnership working is the most effective way to improve bus services. Experience of partnerships is that they lose momentum after a time, with people moving to other responsibilities and not being replaced.

An enhanced partnership needs to be set up properly with clear guidance and powers to change infrastructure etc. Common themes need to be established and targeted, for example addressing slower bus speeds.

- Q9. Yes. Particularly ensuring SMEs can influence any EQP.
- Q10. No. Political ideology/aspiration is driving the franchising debate. In a recent survey of bus passengers, the Welsh bus passenger figure for satisfactory or very satisfactory was over 90%, the highest mark of all the UK regions. Franchising will also require very deep pockets to fund.
- EQPs are by far the preferred option as they should contain more local knowledge and expertise.
- Q11. Yes. As a member of ALBUM, we are aware of ALBUM's advice to almost 20 Local Authorities outlining the costs and financial risks of franchise agreements. Following the advice, no Local Authority has proceeded with the matter.
- I am sure ALBUM would make this work available to Welsh Government if requested.
- Q12. The anticipated changes that may occur if franchising were introduced have already stagnated investment and development throughout Wales over the last 3 years.
- South Wales Transport has not purchased a new vehicle since 2016, but up until that time had an average fleet age of 3.8 years. The uncertainty created by possible franchising and no compensation has meant this attitude is common for SMEs throughout Wales.
- Q13. Even with a franchise agreement in place, there may be opportunities for furthering additional services. A method of allowing such experimental services must be devised.
- Q14. Yes. Current proposals give no protection or compensation to SMEs, many of which are family companies that are well run and provide important and good quality employment. The individuals would personally bear the full financial risk.
- Q15. This question is almost impossible to foresee and therefore answer. In the event an SME has lost a lifetime of work, it is unlikely much goodwill would ensue to operate the service through to the end date.
- Compensation is one answer, but Local Authorities would have to consider alternative plans.

Local Authority Bus Services

- Q16. Yes. Providing it is operated on a fair, lawful and equitable basis free from political influences (which can change). Then, there can be no reason not to allow 'in-house services'.
- Q17. They already can by law, so the question is irrelevant. However, providing the points in question 16's answer are adhered to then the effective use of public funds is not affected.
- Q18. Yes. The wider economic and well being benefits of this scheme continue to be underdeclared and not fully appreciated by Government and politicians in particular.

Any qualification on the scheme which puts any detriment to travel should be avoided at all cost.

Q19. Yes.

Public Transport Information and Monitoring

Q20. Yes. Providing the information can be passed to Local Authorities without additional cost, i.e. in the format of the operator's system then that is acceptable.

Much progress has been made by Traveline in timetables/fares/tickets in recent years.

Q21. Yes. There can be no reason for an operator not to cooperate with the disclosure of all information for the required purpose.

Taxis and Private Hire Vehicles (PHVs)

Q22. Yes. This is long overdue. A Taxi Commissioner (as against a Traffic Commissioner) with the same powers as a Traffic Commissioner should be appointed.

Q23. Taxi operators should conform in the same way as the rest of public transport and observe standards on air quality, driver standards, DBS checks, accessibility, licencing etc.

Q24. No.

Q25. None, apart from 22 licencing Authorities.

Q26. The governing body and the industry as well as associated groups, i.e. disability etc, need to discuss the appointment of a Taxi Commissioner (similar to a Traffic Commissioner) who would report directly to Welsh Government.

Q27. No further comments.

Q28. Yes, or a Taxi Commissioner.

Q29. Yes, or a Taxi Commissioner with similar powers as a Traffic Commissioner.

Q30. Like buses where the Traffic Commissioner has Bus Compliance Officers, similar provision should be made for taxi services.

Q31. Yes, this is long overdue.

Q32. No comment.

Q33. Yes, definitely. See references above to a 'Taxi Commissioner'.

Q34. No. This could become a role for the JTAs.

Q35. No comment.

Q36. Already covered by statutory law.

Q37. Already covered by statutory law.

Q38. The document/consultation fails to address the following:

- a. Congestion is the massive problem, not control
- b. Planners need to be involved as infrastructure continues to be inadequate

- c. What measures are there for the bus user?
- d. Air quality improvements. We are still putting down vertical speed deflectors which are known to be negative in controlling emissions
- e. Advances and investment in bus stop Real Time Information at all bus stops enhances the journey experience
- f. Lack of confidence.

These debates/consultations are creating an unstable base for the industry and consequently for the bus user. Uncertainty brings less investment, short term planning, 'papering over the cracks', limited innovation and zero progress.

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

Please explain your answer.

A Separate response will be submitted by CCBC transport Services.

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

A Separate response will be submitted by CCBC transport Services.

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

A Separate response will be submitted by CCBC transport Services.

REFERENCE WP081

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?

A Separate response will be submitted by CCBC transport Services.

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?

A Separate response will be submitted by CCBC transport Services.

Proposed JTA Functions in relation to buses

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

A Separate response will be submitted by CCBC transport Services.

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

A Separate response will be submitted by CCBC transport Services.

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.

A Separate response will be submitted by CCBC transport Services.

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.

A Separate response will be submitted by CCBC transport 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.

A Separate response will be submitted by CCBC transport Services.

REFERENCE WP081

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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.

A Separate response will be submitted by CCBC transport Services.

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

A Separate response will be submitted by CCBC transport 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?

A Separate response will be submitted by CCBC transport 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.

A Separate response will be submitted by CCBC transport 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?

A Separate response will be submitted by CCBC transport Services.

Local authority bus services

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

A Separate response will be submitted by CCBC transport Services.

REFERENCE WP081

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

A Separate response will be submitted by CCBC transport Services.

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 Separate response will be submitted by CCBC transport Services.

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

A Separate response will be submitted by CCBC transport Services.

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

A Separate response will be submitted by CCBC transport Services.

Q17b. What, if any, safeguards to you think should be put in place with arms length

REFERENCE WP081

bus companies to ensure that no operator local authority has an unfair advantage in a deregulated market, and why?

A Separate response will be submitted by CCBC transport Services.

REFERENCE WP081

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?

A Separate response will be submitted by CCBC transport Services.

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

A Separate response will be submitted by CCBC transport Services.

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.

A Separate response will be submitted by CCBC transport 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.

A Separate response will be submitted by CCBC transport 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.

National standards Would ensure consistency and reduce workload on local licensing authorities e.g. to produce and consult on local standards.

Clear and detailed guidance on the interpretation of any national standards would be required however, as local challenge to standards is fairly common.

Conwy also supports the view of the Wales Licencing Expert Panel

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

- Disability access arrangements
- Signage, livery and advertising standards.
- Age and condition of vehicle
- Fuel (emission standards)
- Enhanced MOT/Certificate of Compliance requirements
- Passenger safety/comfort standards

Conwy also supports the view of the Wales Licencing Expert Panel

REFERENCE WP081

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

Conwy also supports the view of the wales Licencing Expert Panel

REFERENCE WP081

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

Variation in current vehicle fleet.

Setting national standards would naturally lead to some vehicles needing to be replaced, which some smaller operators may not be able to afford (those operating in the rural areas that require 4WD or raised vehicles would need to be considered)

We would support a national standard with pre-determined exemption.

4wd or suitable SUV type vehicles for rural areas.

Human or horse powered vehicles.

Classic cars or unusual vehicles, tanks, fire engines etc, etc.

Availability of vehicles meeting national standards.

Lowest common denominator of standards would be likely, as this would be the easiest to be agreed. This would lead to a reduction in safety/standards in some areas, so would be to the detriment rather improvement in safety.

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

Gather the vehicle policy requirements of all 22 LA's in Wales and produce a 'best of breed' document.

Full consultation with all concerned users, regulators and the trade.

Consult on any final document produced.

Significant consideration would need to be given to those areas which are on the border or easily accessible from England were no changes are proposed.

REFERENCE WP081

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

Taking into account response to question 25 in order to allow for variation or exemption to the standards there must be a limited degree of flexibility available for local authorities.

REFERENCE WP081

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 would help to improve public safety. However, could we get a situation where an LA suspends a licence, but the 'home' authority (or other areas where the vehicle operates) does not? So the 'ban' would only be local, which is not helpful. The Home Authority may also be in England, operating under different standards and legal framework, which would be problematic.

There is a significant training issue, with some authorities particularly in North Wales requiring all their enforcement officers to be qualified as vehicle inspectors so consideration would be required to set a national standard for qualification, experience and competency to any person inspecting vehicles.

Formal Welsh Government funded qualification and or competency training (framework) to ensure consistency with regard to any authorised officers whom issues fixed penalties and or suspension of vehicles (vehicle inspectors).

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.

The use of FPNs, for minor offences should be introduced. This would assist in reducing inconsistencies across different LAs

It should be incumbent upon the vehicles 'home' licensing LA to act appropriately according to information received from other LA's. This is also relevant to the above answer for Q.28.

REFERENCE WP081

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

There is potential for a significant funding gap for training and administration during any transition, is there a proposal for WG to provide funding.
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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.

But this is very complex, with LA's obtaining different types of relevant information and interpreting this in a local context.

There would likely be inconsistency in the quality and type of information contained in any national database, which would also be subject to challenge by data subjects. Would Subject Access Requests be permitted?

In many cases, safeguarding information obtained is not able to be proved beyond reasonable doubt, so subjective decisions are taken on this locally by local decision makers and the Police, who themselves have access to the Police National Database and other intel systems already.

NAFN already operate a database of revocations, expanding this data base may be sufficient if consistent definitions and data is stored with regard to a 'safeguarding'.

What is 'safeguarding' information, there is a very wide and variable (as well as being contextual), so defining what should be reported to the database would be difficult, so data would be further variable. Could this be relied upon to make correct

REFERENCE WP081

informed decisions? Perhaps instead utilise the Police systems more as the repository for such information, with a requirement for licensing authorities to consult the Police and consider their responses?

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

Local decisions are best made locally by those informed and in touch with the locality, local information, and what is happening there.

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.

Experience has shown that bigger is not always best.

Having a JTA would remove local involvement in what is a very local activity. Local intel would be lost.

How 'fleet of foot' would the JTA be to act when immediate decisions (e.g. whether to suspend a driver) are required? At present, LA's can act in a timely manner, which may not be the case if a JTA were to be created.

The JTA would also not be informed by local knowledge – removing the licensing system from the locality would remove the ability to obtain local information, upon which decisions would be made by the JTA. They would not then be able to make informed decisions, and local capability/ resilience would be lost i.e. "no eyes and ears" locally. This would also have the impact on weakening local democracy and local engagement, something WG states it wishes to strengthen.

REFERENCE WP081

How responsive would the JTA be in respect of local complaints? How would local residents feel about complaining about a local taxi driver to a remote and distant JTA (say in Cardiff)? Complaints may take some time to be resolved, and even then, the JTA would have to gather local information. Local matters should be decided locally. Without that, residents may feel disenfranchised and disengaged.

There is also the questions of costs and fees, which are locally set based on local costs. This does lead to variation, but such fees are reflective of local circumstances and costs of local democracy. Residents therefore have control via the voting system through their elected representatives. This would cease to be the case with a JTA. What would be the basis of any fees set? Would they be higher or lower than present, with the effects this may have? At present, fees are reflective of costs (with the LA not allowed to make a profit), so this is a fair system.

Removing local control would lead to a further loss of officer capacity in already overstretched local authorities. Licensing officers are an essential part of the overall Public Protection arrangements in a local authority (Trading Standards, Environmental Health and CCTV services not least being some of the others). There are synergies and efficiencies if these areas are kept together as they are now, as well as good information sharing and a pooling of local knowledge. Such Public Protection services are also connected to local Social Services and Police, so receive Safeguarding and other relevant information as appropriate. This would be lost if any one element (in this case taxi and PHV licencing) were to be removed from the local authority 'family'. Extra costs and inefficiencies would also be created.

There is also the question of cross border taxi trade i.e. from taxis and PHV's licensed in England but which trade within Wales. If there were to be variation in fee rates, fares and standards between the English and Welsh regulatory systems, unfair competitive advantage for firms may be the result, which could result in a loss of taxi/PHV businesses and capacities/local service provision.

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.

Taxi and PHV work is very local, so decisions on this are best made locally for the reasons given above.

REFERENCE WP081

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

There is much guidance and case law on what is “fit and proper”, so local members are able to effectively decide on such questions. There are also adequate system checks and balances, as any such decisions can and are challenged through local judicial systems (e.g. Magistrates courts). Local justice is undertaken, and this must be seen to be done so as to uphold the public confidence in the legitimacy of the courts. Any local licensing system must be and is exercised in such a way as to uphold public confidence in a fair judicial system. This has the potential to be undermined by a centralised licensing system (JTA).

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.

REFERENCE WP081

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:

There is a presumption in the consultation document that taxis and PHV's are unsafe. That is not the case, which is safeguarded through local control.

There is also the presumption that standardisation is good. Whilst standardisation is good in some areas (e.g. if a sufficiently high vehicle safety standard is implemented nationally), it is not good in all areas (e.g. local fees). Local discretion is good, and helps with local democracy/ resident engagement.

Welsh Government consultation on Improving Public Transport



Name:	Ellie Thornley
Organisation (if applicable):	Public Transport Consortium (special interest group of LGA)
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The Public Transport Consortium (PTC) is a special interest group of the Local Government Association, representing the interests of shire counties and unitary authorities in England and Wales.

The Consortium aims to:

- act as a forum for discussion and promotion of public transport issues affecting local authorities outside metropolitan areas;
- promote the exchange of experience and good practice between member authorities and in liaison with other bodies;
- advise appropriate committees or other executive bodies of the LGA on public transport issues;
- represent interests of member authorities to Government, the Local Government Association, operators and other organisations involved in public transport; and
- provide advice and guidance to member authorities concerning Passenger Transport policy and operations

The Consortium fully supports joint working by local authorities to promote the use of bus services as this will deliver a more cost effective and consistent approach for bus users. Collaboration and governance mechanisms between Welsh local authorities and those in England should deliver seamless travel on cross border services on all aspects of service provision, such as formal partnerships, ticket availability and service information.

Legislation is required to secure the benefits of enhanced partnership working, primarily to strengthen the accountability to deliver measurable commitments by all partners and to safeguard the investment made. It is equally important to develop and maintain less formal partnership working for the benefit of the bus users. The legislation enacted by the Bus Services Act 2017 should be used as the basis for this and the Public Transport Consortium is happy to assist in implementation. This would be essential particularly if franchising is considered due to the impact of services operating into and out of the area, and detailed discussions would be welcomed to protect the interests of those operators in the area and to secure transport that operates under contract to local authorities.

The proposal to align entitlement to concessionary fares with a woman's pensionable age would produce consistency with the arrangements in England.

The Consortium has advocated more consistent standards of taxi and private hire driver licensing by licensing authorities, and that drivers should only pick up or set down, or both, within the area in which they are licensed.

Thank you for the opportunity to comment. The Consortium welcomes the opportunity to assist with these reforms.

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.

Stagecoach South Wales local bus services intersect 11 Welsh (and one English) Local Authorities (see [Figure 1](#)).

Were bus networks to be planned and regulated on a Local Authority basis that would mean a significant increase in administrative costs, or the establishment of a new public body with region wide remit, again a new cost to the public purse. Furthermore, customers are interested in travelling from origins to destinations not necessarily within individual Local Authority areas. Planning services within the constraints of the local authority beliefs is not likely to benefit the customer.

The formation of a new region wide public body to plan and coordinate passenger transport will be no more successful than the current regime in improving passenger transport if the reasons for passenger decline are not understood and addressed; growth of car usage, out of town retail park developments, a lack of limit to work place parking, cheap town centre parking charges, no limit to town centre parking with new schemes, more effective use of S106 Planning provisions with investment in bus priority measures and improved passenger transport connectivity.

Of around 117 services Stagecoach South Wales run, 44 cross Local Authority boundaries. The X4 service from Abergavenny to Cardiff crosses **Six** Local Authorities (Monmouthshire, Blaenau Gwent, Caerphilly, Merthyr Tydfil, Rhondda Cynon Taff and Cardiff).

Local council elections of May 4th, 2017 saw changes in political control of **five** of these Local Authorities (Figure 2). There is a greater mix of political parties in control of Local Authorities following this election. The likelihood is that there will be less cohesive decision making – particularly in Local Authorities with no overall control by any one political party.

Local Authority	Political Control before May 4 th 2017	Political Control after May 4 th 2017
Blaenau Gwent	Labour	Independent
Bridgend	Labour	No overall control
Caerphilly	Labour	Labour
Cardiff	Labour	Labour
Merthyr Tydfil	Labour	Independent
Monmouthshire	No overall control (CON/LD)	Conservative
Neath Port Talbot	Labour	Labour
Newport	Labour	Labour
Powys	Independent	No overall control
Rhondda, Cynon, Taff	Labour	Labour
Torfaen	Labour	Labour

Source: BBC

It is difficult to see how long term public bus strategy has a better chance of succeeding being subject to short term political cycles rather than invested interest in long-term business viability. Particularly as there is no evidence Local Authorities have been able to reach consensus and deliver planning or parking policies that meet the aims of the **2015 Wellbeing of Future Generations Act**. Indeed, there is evidence indicating that the last period of bus regulation was far from a panacea for passengers¹. Strong leadership from Government has also been found wanting on the air quality debate – one that is directly linked to the amount of traffic on roads².

To give an example of where poor local authority/highway authority coordination adversely affects bus operation, Stagecoach service X4 through Pontypridd to Cardiff operates through three highway authority areas of control; Rhondda Cynon Taff, Welsh Gov and the City of Cardiff Council. To achieve improved journey times and infrastructure along the full route all six authorities are required to have a joined up approach and three toward Cardiff. At peak times the bus journey time increases by 50%. Achieving a joined up approach between the highway authorities to coordinate bus priority measures has not so far occurred nor is this planned in the near future.

It is therefore not enough for Highway Authorities to work together; the planning of land use, the highway strategy and wider economic considerations affecting transport and the reasons for travel require a joined up approach across the region that goes further than working together.

¹ <https://www.pressreader.com/uk/the-herald/20170121/282080571544004>

² <http://www.bbc.co.uk/news/science-environment-39818083>

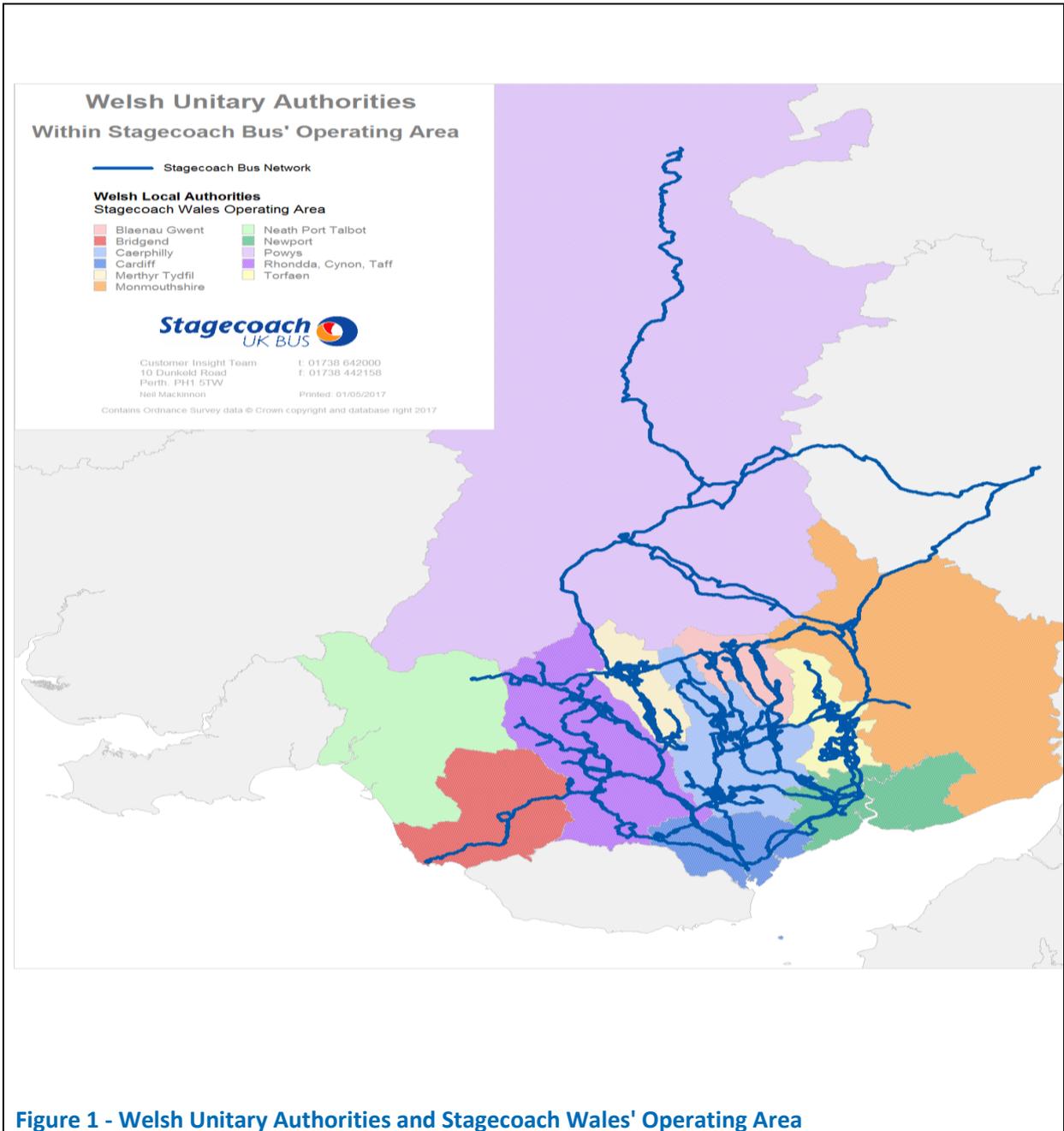


Figure 1 - Welsh Unitary Authorities and Stagecoach Wales' Operating Area

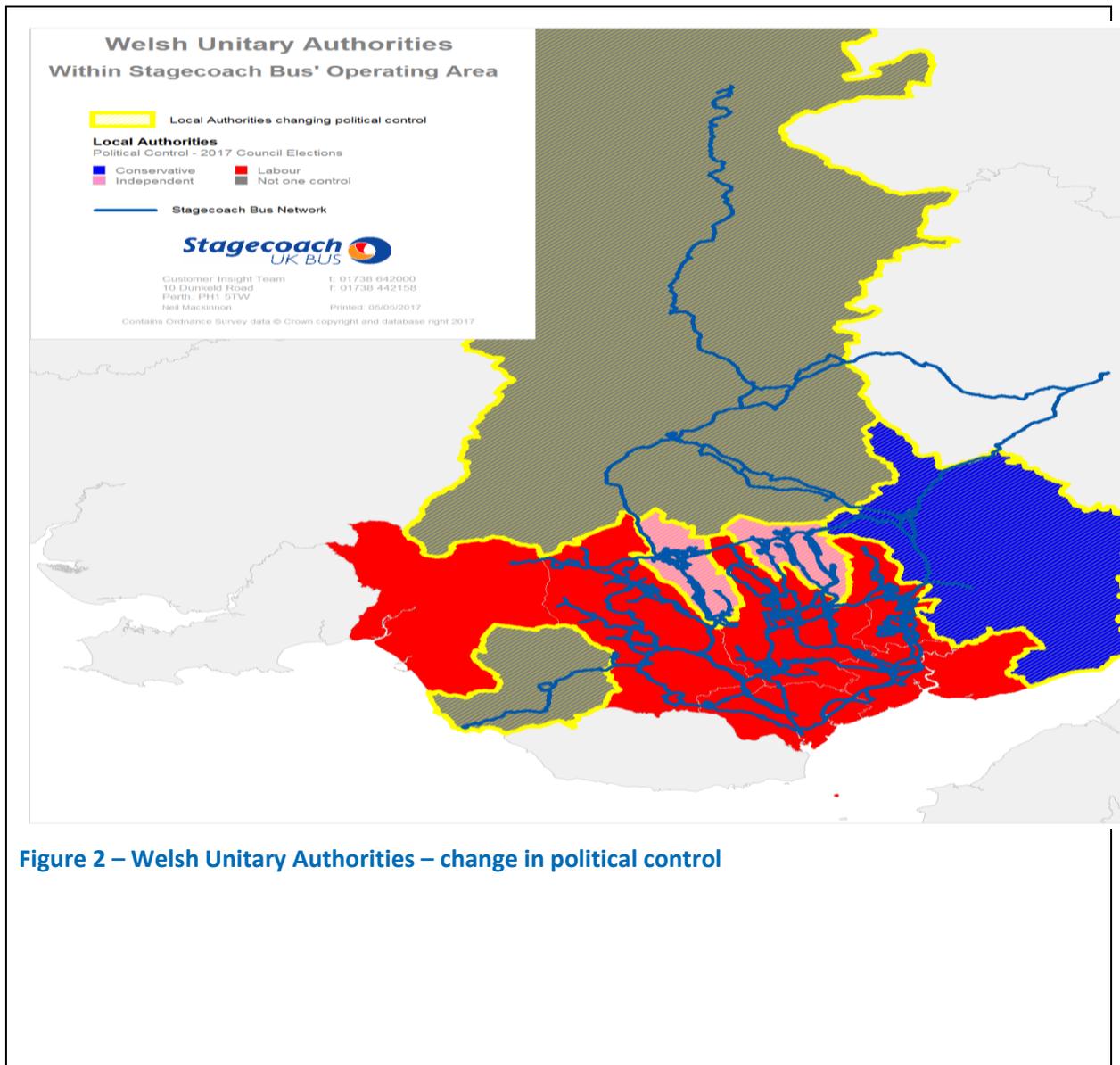


Figure 2 – Welsh Unitary Authorities – change in political control

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

Joint Transport Authorities should have responsibilities for land planning, an input into the wider region land planning strategy and transport; air, sea, road and rail. Transport starts with land planning, through policy makers vision of how the local economy and society will work – where people live, work and go for leisure, in essence how residents and visitors will move around an area. For example, by improving the transport links from the Rhondda Valleys to Cardiff, this would help to retain the population in the Rhondda area, and achieve sustainable transport solutions as well as wider economic benefits to the locality, with passenger transport services that are customer friendly; quick, value for money and effective.

Whereas, a land planning strategy that is Cardiff-centric may well act to deplete Valley communities, making local services less sustainable, creating greater burden

on the public sector. It is therefore essential that land planning considerations take into account both the viability and desirability of places to live, work and shop etc with an appraisal of the consequences of a Cardiff-centric approach to growth on the other communities in South East Wales.

A JTA should be a series of regional structures reflecting local authorities of the area. We don't see a necessity for a national JTA, if each JTA liaises with adjoining bodies.

Inevitably the JTA will interpret and prioritise policy makers priorities and the JTA will be the body that delivers, providing a cost effective transport solution and not duplicating current activity. The current structure has local authorities that are too small, under-resourced and are focussed on their unavoidable statutory duties. This is not conducive with improving connectivity and does not have the capacity for forward thinking with a joined up approach for the benefit of the whole region.

We see the JTA as the delivery body, distinctly separate from the policy making body. We see the JTA as bringing together the regional Local Authorities statutory duties, bringing together their senior Transport Officers and land planners expertise and providing a coordinated transport plan for the region, removing duplication with clear responsibilities and accountabilities.

A regional system of JTAs able to develop regional priorities against a national vision for connectivity and growth has significant merit over the current system.

The JTA has land planning, highway and transport responsibilities, this should include sea, road, rail and air. This is essential in order to further the improved connectivity agenda. The JTA is seeking to deliver both national and regional objectives and is the delivery body.

The JTA board should be comprised of the region's Local Authority representatives and the business community.

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

The JTA should be formed from LAs who have highway and land planning powers, knowledge and experience and are the LAs that serve the residents of the Counties concerned. The JTA must not be a body without strong local representative at County level. The understanding of local issues is essential for the JTA, local issues which will drive innovation and delivery for local economic and social advantage, in-conjunction with wider policy objectives nationally and locally.

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?

On the basis that JTAs are regional, they should be comprised of regional representatives which supports local democracy. Welsh Government's primary role being that of setting policy and strategy.

Local decisions are best made with local knowledge through the regional JTA. There may be some conflicts of interest if there is ministerial representation on the JTA. We believe that JTAs should be subject to scrutiny and in the event of a failing JTA there should be powers for the minister to intervene and influence direct greater control given a clear set of guidance to justify such circumstances, which must consider funding from Welsh Government and key targets set in-conjunction with the JTAs.

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?

Devolved government has a keen interest in the effective delivery of transport strategy and objectives. It is therefore not unreasonable that Welsh Government should have powers to issue guidance and directions and to intervene where a JTA may be failing. Agreeing targets will provide an objective means to justify intervention, with we suggest scrutiny by the Senedd scrutiny committee as an independent means to verify performance.

However, there must be clear guidance and parameters for such circumstance bearing in mind that the funding from the JTAs will ultimately be provided by Government. This will need to be considered as to whether that itself is a reason to interfere.

If the JTA is failing in its duties, or in delivery it will be important to understand why and a mechanism to determine the reason/s why is perhaps more important than the ability or facility to intervene by Welsh Government. This means that we suggest that the JTA must always be open to scrutiny by the Senedd.

Proposed JTA Functions in relation to buses

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

We do not feel there is a need for a national JTA. The Wales & Borders rail franchise we believe should be a local JTA responsibility. Roads should be devolved locally to the regions including what are currently trunk roads.

The JTAs must have a statutory duty to consult each other and have a wider consideration for economic, social and general connectivity across Wales as well as their local areas.

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

We believe that functions should be de-centralised to the regional JTAs.

We agree that parking enforcement, social services transport, hospital transport, education transport, transport planning and the rail franchise Wales & the Borders are all local matters that should be devolved to regional JTAs.

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 believe the current partnership arrangements are adequate and further legislation to form new arrangements is not required. Before prescribing a solution first understand the problem or challenge. The principle problem being lack of funding and adequately resourced delivery bodies, which are often small counties lacking the facility to form partnerships using current regulations. A JTA will address the lack of internal resources but funding is also needed, this will then open the way for greater partnership working using existing structures. We do not need additional legislation when the current partnership structures are not the reason for low take up, lack of funding and lack of internal LA resources as the principle reason for poor uptake.

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.

There is no need to add further complication to existing partnership arrangements this will not in itself increase the number of partnerships [most of which are informal] as existing structures, which are currently underutilised, may deliver benefits for customers through organisations working together equitably given equitable funding. To date, this concept has had limited adoption due to lack of public sector funding and in some instances, lack of officer resource to form such agreements.

Whilst operators are subject to regulatory compliance with regard bus service delivery, the productivity and effectiveness of the highway is not subject to the same level of regulation and may be a reason for partnership working not being a priority for local authority adoption.

This has meant that operators have invested and lost out on the partnership opportunity for the reasons stated and because there is no requirement for local authorities to match operator investment with equivalent improvements.

We do not feel that new EQP proposals are required if the issue of resourcing and regulating the highway are progressed. An EQP is not the answer to a lack of partnerships, funding and a lack of LA resource are.

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.

The question assumes that franchising is needed as part of a transport “toolkit”. We believe that it is not required and is a waste of legislative time when local authorities may form quality contracts with existing powers.

Franchising cannot resolve the fundamental issue which is a lack of LA funding. It is not necessary to take greater control in order to resolve transport issues which may be resolved with existing powers given adequate funding, local expertise and true partnership working.

In the more urban, densely populated areas of Wales, such as South East Wales, we do not see that franchising can fulfil anything in addition to that which the deregulated market working in partnership with the JTA cannot already provide under existing legislation. In the urban areas, such as South East Wales, franchising alone will not deter car journeys, the major cause of traffic congestion and poor air quality. Franchising alone will not improve well-being or the productivity and effectiveness of the highway.

In fact, franchising stifles innovation, restricts private sector investment through lack of confidence and security, causes detriment to employee pay, terms and conditions (creating a race to the bottom) with employer pension schemes susceptible to failure for incumbent operators failing to secure franchise contracts and moves the revenue risk from the private to the public sector.

Statistics show that in the UK the majority of patronage decline in the bus industry occurred during the period of public and state ownership, or whilst in monopoly operator situations. Post 1986, passenger numbers have increased during the period of the deregulated market, prior to the introduction of the free concessionary travel scheme.

Since 2011/2012, the Welsh Government has significantly cut revenue support for buses. There must be a concern that in a franchise regime, revenue funding will not be available to meet the public’s aspirations from a what will be perceived as a government co-ordinated, franchise scheme where ultimately all the risks are with government and all the expectations are with the electorate.

Franchising models are often at the expense of the most frequent and heavily used services, and the benefit of new and least sustainable services. This detracts from generating passenger travel and shifts the emphasis of provision from “supply & demand”, in other

words, being customer focussed, to that of an ideological, theoretical service pattern. This is most likely to result in increased costs and remove the focus of service delivery from the customer.

Through partnership working and equality of investment contractual arrangements may be arrived at that seek to achieve improved network connectivity. This for the benefit of the customer and the wider network.

With any franchising system, commercial operator interests that may be confiscated by the franchise must be fully compensated. There may well be employee pension fund costs associated with incumbent operators failing to secure a franchise resulting in all of that company's revenues being confiscated removing the resources necessary to effectively administer employee pension benefits going forward. This is a cost to be considered in any franchising model.

Comparisons with the London franchising model and Wales, or even South East Wales, do not stand up under scrutiny. Population density in London is significantly higher; the number of households without a car in London is significantly higher than South East Wales. Public funding per head of population in London is some 7.5 times higher than in South East Wales, with concessionary travel reimbursement in London at over 99% of the average adult single fare, compared to 69.18% in Wales.

However, in London, there has been significant investment in red routes (bus priority measures), introduction of the Congestion Charge, high cost and limited car parking, enforcement of moving traffic offences, integrated account based ticketing and high quality infrastructure. Even with all of this investment, London is still subject to a decline in bus passengers at 6% in the last two years and £1 billion of debt.

We believe the most effective way forward is partnership working, getting the best out of the commercial sector, with targeted public sector investment. This has proven to work in other places, such as the West Midlands Bus Alliance model where there are clear outputs and responsibilities and a commitment to deliver based on some of the positive outputs of the London model.

Where the commercial bus network is not responsive to local transport needs, it would be prudent to fully understand why this circumstance has occurred, it may then be possible to devise a suitable local strategy and be better informed for the future. In any event Quality Contract powers are available now.

When the commercial bus network is unresponsive, which may be influenced by factors such as demographics, population density, and fragmented travel patterns consideration should be given to a more robust tendering process that replaces "first past the post" with quality and sustainable supplier rewards and safeguards. The 1985 Act remains fit for purpose, so long as operators are still viable and local authorities set intelligent and appropriate standards with appropriate levels of funding.

The most popular procurement method for local bus services is "first past the post – the cheapest wins", sometimes through online auctions. It cannot be in the local authorities' interests to drive such a hard bargain to drive the operator out of business through such slender margins that they are unable to absorb fluctuations in cost or interruptions in cash flow. It would be cheaper and better value to remodel the current local bus service tendering process to incentivise quality, reward excellent delivery and growth with contracts that give confidence to encourage investment, we suggest one dynamic purchasing system for all local authorities rather than each having a separate system and to approach such tender contracts from a partnership perspective with a view to generating growth that sustains the

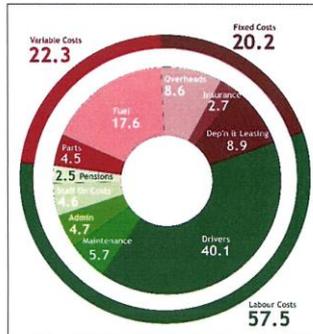
operator and provides best value for the local authority, with the least risk of operator failure.

Fostering quality, sustainable operation and operators will encourage competition.

It was clear from attendance at the All-Wales Bus Summit in Wrexham what level of operating margin is required to sustain a commercial operator, being 10%-13%. We do not believe that any major local bus operator in Wales is achieving numbers in excess of this.

Bus Costs

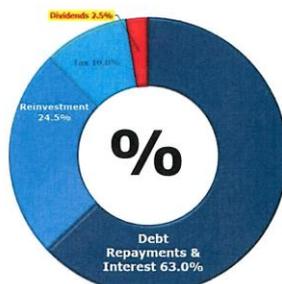
Running buses is expensive - around **£140,000** a year for each bus on the road. Bus costs have risen over **30% more than inflation** over the last ten years. **Fuel costs** are rising again. **Staff costs account for 60% of total cost** and rose by 20% due to rising real wages and the need for more staff to keep services going in the face of rising traffic congestion.



Where do Profits Go?

Bus company profit margins in Wales have been at a low level for years but now average 10% - in line with the level suggested by the Competition Commission.

Profits are essential to deliver investment in better services, buy new buses, ticket systems and information systems. **Almost ten times the money paid out in dividends is reinvested.**



Source CPT: Wales Bus Facts

To put in place a franchising arrangement will be expensive, be no more successful than remodelling the current tender and contract arrangement.

In seeking to franchise the bus industry, the Welsh Government is seeking the wrong solution to a problem that does not lie at the bus industry's door. In fact, the consultation document does not make any case for understanding the dynamics of passenger movement, which are now affecting the rail sector with decline for the first time in many years. This illustrates that a greater understanding of the social, economic, demographic change in transport is required before prescribing change to legislation, that provides for no real difference in control than that which may be achieved today.

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. Expenditure of public money should be open to public scrutiny and a value for money test that ensures that the proposed scheme delivers the results required to address the problem that is perceived. In the case of North East England, through scrutiny a Quality Contract was shown not to deliver public benefit. If it is the case that the QC evaluation was too arduous then a more streamlined process needs to be considered without removing any of the objectivity required to arrive at a considered outcome.

Therefore, the case is not make it easier to deliver franchising (because it was difficult in the North East of England), but to make sure that there is an accountable and transparent process to assess value and justification for the expenditure in the first place.

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

The case for inclusion of franchising, in proposed legislation, in lieu of quality contracts has not been made. In fact, the case for franchising at all has no objective base in consideration of a potential solution for passenger transport related matters that is any better than a QC.

Referring to quality contracts, just because a process to assess something is thorough is not a reason in itself for it to be changed or replaced.

The ultimate test must be value for money and the use of public money. The quality contract process proved in North East of England that there was not a sound objective case to spend large sums of public money. Introducing franchising, as an easier system than a QC is not the answer to delivering improvements and value for money.

The Welsh Government is consulting on Improving Public Transport, from a position that the current legislative framework requires change as it is inferred that the desired change cannot be delivered through existing legislation. We are not content that this has been proven.

The basis for this assumption is unproven with a lack of funds and other resources at the heart of improving passenger transport, it is nothing to do with the way the industry is organised. Adding further legislative tools will have no impact if the level of funding and other resources remains unchanged. It will simply be a waste of the legislator's time.

Statistics from the Department for Transport indicate that the popularity of bus as a mode of transport has suffered from a number of factors; social, economic, demographic and competition from the private car and rail (in South East Wales) more so than how the industry is organised.

We note that the legislative proposal is void of facilities to discourage car use or permit the introduction of new traffic taxation and control measures that act to support public transport and provide a new revenue stream to fund further passenger transport investment. Furthermore, it is clear that the private car is the primary mode of transport with which the bus competes. Local Authorities have several tools to control private car use and encourage use of passenger transportation, reduce congestion and improve well-being for future generations:

- Planning policy
- Parking policy; and
- Highway strategy

The evidence shows that Local Authorities have not used these powers to mitigate car use. Indeed, it can be shown that planning decisions have served to increase reliance on the private car. We propose that legislation be changed to make use of such measures easier. We feel it would be a better use of the legislator's time to consider complimentary measures to deter increasing car journeys and encourage bus journeys, rather than legislation to introduce revised controls over buses, when buses are not the problem.

Employment is also a significant contextual factor influencing people's transport, so too changes in retail habits for example internet shopping and home delivery. Changes in Welsh employment characteristics are highlighted further in this submission and are part of the explanation as to passenger decline in Wales.

Bus patronage and the private car

The private car has generated travel demand since mass production and personal wealth increased in the post war years (TAS Bus Industry Monitor). Department for Transport statistics show that cars have also increased their share of journeys made – at the expense of other modes:

- In the early 1950's bus and coach services accounted for **42%** of vehicle journeys while private cars, vans and taxis accounted for only **27%**; but
- by 2015 cars vans and taxis accounted for **82.9%** of vehicle journeys; bus and coach **5%**.

Modal shift: Bus to car

Indeed, DfT statistics show that much of the modal shift from bus to car occurred prior to the deregulation of local buses in October 1986 (Figure 3).

There were 16,455 million journeys on street running public transport (bus, tram and trolleybus) in 1952. Bus passenger journeys:

- halved to 8,153 million in **1971**; and
- halved again to 4,500 million in **1994**; before
- increasing again to 5,104 million in **2016**.

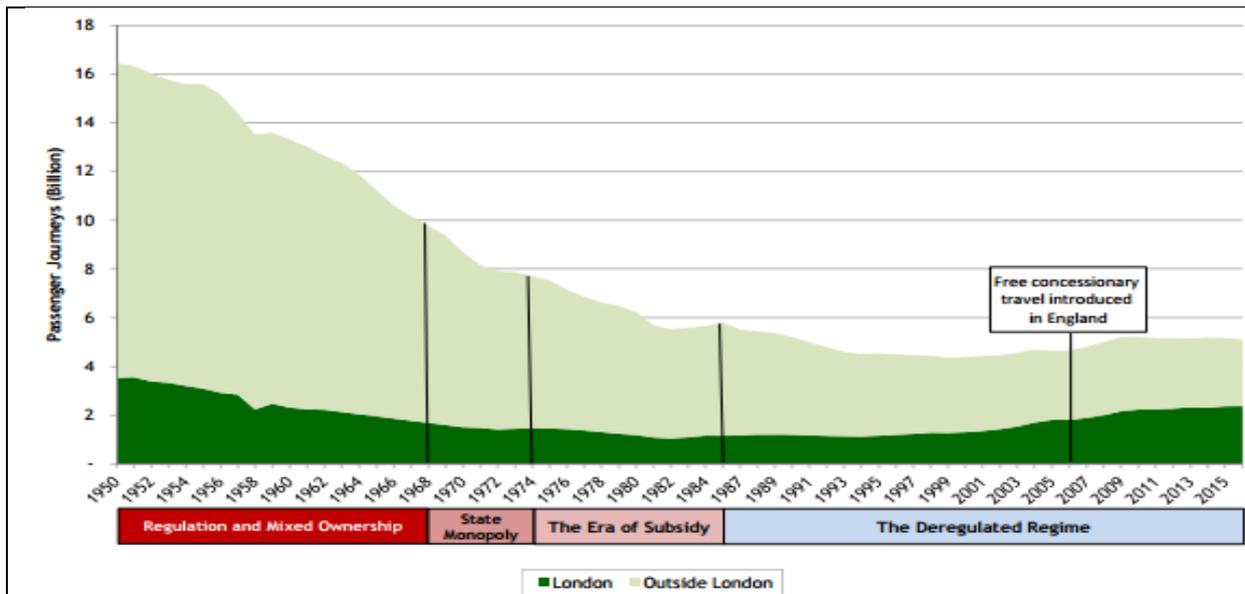


Figure 3 – Bus passenger journeys since 1950 (DfT) with the regulatory regime– PTIS³

Car ownership in Wales

Car ownership in Wales – since 1986 – has been the 3rd highest across Great Britain. Only Scotland and the North East of England have logged higher increases in car ownership. Since 1996, the number of licensed cars in Wales has increased by 51% to reach 1,527,100 at the end of 2016 (Figure 4).

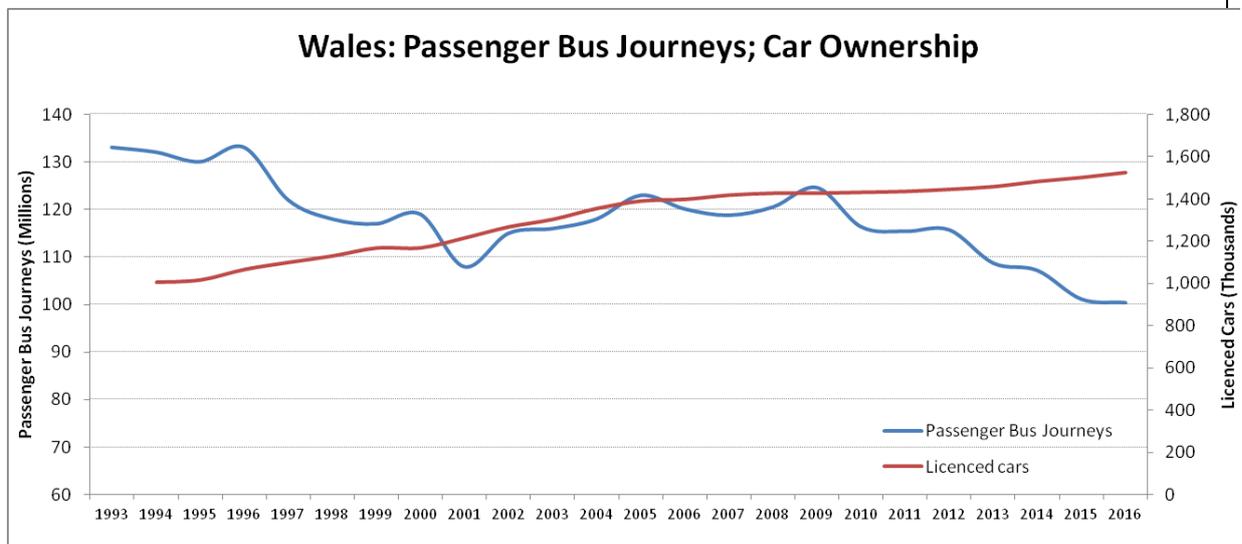


Figure 4 - Bus Passenger Journeys and Car Ownership in Wales

In recent years, much of the increase in car ownership has been driven by new financial products offered by the automotive industry. The increase in Personal Contract Plans – 59% of new car sales in the 12 months to July 2015 (705,000 cars) were purchased this way⁴ – as a means to buy cars has resulted in a surge of car sales following the 2008 recession.

³ The Bus Industry Monitor – Passenger Transport Intelligence Services

⁴ <http://www.bbc.co.uk/news/business-34383082>

This also means consumers are 'locked-in' to credit⁵. As such, consumers may 'own' a car but are unlikely to be able to afford to purchase it at the end of the lease period. These cheap payment methods result in consumers perceiving public transport to be expensive. It is, however, the cost of motoring that has been kept low – not only through car finance schemes but also by the government's scrapping of the fuel duty escalator in 2001. Whereas the bus industry fuel duty rebate (FDR) at 100% was changed in 1993 and cut, currently stands at 66% rebate of fuel tax in England with Welsh operators paying 100% of the fuel duty, with Welsh BSSG fixed and not having increased since its introduction, in real terms being 30% lower than the system it replaced in Wales.

The low cost of car 'ownership' also degrades public transport's price competitiveness. Until very recently, public transport has had to be purchased with cash on bus rather than by credit/debit card. Stagecoach's online retail engine and adoption of Apple and Android Pay mechanisms now offer our customers the choice of paying by debit or credit cards making the best value longer duration ticket products available to all.

Road congestion

DfT statistics (Figure 1) show that this increase in car ownership has resulted in a marked increase in distance travelled by car alongside the reduction in bus passenger journeys.

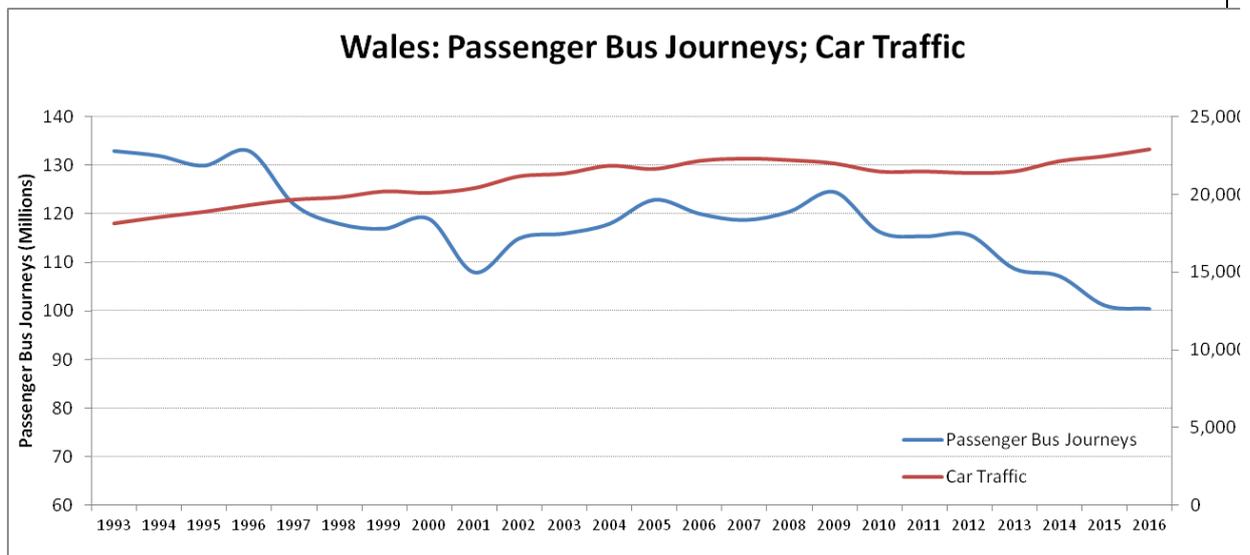


Figure 5 - Car Traffic & Bus Passenger Journeys – Wales

This pattern is replicated by the average annual vehicle flow measured by the DfT on Welsh roads (Figure 6). Like car ownership, this data shows an increase – particularly from 2014 to present – in the competition for road space.

⁵ <https://www.theguardian.com/money/2017/feb/10/are-car-loans-driving-us-towards-the-next-financial-crash>

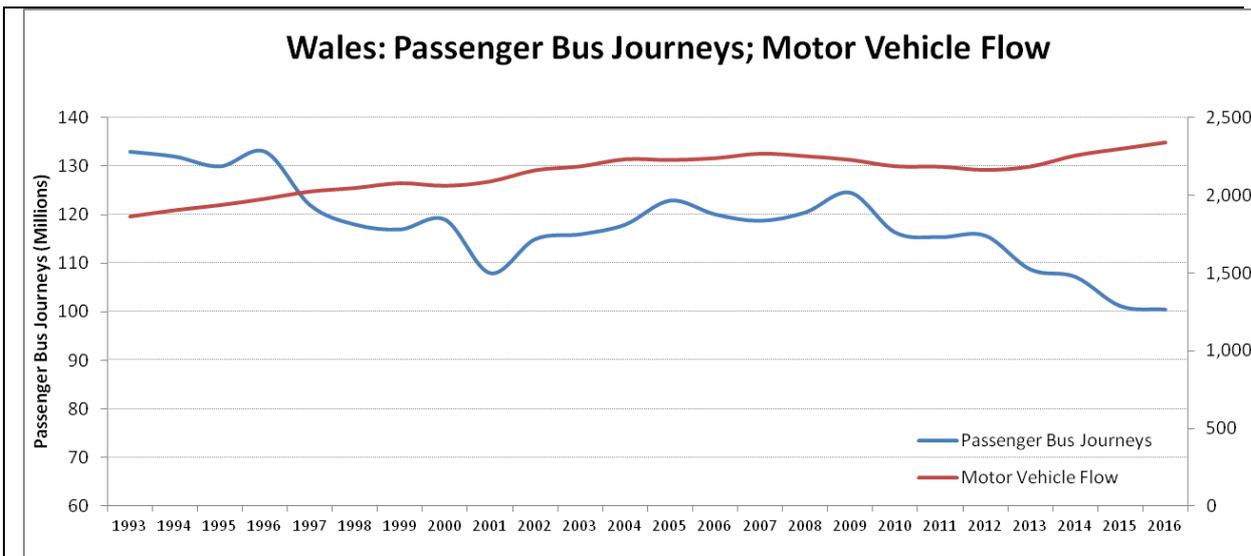


Figure 6 – Motor Vehicle Flow & Bus Passenger Journeys – Wales

Given the increased competition for road space, Welsh Planning Policy recognises that dependence on the private car needs to be mitigated. This can be achieved through policy tools available through parking planning and Highway bus priority measures

Without effective controls on car usage, congestion will continue to increase, adding cost to all journeys including the bus journey, with the environmental consequences detracting from Well Being objectives, and further deterioration in productivity hindering economic growth.

This consultation excludes the car as a major transport mode, and that there is no separate legislation proposed to deal with car constraint measures is a fundamental flaw in this legislative consultation.

Parking and Planning

Local Authorities are responsible for parking policy. The availability of parking is a direct influence on the choice of car as a mode of transport. Local Authorities (Government, 2014) are encouraged to implement charging policies to dissuade all day parking by commuters and encourage short-term (rather than all day) parking for retail use. To this end, there is no legal limits⁶ to the parking charges Local Authorities can levy but there are limits for Penalty Notices.

Workplace parking

Section 8.4.6 of the Planning Policy for Wales⁷ highlights that Local Authorities have powers to introduce workplace parking levies as a tool to reduce car dependence. However, no such schemes have been introduced in Wales. Indeed, Nottingham City Council remains the only UK Local

⁶ http://www.racfoundation.org/assets/rac_foundation/content/downloadables/elliott%20-%20parking%20enforcement%20-%20main%20report%20-%202016082010.pdf

⁷ <http://www.matthewjonesarchitects.com/wp-content/uploads/2012/01/140731planning-policy-wales-edition-7-en.pdf>

Authority which has implemented such a levy, with all such revenues being channelled to passenger transport improvement.

Nottingham has realised public transport benefits following the introduction of the scheme and more than 40% of journeys to work are now by public transport⁸. Nottingham had the 6th highest economic growth rate amongst UK cities in q4, 2016 (UK Powerhouse City Tracker⁹).

Transport Assessments

The Planning Policy for Wales also states that developments over a particular size should undertake a Transport Assessment. It is beholden on the planners to ensure they are satisfied public transport is seen as a primary mode of transport to developments and that parking is restricted. It would seem that this aspect of Planning is not working if developments are not restricting car parking to an extent to encourage public transport as a mode to these locations.

Current thinking indicates that Transport Assessments should assume that default transport mode should be public transport¹⁰. Oxera also highlight that modal change can be encouraged through nudge effects by the provision of real time information to citizens. In addition to public transit information, there should also be included the availability of parking spaces, congestion and pollution levels which should form part of the information mix.

Transport to retail

Where retail is located has a significant impact on how people travel. Furthermore, the nature of retail has changed since the 1980's to the detriment of public transport.

Changes in retail provision

Food retailing has altered much since the 1970's. Independent and co-operative retailers have been replaced by the big four supermarkets (Figure 7). The change in provision has been accompanied by a change in location: from town centres and High Streets to shopping centres and out of town retail parks.

With the move to larger – out of town – premises, grocery retailing has encouraged bulk purchasing as well as the purchasing of pre-cooked foods rather than raw ingredients. The effect of this has been to increase the amount of goods purchased making it less feasible to transport by bus. This coupled with a rise in internet shopping and home delivery act to further reduce demand for bus travel.

⁸ <https://www.wwf.org.uk/sites/default/files/2016-12/nottingham%20case%20study%20-%20Workplace%20parking%20levy.pdf>.

⁹ <http://www.irwinmitchell.com/ukpowerhouse>

¹⁰ <http://www.oxera.com/Latest-Thinking/Agenda/2017/Hard-shoulder-using-behavioural-nudges-to-reduce-c.aspx>

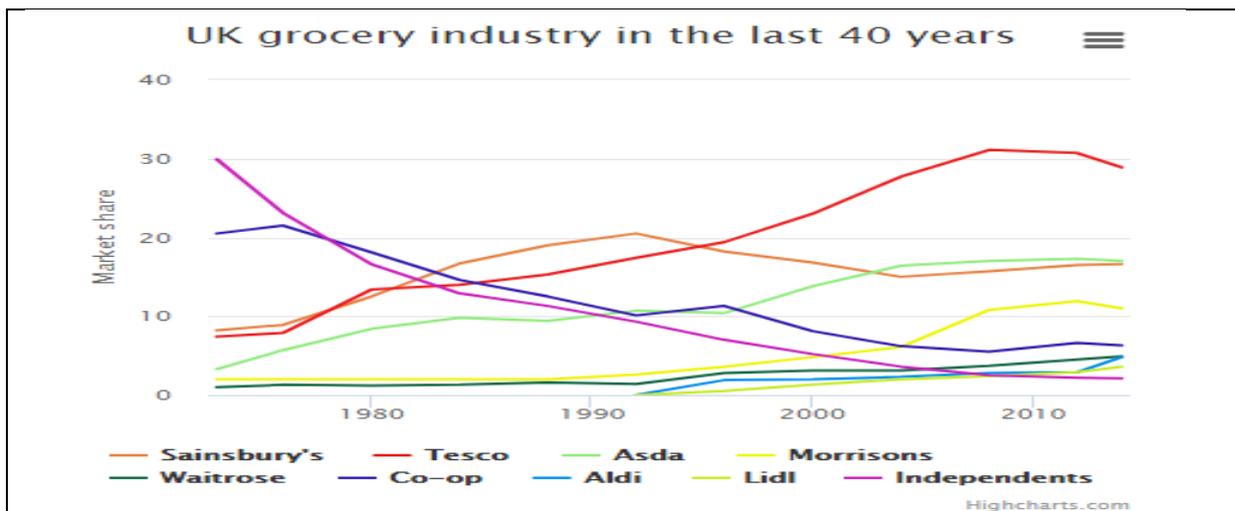


Figure 7 - Food retailing in the UK¹¹

Transport to retail

Local Authorities influence the siting of retail through Planning Policy. Moving retail away from urban centres to peripheral sites increases the car's modal share and reduces that of public transport.

Passenger Transport Intelligence Services Ltd undertook analysis for the Commission for Integrated Transport in 2006. This showed that the likelihood of using public transport to access retail reduced with distance from urban centres (Figure 8).

Destination	Car	Park & Ride	Public Transport	Walk & Cycle	Taxi & Other
Nearest Town / City Centre	44%	2%	30%	23%	2%
Other Town / City Centre	66%	2%	20%	12%	1%
Local Centre	49%	0%	10%	40%	1%
Out of Town Retail	85%	0%	7%	6%	1%
Edge of Town Retail	82%	0%	8%	9%	0%
Local Convenience Store	42%	0%	2%	54%	1%
Large Supermarket	81%	0%	5%	12%	1%

Figure 8 - Access to retail by location by mode (PTIS)

Summary

In the face of:

- an increase in the number of people working from home, offshore or with no fixed location, or on flexible contracts;
- an increase in the distances travelled by employees with regular commutes;
- demographic changes meaning an ageing population;

¹¹ <http://www.telegraph.co.uk/finance/newsbysector/retailandconsumer/11057120/The-rise-and-fall-of-British-supermarkets.html>

a continued increase in the number of vehicles owned;
continued development of out of town retail and internet shopping and home delivery;
stretched Local Authority budgets

The decline in bus patronage is in the main due to the above, which has been in many cases arrested by private sector operator investment in better buses, improved ticketing technology, real time systems and new web based digital platforms.

We seek to make the case that more legislator time to change the tools available to control and influence passenger transport are not needed. What is needed is further investment and new legislation to influence those factors outside passenger transport; car use and land planning to compliment growth in passenger transport use, supporting the agenda for improved air quality and increased productivity of the highway.

Too much of the political and policy discourse that takes place about the bus services tends to view the industry in isolation, looking for simplistic answers of the “if only” type: “if only they did not put the fares up” or “if only they had not deregulated”, or now – from some at least – “if only we could take control”.

The forces governing the market for bus services are, to a remarkable extent, beyond the control of its managers. This is partly to do with the fact that people’s use of bus services is derived demand: most people do not travel for the sake of it, as they might buy a book or music track; they only travel as a means to an end. To get to work, or the shops or to school or college, for instance. When the reason for that journey is taken away, as for example when people bought televisions in the 1950s and stopped going to the cinema so often, the journey itself will not happen, and demand will fall. We can see that currently in the fall in journeys to visit High Street shops and other retail outlets. If we can understand all those reasons for travel, and at the same time get to know what makes people choose one mode of transport over another, then we are in a more powerful position to plan for the future and to do what we can to influence those decisions.

That the decisions are capable of being influenced is surely beyond doubt. How else could one account for the remarkable difference in ridership levels between different parts of England and Wales – even when areas are otherwise remarkably similar in economic and demographic terms.

Source Bus Industry Monitor PTIS 2017

We would like to see Local Authorities and the Welsh Government focus on using existing passenger transport powers with greater funding through a JTA be more effective to mitigate use of private cars.

Private sector companies are best placed to deliver bus services which connect origins and destinations free from artificial administrative boundaries. We have clearly stated that franchising [the bus industry] and new local government owned operators will not address the fundamental reasons for passenger decline and increasing car congestion.

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 oppose franchising, discussion of a permit system further illustrates increasing complexity and potential conflict of a system that is not required.

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.

Under current regulations through grant funding and existing contractual structures, SMEs may be accommodated. It is not necessary to create a franchising regime to help SMEs greater participation in the passenger transport market. Changing the current tendering system would be a great assistance with quality incentives and assistance with new vehicle purchase options – new bus grants.

Creating a franchise will reduce operators and reduce competition which has the potential to reduce SMEs.

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?

As you will have noted from the conclusion of the Arriva Trains Wales franchise, the nature of a franchise removes any long term interest in the delivery of services for customers and may adversely affect service delivery. Whereas, an ongoing business has a vested interest in maintaining high standards of delivery and investment at all times, not just for the first few years of a franchise.

In the circumstance of a failing operator towards the end of a franchise, it is difficult to understand how they will continue through to the term of the contractual period achieving customer expectations where the franchising authority has virtually no lever over the company concerned.

A commercial operator has a vested interest in maintaining investment and innovation in their business and the sector for the long term.

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 more urban, densely populated areas of Wales, such as South East Wales, we do not see that local authority bus companies are required or justified. The market is serviced by successful commercial operators who compete both on commercial and tendered services. The establishment of a LA controlled operation would be expensive, time consuming and not present value for money for the taxpayer and may be subject to a breach of state aid rules.

If the LA owned/controlled operator is to be considered where the commercial bus network is not responsive to local transport needs, it would be prudent to fully understand why this circumstance has occurred. There may be a more cost effective solution, rather than the establishment of a new company.

Prevention is better than the cure, to avoid commercial bus network withdrawal due to factors such as demographics, population density, fragmented travel patterns consideration should be given to a more robust tendering process and support that replaces “first past the post” with quality and sustainable supplier rewards and safeguards. The 1985 Act remains fit for purpose, so long as operators are still viable and local authorities set intelligent and appropriate standards.

The current procurement service for local bus services is mainly “first past the post – the cheapest wins”, sometimes through online auctions. The focus we believe should be on providing an environment where bus operators may thrive and if absolutely necessary create Quality Contracts in areas where there are few operators protecting the LA investment. Working with the operator/s to establish value for money services that are subject to tender

and scrutiny.

Fostering quality, sustainable operation and operators will encourage competition and support a healthy thriving industry.

Establishing a new local authority owned business would be time consuming and expensive providing a solution that will be available through the tender process or as a final resort, a quality contract.

In seeking to establish new local authority owned operators, the Welsh Government is seeking to shut the stable door after the horse has bolted. Working with operators to encourage operation, either commercial or through tender support will be a more viable and affordable option than creating new publicly owned companies.

There is a risk of a conflict with Teckal conditions should local authorities seek to award contracts to an owned or arms length company.

We believe it is the role of the local authority to support the provision of local bus services through the provisions of the 1985 Act, with due regard for circumstances of the area and a practical approach that does not act to reduce competition and operators through “cut throat” tendering and short-termism.

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

There needs to be absolute justification for the expenditure of public money, in this case there would have to be no other options available. This will have to be subject to independent verification and public scrutiny.

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?

As question 16a we feel there needs to be no other operator available to operate the service or services and subject to independent verification and public scrutiny.

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

As with questions 16, 16a, both will be funded from the public purse and we do not see a difference. If the objective is to get around public sector employment costs and public sector practices and productivity issues, with cheaper, more productive private sector equivalent, then tender the activity in the first place?

The LA or regional JTA should be required to demonstrate how this achieves better value for money before proceeding. It should not be allowed to create exclusive

rights for an arms-length, publically owned company at the prejudice of privately owned business.

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

None. Refer to answers to question 16, 16a and 17.

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?

Arms-length bus companies should not be used in a way that undermines the operation of commercial local bus services. This means that publically owned services will be withdrawn where service provision is provided commercially by another operator.

It is very difficult to put effective safeguards in place for an operator that is owned or controlled by a local authority. Unless, the directors of the Company have no association with the local authority or any political party, or any organisation that sponsors a political party.

The emphasis should be on creating an environment where operators flourish and it is not necessary to form publically owned bodies. Quality Contracts remain a valid option for the commercial sector to bid for.

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?

Recent analysis by the DfT as to the Benefit : cost ratio of the English concessionary travel scheme revealed a positive value. A narrowing of eligibility will detract from the positive BCR.

A narrowing of eligibility will act to reduce bus patronage and to escalate service and journey decline for no apparent benefit to society.

The Welsh concessionary travel scheme remains an important part of social and economic inclusion helping to support the wider bus network with costs sustained only when journeys are made.

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

Refer to question 18. This question assumes a change in eligibility criteria for reasons which have not been objectively substantiated. There is no national benefit in incremental or any change to the current scheme.

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.

Yes in principle. There are models in use of open data. It would be of assistance to reflect upon these and their effectiveness.

Open data systems need to be simple, not overly onerous, minimise duplication and cost.

We should maximise the use of digital technology for speed and cost of processing benefits.

--

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	X

Please explain your answer.

Operators may share patronage data through a Non-Disclosure Agreement with the local authority. This is a voluntary matter.

The legislation should not assume all operators have the same level of access to patronage data. Any such requirements should not be unrealistic or onerous.

We see this question being redundant if operators are encouraged to work in partnership with local authorities, sharing network problems and concerns, so that there are no unexpected negative changes and that a working relationship is fostered to actively encourage patronage removing the need to consider replacing withdrawn services or journeys.

The tendering process allows for the LA to assume the revenue risk through minimum cost contract. This approach will provide for operator confidence when tendering. The sharing of data is not necessary in this circumstance.

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 see taxis and PHVs playing an important part in the transport mix.

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.

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.

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.

One over-arching umbrella organisation for “All Wales” would save a tremendous amount of duplication given that the data may be shared between multiple authorities, not just for taxis but for bus operators.

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:

Transforming buses in **Wales** for passengers and communities



- Great services for busy places
- Innovative mobility
- Rural accessibility
- Secure funding
- Clean buses
- Fair prices
- Technology



WHY **BUSES** MATTER



75 Cars off the road

Buses can help solve congestion and pollution problems - a full double decker bus can take up to 75 cars off the road



Made in the **UK**

All new buses put on the road in Wales since 2015 have been made in the UK

Environment



- In recent years, bus operators have invested over **£150m** in Wales on new Euro VI or equivalent buses
- NOx per passenger is 10 times lower when travelling by Euro VI bus than Euro 6 car
- Our vision is to work with the JTAs to put the cleanest buses where they can deliver the biggest benefit to air quality

Social



- Nearly a quarter of the population of Wales is living in poverty and around 1/4m households lack access to a car
- Areas with better bus services have lower deprivation levels
- Good bus services promote good mental and physical health



10% Improvement

A 10% improvement in access to bus services is associated with a 3.6% reduction in deprivation



For references and data sources contact:

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Vision 2025

The bus at the heart of Welsh communities...

... providing attractive, accessible passenger transport to support thriving communities by:

- Delivering consistent, high quality services where demand is strong
- Supporting economic and social objectives locally and nationally
- Complementing the rail network, the TrawsCymru network and commercial bus and coach networks with buses and smaller vehicles to fill the gaps where demand is lower. There is proven technology to do this
- Matching fair pricing with 21st century ways of paying for travel
- Tackling the real obstacles to urban operation so that buses are quicker and more reliable than the alternatives
- Investing in buses that are comfortable and clean

... delivered through strong partnerships with well-resourced Joint Transport Authorities.



More people in **Work**

An improvement in access to bus services would mean more people in work

Gwledigaeth 2025

Y bws wrth galon cymunedau yng Nghymru....

...yn darparu trafrnidiaeth i deithwyr sydd yn ddeniadol a hygyrch i gefnogi cymunedau ffyniannus drwy:

- Darparu gwasanaethau cyson o ansawdd uchel lle mae'r galw yn gryf
- Cefnogi amcanion economaidd a chymdeithasol yn lleol ac yn genedlaethol
- Ategu'r rhwydwaith rheilffyrdd, rhwydwaith TrawsCymru a rhwydweithiau bysiau masnachol gyda bysiau a cherbydau llai i lenwi'r bylchau lle mae'r galw yn is
- Mae technoleg profedig ar gael i wneud hyn
- Cydweddu priso teig gyda dulliau'r 21ain ganrif o dalu am deithio
- Mynd i'r afael gyda'r rhwystrau gwirioneddol i weithrediadau trefol fel bod bysiau yn gyflymach ac yn fwy dibynadwy na'r dewisiadau eraill
- Buddsoddi mewn bysiau sydd yn gyfforddus ac yn ian

... yn cael ei ddarparu drwy bartneriaethau cryf gyda JTAs llawn adnoddau



Mwy o bobl mewn Gwaith

Fe fyddai gwelliant mewn mynediad i wasanaethau bysiau yn golygu bod rhagor o bobl mewn gwaith

Yr Amgylchedd



- Dros y blynyddoedd diwethaf, mae gweithredwyr bysiau wedi buddsoddi dros £1.50m yng Nghymru ar fysiau Euro VI neu fysiau cyfatebol
- Mae'r NOx fesul teithiwr yn 10 gwaith yn is pan yn teithio ar fws Euro VI o'i gymharu â theithio mewn car Euro 6
- Ein gwleddigaeth ydy gweithio gyda JTAs i ddarparu'r bysiau glannaf lle maen nhw'n gallu cyflawni'r budd mwyaf i ansawdd aer

Cymdeithasol



- Mae bron i chwarter y boblogaeth yng Nghymru yn byw mewn tiodi a does gan tua 1/4m o deuluoedd ddim mynediad i gar
- Mae gan ardaloedd gyda gwell gwasanaethau bysiau lefelau is o amddifadedd
- Mae gwasanaethau bysiau da yn hyrwyddo technyd meddwl a chorfforol da



10% o Welliant

Mae gwelliant o 10% mewn cysylltiedd bysiau lleol yn gysylltiedig gyda gostyngiad o 3.6% mewn amddifadedd

Am gyfeiriadau a ffynonellau data cysylltwch gyda:

Steven Salmon steven.salmon@cpt-uk.org

John Pockett johnp@cpt-uk.org



PAM BOD BYSIAU YN BWYSIG



75 Llai o geir

Gall bysiau helpu datrys problemau tagfeydd a llygredd – mae bws deulaw llawn yn gallu cael gwared ar 75 o geir oddi ar y ffordd



Tudalen dau

DU Gwnaed yn y

Mae'r holl fysiau sydd wedi'u rhoi ar y ffyrdd yng Nghymru ers 2015 wedi cael eu gwneud yng Nghymru



Trawsnewid bysiau yng Nghymru! deithwyr a chymunedau



- Gwasanaethau gwych i leodd prysur
- Symudedd arloesol
- Hygyrchedd gwledig
- Cyllido diogel
- Bysiau glân
- Prisiau teg
- Technology



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

Please explain your answer.

Granted a lot of O.A.P. Bus Passes Used a lot, but we seem to be losing out 44 Bus March 30th 2019
Lots use this service of Hospital/Doctors etc and a little bit of independent, so we really need help of a Bus Service.

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

No Comment

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

I am not an organisation but seem to be spoke person for help
I am 83 years old, but we try to help each other even listening HELP.

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?

Yes

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 would like some help and as soon as possible, Thank you

Proposed JTA Functions in relation to buses

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

Would like some help on this service
We everyone needs a bus as some time
So Carry on

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

Whoever wants to do our service!

Enhanced Quality Partnerships (EQP)

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

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

Please explain your answer.

If we all work together maybe it will work?

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

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

Please explain your answer.

*As I have explain, in anyway
HELP is needed for
Barkers Lane 44
Wrexham*

Franchising

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

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

Please explain your answer.

Just try please

--

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

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

Please explain your answer.

<i>Just help in any way for this service</i>
--

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

<i>Just=HELP Please</i>

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?

<i>Yes, if it helps</i>

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

Please explain your answer.

Any who would want and able to do this service

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?

See how it goes!

Local authority bus services

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

*Not really, we are spread about we would be all day picking up
Sorry my opinion*

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

Not I don't think would be used

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?

No = not be used.

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

yes without a doubt - As soon as possible

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

If we don't have a bus service
Taxis are £5 each way
And Believe me No Good as all

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 long as we have a Bus Service
we will be very happy

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?

I agree with whatever you decide!
(what)
Sorry

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

Whatever you decide

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.

If we have to pay Half with Bus Pass or
Maybe Pay Full in fact anything you wish
So we can have a service Thank you

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

Please explain your answer.

Bus services at present just do it
for 3 months then change —

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.

If Taxis were getting help with fares maybe if we had TOKENS ETC to help with this maybe.

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

I think Buses are a lifeline and O.A.P get about for Hospitals and Doctors, shopping, Socialise, everyone looks happy to get out. if no transport Wrexham will be empty believe me we do our shopping etc.

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

This service is a life line and we would be very pleased if we have it.
Thank you

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

Just hope whatever will be!

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

A decent Bus Service
Would be a Bonus

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

See I can add is O.A.P are getting out
and about, just trying to carry on
And the Bus Service will be
Wanted.

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

Please explain your answer.

Vehicles should be of 100% for a licence
--

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

Please explain your answer.

What needs to be So be it!

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

Thank you for replying to my letter We all had a talk and I was voted Spokes woman, let hope I get help for us all - 44 Barkers Lane Bus Wrexham
--

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

Please explain your answer.

Do whatever you wish.

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

Hope I have done my best
in comments -

Thank you.

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

?

Please explain your answer.

I don't know maybe you know
Better than me on this subject.

Thank you

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

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

Please explain your answer.

Lets try and see what happens

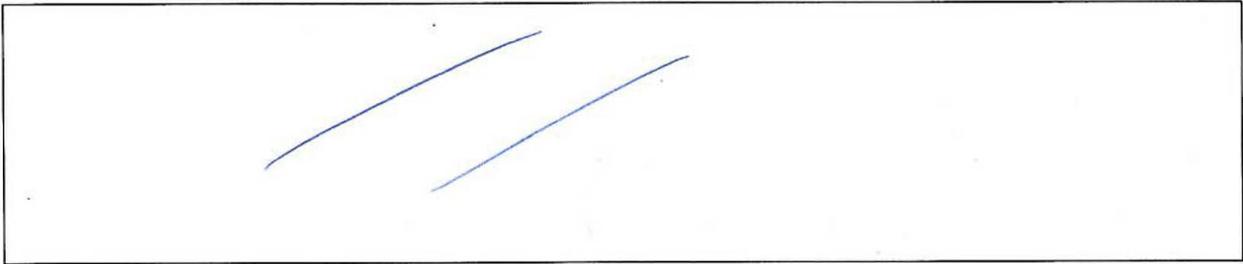
Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

All is covered.

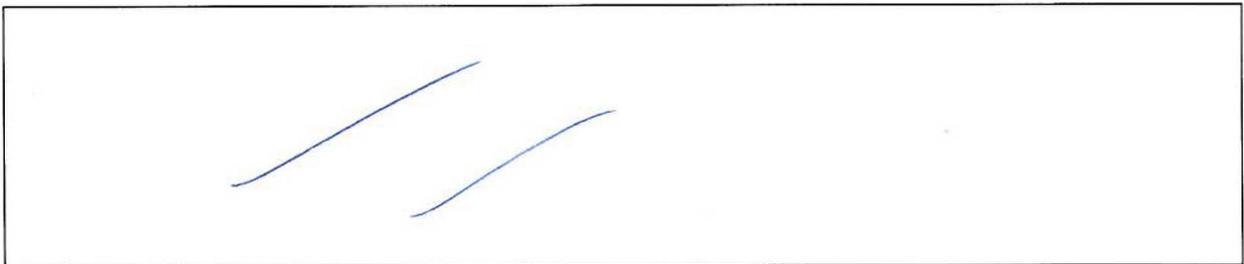
Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

I am Welsh, but I cannot speak it
But you do what you think

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:

Sorry but I cannot speak Welsh even though I am Welsh.

Thank you for trying for our Bus Service



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.

It is important that local authorities work together as:

- transport footprints do not follow administrative boundaries neatly;
- Integrating transport policy regionally (such as coordinating timetables, integrated ticketing, standards) require working across boundaries
- With Welsh Government rightly looking to integrate and centralise aspects of bus strategy, it is important that local voices are heard on matters that affect people locally– while not the only (and not in themselves a sufficient proxy for) local engagement on policy, local authorities are a vital part of this process.
- Cumulative cuts are likely to have affected the capacity of most (if not all) local authorities both in terms of finance and expertise to provide for these services alone

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

FSB Wales supports the case that the governance of transport requires a ‘regional approach in a broader national context towards planning and implementation’ and are open in principle to the consolidation of ‘full range of public transport functions’ to make the system simpler and more accountable.

However, there are concerns that the proposals as articulated do not do this clearly. The current proposals in the white paper are generally high level and abstract, and whichever of the options (if any) outlined in the White Paper is taken, the devil will be in the detail and in the clarity around the relationships between different organisations who are tasked with planning and delivering transport policy.

One thing that raises concern is that the White Paper discusses the JTAs without reference to other parts of the developing transport policy architecture in Wales, notably that of Transport for Wales (but also bodies such as National Infrastructure Commission Wales). We do appreciate that there are challenges in dealing with a changing structure and architecture, but nonetheless there is a lack of clarity from the outside looking in on the whole picture.

FSB Wales encountered contrasting understanding on TfW's position and function within this structure. When FSB were giving recent oral evidence to the Economy Infrastructure and Skills Committee inquiry on the future of TFW, it was suggested by Committee Chair that TfW essentially was the same as the 'National' option of a JTA.

However, subsequent evidence given to the committee suggests that this was mistaken, and that a JTA would serve as a body for providing institutional democratic accountability and voice, while TfW would sit alongside a national delivery body (focused on delivering aspects such as integrated ticketing and timetabling, as well as standardised approaches on infrastructure). How these bodies' functions are divided, and how this is achieved, is information that is needed by consultees in order to engage with this question sufficiently. The evidence given to the committee was as follows:

"A JTA would be an amalgam of the powers of Welsh Government and the powers of local government coming together on a national or on a regional basis to allow elected members to take decisions. What is not discussed in the White Paper, because the White Paper is not about delivery mechanisms but is about funding and accountability mechanisms, is how those would be delivered. Now, in my conversations with the Welsh Government, we've talked about Transport for Wales being the delivery body for and the brand of the bus services, for example, that the JTAs would be managing. So, the JTAs, in my mind, anyway, would be a funding and political decision-making body around the services that were being delivered rather than another layer of service delivery. I think that's quite an important distinction."
- James Price TfW 13 March 2019

"The Minister just talked about how Welsh Government would be the body, in terms of our functions, responsible for setting policy, strategy and budget, and Transport for Wales then goes ahead and implements those policies on our behalf. The exact parallel takes place in the JTA space. So, if local authorities, working together as a joint transport authority, decide that they want to work with Transport for Wales, the working assessment is that the JTAs would continue to take responsibility for policy and strategy and budget, and they would ask, if they wanted to work with Transport for Wales, Transport for Wales to implement that on their behalf."
- Simon Jones, Welsh Government, appearing with the Welsh Minister Ken Skates, 13 March 2019

Whatever the proposed structure the fact that this was not clear in the White Paper causes concern. Moreover the fact that where these bodies relate to others (and the impression given that JTAs in whatever form were being placed on a blank canvas) is a cause for concern. In terms of governance and delivery, the relationship between the different parts of the transport policy ecology is as important as the structure within which they relate.

The following response takes into account the recent statements outlined above. However, the lack of clarity on these matters makes any responses to this question necessarily tentative.

With the caveat of this uncertainty we have outlined, we would suggest that whether JTAs sit regionally or nationally, and how they are set up follow the rationale of what they are there to do, what voice and evidence-base they are tasked with adding in to the process, and that do not duplicate the work elsewhere are key issues. The latter

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risk appears greater in the 'national JTA' model, given that the functions it appears to look to address would seem to mirror much of the rationale for Transport for Wales. Moreover, a rationale that this national JTA of local authorities provide the democratic accountability structure, and the strategy and policy, would appear to mirror and blur the line with Welsh Government functions in this ecology.

We would support that the institutional architecture take into account a strong voice for local authorities and shaping the regional strategy that sits below a national level body (such as TfW). As such, the regional bodies will be a key part on coordinating strategy at the regional level, and in providing an institutional means by which to ensure regional planning that retains local voice. If, as is suggested in the evidence by Welsh Government to the EIS Committee, the division of functions between JTA to TfW is to mirror that of Welsh Government to TfW (of policy and strategy for the former, and the latter providing evidence and delivery mechanism), then it would appear rational for the onus to be on a regional set up.

In terms of the shape of the regions, it is important that local authorities 'buy-in' to this architecture and themselves feel a part of shaping the institutions, and also in terms of identifying the regional space that is suitable for their area (including that extended outside of their local authority boundaries). One clear rationale is that some JTAs follow some existing architecture such as the North Wales Growth Deal and City Deals – if this is to be the case, one should be careful that this is not necessarily imposed from above, and that there will be sensitivity in some hinterlands to such a model, especially if it may be geared to lose the voice around rural transport.

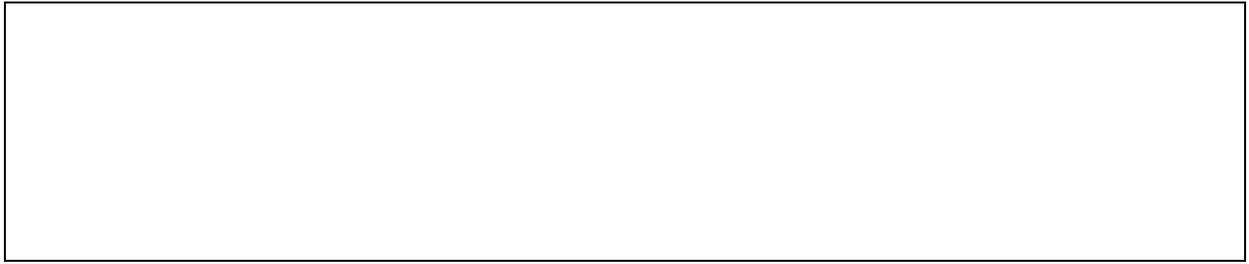
If regional spaces are imposed without engagement, there may also be the feeling that some areas are leading the process more than others, and exacerbate divisions. The different identified needs of different areas (in terms of urban/rural, the role of public transport in economic development etc.) need to be respected, and need to be articulated by local areas themselves.

The White Paper discusses the use of 2006 Act to establish JTAs is a practical vehicle to establish the bodies, but there are risks that this be done in lieu of engagement, participation and buy in from the local authorities themselves – perhaps this should be done in the spirit of 'at the local authorities' request'.

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

See above – the key point is to rationalise how JTA fit within a wider ecology that include TFW, NICW, Welsh Government, planning strategy, Future Generations Commissioner etc.

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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 and of itself the rationale that Welsh Ministers be represented on JTAs and its committees as 'this reflects the Welsh Ministers' substantial commitment to the delivery of bus services in Wales, both in terms of annual spend and ambition to secure the delivery of an integrated public transport system' does not in and of itself justify their inclusion.

We would assume Welsh Ministers would harbour these ambitions – the question is whether their presence on the committees would help or hinder in the delivery of these ambitions.

In some respects, this mirrors a general tension in the approach, whereby we are looking to set up 'arm's length' bodies so as to provide for the flexibility and operational independence to provide for suitable delivery mechanism. The Welsh Minister, for example does not sit on the TfW board.

However, understandably, as the buck will end with Ministers, and that the resources are provided by Welsh Government, it is unsurprising that they would wish to have an oversight and accountability role in the process.

[Insert 4 aims of 'arm's length' bodies]

Ideally, the function in which a Welsh Minister's presence attend should be clear, as would be the case in the strategic oversight by a trustee or board member. The danger is that their status would in and of itself change the dynamics and lead to blurred distinction between WG and the JTA and between the functions of oversight and operations. As such, there may need to be a mechanism by which a Welsh Minister should ask in advance to be present rather than be granted an automatic right, so that the status of the Minister is as a co-equal with other members in this situation.

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 is a need to balance the strategic approach, and to trust that Welsh Ministers would be proportionate in terms of intervention.

As with our points on how JTA relates to other bodies, it is important that the role and division of labour between Welsh Government and committees is clear, and that their main function is providing strategic direction.

However, its role must also of course be to hold them to account. It is important that there is a clear process and performance indicators (following through from indicators for the Well-being of Future Generations Act), and that any discussion

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should be seen to follow this process - and of course financial oversight etc.

It is also important that intervention is based on such processes and not through a disagreement on operational delivery and narrow policy – if different areas of Wales take different approaches within delivering on the strategy as framed by Welsh Government then this should be encouraged.

As such the powers to do so should be proportionate and based on requirement of showing the Assembly that the decision has been made on the basis of such a rational process of oversight by Welsh Government, based on a lack of operational or financial competence on delivery, rather than on the whim of individual Ministers.

This is important so as to retain clarity on the respective functions, and to provide a framework that allows for ownership over local transport policy and so a better chance for stronger policy making that is shaped to the regional as well as national needs.

Proposed JTA Functions in relation to buses

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

This approach is rational as the national body provide expert support on this basis, and that it looks to provide for greater capacity through centralised functions, promotes minimum standards, standardised contracts and infrastructure, branding, promotes integrated transport, and so on.

This is also the function TfW should serve, so we are again unclear whether a 'JTA' is needed as a separate body.

We would note that it is important that any standardised contracts should help promote the wider goals set out by the Welsh Government's more general approach to procurement around the foundational economy agenda and promoting building community wealth as in the 'Preston model'. This also builds on the wider Welsh Government strategy around the Well-being of Future Generations Act. The strategic goals of the TfW/JTA national body should be joined up with that of Welsh Government strategic aims.

In other words, national expertise and templates for local procurements and contracts should serve to promote community wealth and local assets where possible. Contracts should be as simple as possible, and promote and further these wider economic development aims. Procurement should not be a barrier to SMEs by requiring large capacity to enter the process.

FSB Wales will be doing further work on the practicalities around this procurement process more generally and are happy to share this work as it develops.

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The regional functions such as 'local and regional network planning' also underline our above points that buy in and ownership over the shape and needs of that network requires local autonomy and voice to be effective.

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

In principle, if the structure is effective, there is no reason that wider transport functions such as ports, haulage and aviation should not be brought in to promote integrated transport at every level.

Better linking multi-modal local travel to the development of Cardiff Airport, especially if in future the APD is devolved, would appear a way mutually reinforcing these different transport networks and facilities. However, it would be important to see the business case for this and other such responsibilities adopted.

Providing expert advice and templates on design for means of active travel to support local authorities may also be a function that would be suitable at a central national level, be this via TfW or a JTA. We would expect the architecture of any legislation or guidance on JTAs to reflect the principles and emerging practice of the Active Travel (Wales) Act 2013.

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.

Enhancing on the quality of these schemes is rational, and it seems useful to have in the toolkit, especially as we are seeing they have been used in Scotland and England.

If successful, the requirements within the plan would help with the delivery of integrated transport and providing for passengers' needs. However, general lack of private competition in the bus market may mean that the take up of these plans may be more limited than hoped (as is currently the case in the QPS), especially as the level of statutory requirements may provide few incentives for bus companies.

On the other hand if there are many operators, how the voting mechanism works and whether there is scope for big companies to squeeze out competition through this process is a possible concern.

Not tying the Local Authority to providing infrastructure as part of the scheme seems to overcome a barrier, and given that the whole structure accompanying the JTA/TfW scheme is geared towards national standards on infrastructure, and so one would hope that this requirement within the EQP be superfluous in any case – the quality of such local infrastructure should certainly not be dependent on the enactment of such plans.

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.

There is scope for significant complexity within these schemes.

As such, we would encourage that the role of the national JTA/TfW in providing expertise and templates for such contracts, and ensuring their level of complexity does not make for a lack of level playing field for SMEs in any procurement

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processes, and that the 'voting mechanism' within the schemes takes this into account.

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.

Our view is that proposals provide the potential for a more workable option for franchising and we welcome the aims of the change. It is important that any changes and process do not distort the market or disadvantage SME operators and providers, and any procurement process must reflect these aims.

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 important that the decision-making process is robust, and has looked at the different options available to deliver on the desired outcomes.

It is important that there is a sufficient test that the evidence base is robust to provide for this option, and that it has been done based on an evidence-based assessment of the local market conditions, and does not distort the market and disadvantage SME providers.

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

No

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

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.

As noted above, we would argue that the general procurement across transport policy should follow a wider procurement strategy that looks to enhance community wealth and builds on the foundational economy. This corresponds to ensuring that

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SMEs are not disadvantaged by a process that requires capacity due to complexity and does not squeeze them out of the wider market.

We would welcome specific consideration for SMEs to be involved – however we would emphasise that this should be integrated into a wider procurement policy rather than merely as an add-on 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?

No view.

Local authority bus services

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

For SMEs, the onus is on whether the transport system and policy works, rather than being wedded to any particular ownership model. As such we are open to local authorities being able to run bus services in-house as one option in principle, but it requires the onus to be placed on evidence based case for this option rather than other options, based on:

- Ensuring no market distortion and following competition rules, including mitigating any effects on SME service providers (and whether the authority has suffered from market failure);
- An analysis of the local authority' capacity to provide these services (given the hollowing out of departments due to cuts) and a clear strategy for how the policy would develop this capacity;
- An independent evidence based analysis (possibly by TfW) on how the use of this option would deliver and what is needed for it to succeed.

It is important that if other options are exhausted, that there is a positive case made to ensure that this will ensure the best possible delivery of services.

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

See above

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 safeguards should include an analysis of market failure as a case for this model; consultation with any operators (including SMEs) to ensure that this does not crowd them out of any markets they currently serve. There should be no advantage in local authorities providing services where they are already being adequately served.

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

For SMEs, the onus is on whether the transport system and policy works, rather than being wedded to any particular ownership model. As such we are open to local authorities being able to set up arms-length companies as one option in principle, but it requires the onus to be placed on evidence based case for this option rather than other possible options. This evidence should be based around:

- Ensuring no market distortion and following competition rules, including mitigating any effects on SME service providers (and whether the authority has suffered from market failure);
- An effective procurement mechanism for any company that follows the model of community wealth building, including a focus on SMEs
- An analysis of the local authority' capacity to provide these services (given the hollowing out of departments due to cuts) and a clear strategy for how the policy would develop this capacity;
- An independent evidence based analysis (possibly with input by TfW) on how the use of this option would deliver and what is needed for it to succeed.

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

See above

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 safeguards should include an analysis of market failure as a case for this model; consultation with any operators (including SMEs) to ensure that this does not crowd them out of any markets they currently serve. There should be no advantage in local authorities providing services where they are already being adequately served.

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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?

No view

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

No view

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.

As with the general public, efficient transport infrastructure is vital for many SMEs. Open data is key to allow for its use by the public and should be a clear part of any contracts. Potentially, the release of open data more generally could provide potential for innovation and opportunities for SMEs to develop new uses and solutions to transport infrastructure (or other opportunities arising from this data).

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.

As with the general public, efficient transport infrastructure is vital for many SMEs.

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Open data is key to allow for its use by the public and should be a clear part of any contracts.

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.

The case in the White Paper made that there is divergence of standards are compelling. Simplifying and standardising this would be in the long term interest of the public and also operators themselves.

We would suggest that the approach be flexible over a transition period and not take an overly punitive approach while there is uncertainty, and where small operators may lack the information about change. Engagement to explain such changes, and their implementation will be important for small operators.

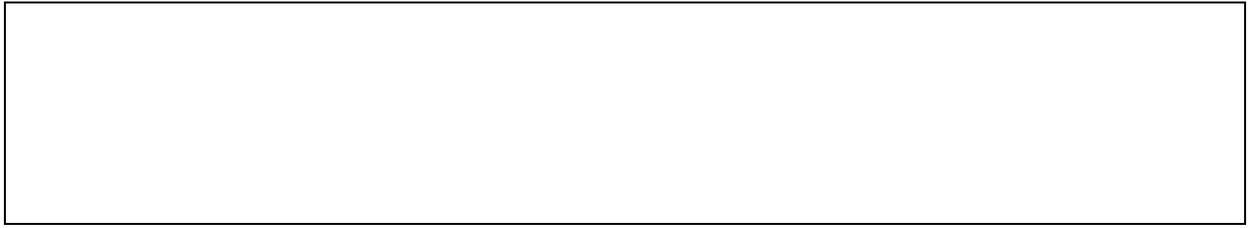
Q23. Are there any matters which you would like to see contained in any national standards?

No view.

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

No view

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

As discussed above, the complexity in the process and thus of explaining change to operators, and a probable lack of awareness of changes as they happen with operators.

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

No view.

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

none

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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.

No position

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.

No position

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

none

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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.

This appears rational in terms of centralising capacity, safeguarding the public and in terms of national standards that data be kept at that level.

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

none

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	X
No	

Please explain your answer.

As with the rationale for centralising transport back office functions nationally, this seems a rational approach in terms of making better use of capacity and in ensuring national standards.

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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.

No view

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

none

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 position

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

No position

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 position

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:

none

REFERENCE WP087

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



Older People's Commissioner for Wales
Comisiynydd Pobl Hŷn Cymru

**Response from the Older People's
Commissioner for Wales**

to

'Improving public transport

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'

March 2019

For more information regarding this response please contact:

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About the Commissioner

The Older People's Commissioner for Wales is an independent voice and champion for older people across Wales, standing up and speaking out on their behalf. She works to ensure that those who are vulnerable and at risk are kept safe and ensures that all older people have a voice that is heard, that they have choice and control, that they don't feel isolated or discriminated against and that they receive the support and services they need. The Commissioner's work is driven by what older people say matters most to them and their voices are at the heart of all that she does.

The Older People's Commissioner for Wales:

- Promotes awareness of the rights and interests of older people in Wales.
- Challenges discrimination against older people in Wales.
- Encourages best practice in the treatment of older people in Wales.
- Reviews the law affecting the interests of older people in Wales.

Improving public transport – A Welsh Government White Paper consultation.

1. As the Older People's Commissioner for Wales I welcome the opportunity to respond to your consultation regarding Improving public transport – 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.¹
2. Whilst I welcome the fact that the White Paper acknowledges that transport underpins our daily lives and connects people and communities with opportunities and services, the proposal regarding making changes to the eligibility age for the mandatory concessionary fares scheme is the area that causes me the greatest concern.
3. Latest statistics show that over 20% of older people in Wales are living in relative poverty² and many in rural locations are finding themselves isolated from services and amenities, making older people wait an additional six years before being eligible for a concessionary bus pass is unlikely to ease the situation.

The need to get out and about to access banking, shops and health services, or to socialise or to keep active, means that many older people rely on public transport. The percentage of older people between the ages of 50 and 64 who are unemployed is significantly higher than the corresponding figure in the 16 to 64 age group³ and the loss of the concessionary bus pass at 60 years old would only further worsen the situation and possibly add further to issues of loneliness and social isolation.

Loneliness and social isolation results in several physical and psychological impacts including mortality, sleep problems, high blood pressure, poor quality of life, increased risk of heart attack and stroke, depression and suicide.

4. Increasing the eligibility age will undoubtedly affect some of the most vulnerable older people some of whom will include those who have had to give up work to care for others.

More than half of unpaid carers are aged 40 to 64 and the risks to the wider system, and society cannot be underestimated if the well-being of unpaid carers is not supported. Being an unpaid carer can have a negative impact on personal finances. Carers may experience higher household costs, increased transport costs (especially for those in rural areas) and may not have access to flexible working or be less able to work due to their caring role.⁴

Carers Trust identified that UK wide the employment rate for unpaid carers is at 67%, over half of those who are not working say that they want to do so and one in five carers gives up employment to care. A survey found that 53% of unpaid carers have borrowed money as a result of their caring role and 60% have used all of their savings to cover the costs of caring.⁵

Carers Wales undertook a State of Caring Survey in 2015 which identified that just under half of those in Wales who responded to their survey (47%) said they were struggling to make ends meet and that they were cutting back on seeing friends and family to save money; (61%) also said that they were worried about the impact that their caring role would have on relationships with friends and family.⁶

5. Other vulnerable older people who would also be affected by the increase to the eligibility age include those who are approaching the current age of eligibility and who suffer from long-term health issues including those living with mental health issues or living with dementia or those who are not registered as disabled but have difficulties getting out and about.
6. Whilst I appreciate that there is an intention to introduce the change using incremental increases rather than a one-off event I expect that a full Equality Impact Assessment be undertaken following which I call on the Welsh Government to put in place measures to mitigate the effects of these changes on the already difficult situation that so many hard-pressed unpaid carers and other vulnerable older people find themselves in.
7. I suggest that a separate category of eligibility should be created whereby an individual reaching the current eligibility age of sixty would still be considered eligible for a concessionary bus pass

where there are other mitigating circumstances such as being an unpaid carer or having mobility/health issues.

8. Welsh Government could then proceed with the proposed changes to incrementally increase the general eligibility age to align with the state pension age of sixty-six for men and women in the knowledge that they had taken the necessary steps to protect some of those older people who are most vulnerable.

9. I do welcome that the consultation paper shares the vision that a modern public transport system needs to be accessible, affordable and integrated across the whole of Wales, however accessibility and affordability are major factors.

There is also undoubtedly a need for improved integration between local bus services, social care and non-emergency health transport and community demand-led responsive transport.

10. Public and community transport is often seen as a lifeline by older people which provides access to key services and amenities, especially for those living in rural communities. Older people often face difficulties when accessing non-emergency hospital transport, particularly in rural areas and it affects some people's ability to attend appointments and others are prevented from visiting friends and relatives on hospital wards.

Transport makes a significant contribution to older people's health and wellbeing, helping them to maintain their independence for longer and participate in community life, better coordination and integration between health appointments scheduling and transport services timetables would go some way to alleviating the difficulties faced when trying to attend appointments.

11. I appreciate that the remainder of the proposals in the consultation document are primarily aimed at facilitating better planning and delivery of integrated and coordinated public transport and many of the proposals are aimed at giving local authorities improved legislative tools to achieve change as well as reforming the licensing arrangements for taxis and private hire vehicles.

12. However, throughout any changes it is essential that passengers, particularly older people and local communities, are involved at the heart of decision-making and are always kept well-informed particularly if any proposed changes could affect non-emergency health transport, a service that older people rely upon to get to regular clinic appointments.
13. The proposal to establish a Joint Transport Authority (JTA) structure is one that I can see could have benefit at both a regional and a national level. The emerging Regional Transport Authorities (RTAs) could benefit from the national JTA having a strategic oversight and influence over network planning, procurement, franchising, quality standards, updating and centralising back office function and ticketing systems, and facilitating partnership working. The JTA could also maintain an overview of wider transport services to include Community transport, School transport and Social Services usage.
14. I can also see the benefit of rationalising the licencing function for taxis and private hire vehicles (PHV) either through the creation of a Joint Transport Authority (JTA) or by establishing national standards.
15. I am particularly pleased that the approach could deliver improvements in the quality and standards of bus stop provision across Wales. Providing bus and community transport services for older people is not enough in itself, there is a need for a degree of quality and consistency at transport interchanges. Bus stops must be safe and be accessible by safe walking routes. They need to include shelter from the elements and have up to date information made available in a format that is accessible to all including those with sensory loss.
16. The proposal to introduce Enhanced Quality Partnerships to enable better collaborative working arrangements between local authorities/regional partners and bus operators should encourage better partnership working and could provide for better coordinated timetables and improved service standards.
17. Introducing legislation to enable local authorities to utilise franchising and permits when developing and delivering local bus

services in their area should also add to the options available to them when considering the transport needs of the local population.

However, I am concerned that, in the current economic climate, local authorities are seen to be reducing funding to public transport and those services which are seen as essential by older people are disappearing.

I am pleased that the proposal regarding franchising also includes a requirement that local authorities undertake an assessment of the economic, social and environmental costs and benefits of any scheme which must then be published and subjected to a public consultation before a final decision can be taken.

18. Older people often tell me that they don't feel listened to and that they feel their voices are not heard when decisions are being made about changes to services that affect their lives.

The suggestion in the White Paper of possibly introducing a requirement that the franchising assessment be subject to an independent audit, where needed, might go some way to ensuring transparency and provide some assurance of accountability. The audit should seek to ensure compliance with the principles and considerations laid out in legislation and report to the national JTA.

¹ beta.gov.wales. (2019). *Improving public transport* | beta.gov.wales. [online] Available at: <https://beta.gov.wales/improving-public-transport> [Accessed 23 Jan. 2019].

² Gov.wales. (2019). *Welsh Government|Poverty statistics*. [online] Available at: <https://gov.wales/statistics-and-research/households-below-average-income/?lang=en> [Accessed 29 Jan. 2019].

³ Statswales.gov.wales. (2018). [online] Available at: <https://statswales.gov.wales/Catalogue/Business-Economy-and-Labour-Market/People-and-Work/Economic-Inactivity/economicinactivityratesexcludingstudents-by-welshlocalarea-year> [Accessed 19 Mar. 2019].

⁴ Carers UK. (2013) The Cost of Caring: How money worries are pushing carers to breaking point. Available from: https://www.basw.co.uk/system/files/resources/basw_10137-9_0.pdf

⁵ Carers Trust. (2018) Key facts about carers and the people they care for. Available from: <https://carers.org/key-facts-about-carers-and-people-they-care> [Accessed: 01 October 18]

⁶ Carersuk.org. (2019). *Policy library - Carers UK*. [online] Available at: <https://www.carersuk.org/wales/policy-resources-for-professionals/policy-library?start=5> [Accessed 1 Feb. 2019].



Improving Public Transport – Welsh Government White Paper **All Wales Licensing Expert Panel**

This response is submitted on behalf of the All Wales Licensing Expert Panel on behalf of Wales Heads of Environmental Health Group. The Directors of Public Protection Wales (DPPW) represents Local Authority regulatory services that directly affect the health, safety and well-being of local communities in Wales. Under DPPW there are several specialist/expert panels; one of which is the All Wales Licensing Expert Panel.

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.

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 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, the Panel 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. 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), 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 the Panel 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 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 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.

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.

The Panel 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. 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.

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. The Panel 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.

The Panel 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.

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.

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, 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.

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?

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:

The Panel have no further comments to make.

Signed.

Sarah Johns (Chair)



Neil Chapple (Secretary)



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REFERENCE WP090

Cwestiwn 1. A ydych yn cytuno ei bod yn bwysig i Awdurdodau Lleol weithio gyda'i gilydd o ran gwasanaethau bysiau lleol? Ydw/Nac ydw? Eglurwch eich ateb

Rydym yn cytuno ei bod hi'n bwysig i Awdurdodau Lleol weithio gyda'i gilydd. Hoffem ddarparu un enghraifft, mae un gweithredwr bws (Arriva) yn derbyn 6 taliad gwahanol fel rhan o'r cynllun Pasis Bws Consesiynol ar draws Gogledd Cymru. Oni fyddai'n ddefnydd doethach o adnoddau (sydd yn prinhau) derbyn un taliad yn hytrach na chwech gwahanol a'r holl waith gweinyddol sydd yn gysylltiedig â hynny?

Cwestiwn 2. Rhowch sylwadau ar y strwythurau sefydliadol arfaethedig. Beth yw'r opsiwn a ffeirir gennych a pham?

Rydym yn ffafrio'r opsiwn un cyd-awdurdod trafniadaeth ar gyfer Cymru gyfan gyda byrddau cyflenwi rhanbarthol. Llai o fiwrocratiaeth fel hyn, sydd yn elfen rydym yn credu sydd wedi dal y maes yma yn ei ôl dros y blynyddoedd diwethaf. Tan yn ddiweddar yn y Gogledd mi oedd 6 Awdurdod Lleol a chorff rhanbarthol Taith, pam ddim cael y 6 Awdurdod yn gweithio yn uniongyrchol i Taith?

Cwestiwn 3. A oes strwythur sefydliadol arall ar gyfer Cyd-awdurdodau trafniadaeth y dylwn ei ystyried? Rhowch ddisgrifiad.

Na nid ydym yn credu.

Cwestiwn 4. A oes gennych unrhyw sylwadau ar y cynnig y dylid cynrychioli Gweinidogion Cymru ar Gyd-awdurdod Trafniadaeth neu ar unrhyw bwyllgorau Cyd-awdurdod Trafniadaeth?

Nid ydym yn credu ei fod yn beth drwg o gwbl.

Cwestiwn 5. A oes gennych unrhyw sylwadau ar y cynnig y dylai Gweinidogion Cymru gael pwerau i gyhoeddi canllawiau a chyfarwyddydau, ac i ymyrryd pe bai Cyd-awdurdod yn methu ag arfer ei swyddogaethau yn effeithiol?

Fel yr uchod, nid ydym yn credu y byddai yn beth drwg o gwbl.

Cwestiwn 6. A yw'r dull arfaethedig o rannu swyddogaethau cenedlaethol a rhanbarthol yn briodol?

Ydi, rydym yn credu ei fod.

Cwestiwn 7. A ddylid trosglwyddo unrhyw swyddogaethau eraill sy'n ymwneud â thrafnidiaeth i Gyd-awdurdod Trafniadaeth? Disgrifiwch.

Hyd yma yn y papur yma, nid ydym yn gallu gweld unrhyw gyfeiriad at dtrafnidiaeth ysgol. Rydym yn credu bod cludiant cyhoeddus a thrafnidiaeth ysgol yn mynd law yn law ac mae'r trefniant mewn sawl Awdurdod Lleol ar draws y Gogledd yn adlewyrchu hynny. Yn ogystal nid oes unrhyw gyfeiriad at Gludiant Cymunedol sydd yn chwarae rhan allweddol yn y ddarpariaeth mewn sawl Awdurdod.

Cwestiwn 8. A ydych yn meddwl bod angen deddfwriaeth i sicrhau'r manteision sy'n deillio o weithio ar ffurf bartneriaeth estynedig? Ydw/Nac ydw? Eglurwch eich ateb i'r cwestiwn hwn.

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Oes, rydym yn credu bod angen deddfwriaeth i sicrhau'r manteision sy'n deillio o weithio ar ffurf bartneriaeth estynedig ac hynny er mwyn rheoleiddio'r broses.

Cwestiwn 9. A ydych yn cytuno â'n cynigion ar gyfer Partneriaethau Ansawdd Estynedig, yn enwedig y broses arfaethedig o ddatblygu a gwneud Partneriaethau Ansawdd Estynedig? Ydw/Nac Ydw? Eglurwch eich ateb i'r cwestiwn hwn.

Ydym ac yn bendant yr hyn a nodir am y bwriad y byddai Partneriaeth Ansawdd o'r fath yn seiliedig ar adolygiad ar y cyd o rwydwaith gwasanaethau bysiau lleol a gynhelir gan yr Awdurdodau Lleol a'r gweithredwyr hynny sy'n gweithredu gwasanaethau bysiau yn yr ardal hynny.

Cwestiwn 10. A ydych yn meddwl bod y cynllun arfaethedig yn opsiwn mwy ymarferol ar gyfer masnachfreinio gwasanaethau bysiau lleol? Ydw/Nac Ydw? Eglurwch eich ateb.

Ydi, gan y byddai'r cynllun arfaethedig drwy fasnachfreinio yn galluogi Awdurdodau Lleol roi'r hawl i redeg llwybr neu lwybrau bysiau i'r cynigiwr mwyaf cystadleuol.

Oherwydd y sefyllfa bresennol ac ers sawl blwyddyn bellach, nid ydym yn gweld angen am gynllun tebyg ym Môn gan nad oes fawr o gystadleuaeth i'r prif weithredwr masnachol (Arriva). Yn ogystal mae'r rhwydwaith wedi bod yn un reit sefydlog.

Cwestiwn 11. A ydych yn meddwl y dylai fod yn ofynnol i'r asesiad fod yn ddarostynedig i archwiliad annibynnol? Ydw/Nac Ydw? Eglurwch eich ateb.

O'n dealltwriaeth ni, cynhelir archwiliad annibynnol pan fo pryder gan y cyhoedd ac i adfer hyder mewn proses felly petai pryder yna efallai y dylai'r asesiad fod yn ddarostynedig i archwiliad annibynnol.

Cwestiwn 12. A oes gennych unrhyw sylwadau eraill ar y broses fasnachfreinio arfaethedig?

Nac oes

Cwestiwn 13. A oes gennych unrhyw sylwadau mewn perthynas â'r cynigion ynghylch dyroddi hawlenni dan amodau pan fo trefniadau masnachfreinio yn eu lle?

Rydym yn credu ei fod yn beth da.

Cwestiwn 14. A ydych yn cytuno y dylid ystyried yn benodol, fel rhan o unrhyw drefniadau i ddyfarnu contractau masnachfreinio, sut y gellir galluogi gweithredwyr bysiau bach a chanolig i fod yn rhan o'r broses gaffael? Ydw/Nac Ydw? Eglurwch eich ateb.

Yn bendant. Fel y nodir yn y papur yma mae gweithredwyr bysiau bach a chanolig yn elfen bwysig o weithredwyr bysiau Cymru. O ystyried y sefyllfa ym Môn mi fyddai'n ddrwg iawn heb y gweithredwyr yma.

Cwestiwn 15. Pa drefniadau pontio y dylid eu hystyried er mwyn sicrhau na effeithir ar wasanaethau bysiau yn ystod y broses o baratoi masnachfrait?

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Efallai os yw'r gwasanaethau a fydd yn ffurfio'r fasnachfrait yma o dan gontract i Awdurdod Lleol sicrhau fod y gwasanaethau hyn yn parhau o dan gontract tan fydd y masnachfrait yn cychwyn?

Cwestiwn 16. A ydych yn meddwl y dylai awdurdodau lleol fod yn gallu rhedeg gwasanaethau bysiau yn uniongyrchol (hy gwasanaethau mewnol)

O dan ba amgylchiadau y byddai hynny'n briodol yn eich barn chi?

Yn eich barn chi, pa fesurau diogelu, os o gwbl, y dylai fod yn eu lle mewn perthynas â gwasanaethau mewnol i sicrhau nad oes gan awdurdod lleol fantais annheg mewn marchnad dadreoleiddig, a pham?

Rydym yn credu y dylai Awdurdodau Lleol fod gyda'r gallu i redeg gwasanaethau bysiau. Rydym yn credu bod hynny'n briodol mewn sefyllfa lle mae'r lefel o gystadleuaeth yn gyfyngedig. Er enghraifft, petai Awdurdod Lleol yn tendro am wasanaeth/gwasanaethau bws a dim tendrau yn cael eu derbyn yna mae'r hawl yno wedyn i'r Awdurdod weithredu y gwasanaeth/gwasanaethau hynny.

Ar y llaw arall, un mesur y gellir ei ddefnyddio i sicrhau nad oes gan Awdurdod Lleol fantais annheg yw, petai tendrau yn cael eu derbyn gan fwy nag un gweithredwr am wasanaeth/gwasanaethau a bo rheini yn cael eu gosod ar sail y pris isaf, yna yn yr amgylchiadau hynny dylid dyfarnu'r gwasanaeth/gwasanaethau hynny i'r gweithredwyr masnachol (oni bai fod y gwahaniaeth mewn pris ddim yn or sylweddol).

Cwestiwn 17. A ydych chi'n credu y dylai awdurdodau lleol fod yn gallu sefydlu cwmnïau hyd braich i weithredu gwasanaethau bysiau lleol?

O dan ba amgylchiadau y byddai hynny'n briodol yn eich barn chi?

Yn eich barn chi, pa fesurau diogelu, os o gwbl, y dylai fod yn eu lle mewn perthynas â chwmnïau hyd braich i sicrhau nad oes gan awdurdod lleol fantais annheg mewn marchnad dadreoleiddig, a pham?

Fel yr ateb i'r cwestiwn blaenorol rydym yn credu y dylai Awdurdodau Lleol fod gyda'r gallu i sefydlu cwmnïau hyd braich i weithredu gwasanaethau bysiau lleol. Unwaith eto, rydym yn credu fod hynny'n briodol mewn sefyllfa lle mae'r lefel o gystadleuaeth yn gyfyngedig. Er enghraifft, petai Awdurdod Lleol yn tendro am wasanaeth/gwasanaethau bws a dim tendrau yn cael eu derbyn yna mae'r hawl yno wedyn i'r Awdurdod weithredu y gwasanaeth/gwasanaethau hynny.

Gweler ateb cwestiwn 16 am y mesurau diogelu.

Cwestiwn 18. Ydych chi'n cytuno â chynnig Gweinidogion Cymru i alinio'r hawl i gerdyn teithio rhatach gorfodol ag oedran pensiwn menywod? Rhowch resymau dros eich atebion.

Rydym yn cytuno. Y brif rheswm dros hynny yw'r effaith mae'r cynllun yn ei chael ar y pwrs cyhoeddus. Wrth godi yr oedran sydd yn gymwys am gerdyn yna fydd llai o'r boblogaeth yn gymwys am gerdyn o'r fath fydd yn ei dro yn lleihau'r baich ar y pwrs cyhoeddus.

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Cwestiwn 19. Ydych chi'n cytuno mai newid fesul dipyn yw'r dull mwyaf priodol?

Rydym yn credu mai'r dull yna fyddai'r ffordd lleiaf dadleuol.

Cwestiwn 20. Ydych chi'n cytuno â'n cynigion i'w gwneud yn ofynnol i ryddhau data agored ar lwybrau amserlenni, prisiau a thocynnau? Ydw/Nac ydw? Eglurwch eich ateb.

Rydym yn cytuno. Rydym yn credu fod y diffyg gwybodaeth i deithwyr am brisiau a thocynnau yn rhwystr mawr sydd yn nadu teithwyr rhag defnyddio'r dull yma o deithio (y bws).

Cwestiwn 21. Ydych chi'n cytuno â'n cynnig i alluogi awdurdodau lleol i gael y pŵer i gael gwybodaeth am wasanaethau bysiau sydd i'w canslo neu eu hamrywio, a lle y bo'n berthnasol, ddatgelu'r wybodaeth hon fel rhan o'r broses dendro? Ydw/Nac ydw? Eglurwch eich ateb.

Rydym yn cytuno. Wedi dweud hynny, ym Môn rydym yn ffodus pan fo'r gweithredwr masnachol (Arriva) yn bwriadu canslo neu amrywio yna rydym yn cael ein cynnwys yn y broses honno.



Improving Public Transport – Welsh Government White Paper
All Wales Licensing Expert Panel

This response is submitted on behalf of the All Wales Licensing Expert Panel on behalf of Wales Heads of Environmental Health Group. The Directors of Public Protection Wales (DPPW) represents Local Authority regulatory services that directly affect the health, safety and well-being of local communities in Wales. Under DPPW there are several specialist/expert panels; one of which is the All Wales Licensing Expert Panel.

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.

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

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[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, the Panel 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. 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), 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

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In addition the Panel 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 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 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.

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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.

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.

The Panel 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.

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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

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.

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. The Panel would suggest the current disclosure provisions be reviewed to ensure that all

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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.

The Panel 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.

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.

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, 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.

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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?

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:

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The Panel have no further comments to make.

Signed.

Sarah Johns (Chair)

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Gwella Trafnidiaeth Gyhoeddus - Papur Gwyn Llywodraeth Cymru

Cyflwynir yr ymateb hwn ar ran Cyngor Gwynedd fel awdurdod trwyddedu mewn perthynas â Rhan 2 y Papur Gwyn sy'n ymwneud â thrwyddedu tacsis.

Mae'r ymateb yn seiliedig ar Banel Arbenigol Trwyddedu Cymru Gyfan ar ran Grŵp Penaethiaid Iechyd yr Amgylchedd Cymru. Mae Cyfarwyddwyr Gwarchod y Cyhoedd Cymru (DPPW) yn cynrychioli gwasanaethau rheoleiddio Awdurdodau Lleol sy'n cael effaith uniongyrchol ar iechyd, diogelwch a llesiant cymunedau lleol yng Nghymru. Dan DPPW, mae nifer o baneli arbenigol; ac mae Panel Arbenigol Trwyddedu Cymru Gyfan yn un ohonynt.

Yn ogystal, mae Swyddogion Cyngor Gwynedd ac aelodau'r Pwyllgor Trwyddedu Cyffredinol wedi cyfrannu sylwadau fel rhan o'r ymateb hwn.

Rhan 2 – Taxis a Cherbydau Hurio Preifat

Safonau Cenedlaethol

C22. A ydych yn cytuno â'n cynnig i gyflwyno safonau cenedlaethol a fydd yn berthnaol i bob tacsî a Cherbyd Hurio Preifat yng Nghymru?

Ydw	ydw
Nac ydw	

Eglurwch eich ateb os gwelwch yn dda.

Ydw, mae hyn yn gyson â'r gwaith ymgynghori blaenorol a wnaed rhwng y Panel Arbenigol Trwyddedu ac arweinydd Llywodraeth Cymru ar ddiwygio tacsîs yng Nghymru. Mae hefyd yn gyson ag argymhelliad 2 a wnaed gan y "*Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]*" ac adolygiad Comisiwn y Gyfraith "*Reforming the Law of Taxi and Private Hire Services*" [2012].

Byddai safonau cenedlaethol yn sicrhau bod gwasanaethau tacsî yn cael eu cyflwyno'n gyson ledled Cymru ac yn ymdrin ag unrhyw ganfyddiadau o anghysondebau diangen ar draws Cynghorau.

C23. A oes unrhyw faterion yr hoffech eu gweld wedi'i gynnwys mewn unrhyw safonau cenedlaethol?

Dylid diffinio safonau cenedlaethol ar wahân ar gyfer cerbydau, gyrwyr a gweithredwyr. Dylid cynnwys y materion a ganlyn, er nad yw hon yn rhestr gynhwysfawr:

- Gwiriadau DBS a Rhestr Wahardd Uwch (tystysgrifau am ymddygiad da ar gyfer ymgeiswyr tramor) ar gyfer gyrwyr, gweithredwyr, perchnogion ac anfonwyr. Mae'r Panel yn credu bod angen archwilio cefndir unrhyw un sy'n cymryd neu'n dal gwybodaeth bersonol am unigolyn i sicrhau fod y person yn addas a phriodol ("*fit and proper*").
- Mae angen i'r meddyg sy'n cwblhau'r gwiriad nodi ffitrwydd meddygol yr ymgeisydd ac yn benodol y gofyniad Safonau Meddygol Grŵp 2 a'r angen am hanes meddygol llawn yr ymgeisydd. Yn ogystal, dylai'r safonau ystyried cysondeb y mater o dystysgrifau eithrio o ran dyletswyddau'r Ddeddf Cydraddoldeb.
- Gwiriadau mewnfudo, yn enwedig yr Hawl i Weithio yn y DU
- Addasrwydd ymgeiswyr a deiliaid trwydded. Mae'r *Institute of Licensing* wedi cyhoeddi canllawiau ar bennu addasrwydd ymgeiswyr a deiliaid trwydded yn y diwydiant cerbydau hacni a hurio preifat. Dylid ymgorffori'r meini prawf a ddefnyddir yn y canllaw hwn mewn unrhyw safonau cenedlaethol.
[https://www.instituteoflicensing.org/documents/Guidance on Suitability Web Version \(16 May 2018\).pdf](https://www.instituteoflicensing.org/documents/Guidance%20on%20Suitability%20Web%20Version%20(16%20May%202018).pdf)
- Cymwysterau galwedigaethol a gydnabyddir yn genedlaethol, yn cynnwys

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hyfforddiant ansawdd ac ymwybyddiaeth o anabledd, hyfforddiant ymwybyddiaeth o ddiogelu (Cam-drin Plant/Cam-fanteisio ar Blant yn Rhywiol, Llinellau Cyffuriau), prawf safonau gyrru ymarferol, sgiliau cyfathrebu a llythrennedd, gofal cwsmer, ymdrin ag argyfwng, rheoli gwrthdaro, ac ati.

- Prawf gwybodaeth ac addasrwydd (llythrennedd, rhifedd, rheolau'r ffordd fawr, amodau, gwybodaeth am yr ardal leol).
- Trwyddedau gyrru tramor

Yn ogystal, byddai'r Cyngor yn argymhell cynnwys y materion a ganlyn mewn perthynas â cherbydau:

- Safonau Archwilio Cenedlaethol ac amllder archwiliadau a phrofi, gan gynnwys y meini prawf ar gyfer profi. Yn ogystal, dylid ystyried addasrwydd, annibyniaeth ac argaeledd gorsafoedd profi a sut y'u cymeradwyr, e.e. ystyried p'un a yw'n briodol defnyddio gorsafoedd profi ym mherchnogaeth y Diwydiant.
- Dyluniad ac ymddangosiad a gofynion gofodol mewnol cerbydau, gan gynnwys y dull o adnabod tacsis a cherbydau hurio preifat.
- Y wybodaeth a ddylai fod wedi'i chynnwys ar unrhyw ffynhonnell adnabod cerbyd (platiau, arwyddion drws).
- Safonau ar gyfer cerbydau arbenigol a difyrrwch, megis limosîn, ceir priodasau ac angladdau, omnibysiau a phedi-cabiau.
- Safonau Mesurydd Tacsî gan gynnwys y meini prawf ar gyfer mesuryddion Pulse a GPS.
- Y defnydd o TCC mewn cerbydau a'r safonau cysylltiedig, awdio a fideo fel y'i amlinellir yn argymhelliad 17 ac 18 "*Ministerial Working Party into Hackney Carriage and Private Hire Licensing in England [2018]*". Mae Swyddfa'r Comisiynydd Gwybodaeth wedi cynhyrchu cyngor i gynghorau a sefydliadau eraill o ran defnyddio gwyliadwriaeth a systemau TCC mewn tacsîs trwyddedig. Dylai safon genedlaethol ystyried y cyngor hwn.
<https://ico.org.uk/about-the-ico/news-and-events/blog-continuous-cctv-in-taxis-where-do-councils-stand> Yn ogystal, mae'r Canllawiau LGA wedi'u cyhoeddi bellach.
<https://www.local.gov.uk/developing-approach-mandatory-cctv-taxis-and-phvs> Efallai y bydd y gost o osod TCC mewn cerbydau trwyddedig, yn enwedig i fusnesau bach, yn gofyn am gymhorthdal gan Lywodraeth Cymru.
- Cadw cofnodion, gan gynnwys y cyfnod cadw angenrheidiol. Cred y Panel, yn ddelfrydol, dylid cadw cofnodion ar gyfer pob siwrne; fodd bynnag, mae anawsterau ymarferol amlwg wrth weithredu dull fel hyn. Dewis gwell fyddai defnyddio technoleg i wella'r prosesau diogelu. Nid yn unig y byddai defnyddio TCC, tracwyr a systemau GPS yn rhoi system fwy cadarn ar gyfer cadw cofnodion, ond byddai hyn hefyd yn golygu nad oes angen rhoi byrdwn gweinyddol ar yrwyr tacsî.
- Ystyriaethau amgylcheddol megis safonau allyriadau cerbyd.

Mae'r safonau ar gyfer rhai o'r pwyntiau a argymhellir uchod wedi'u cynnwys mewn canllawiau eisoes ac fe ddylid eu hystyried wrth ddatblygu unrhyw safonau cenedlaethol, megis y *Department of Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance* (Mawrth 2010) er bod hwn angen ei ddiweddarau.
<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment>

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<data/file/212554/taxi-private-hire-licensing-guide.pdf>

Yn ogystal, byddai'r Cyngor yn argymhell gwneud hyfforddiant yn orfodol i'r holl unigolion sy'n gysylltiedig â'r broses gwneud penderfyniadau ar faterion trwyddedu. Mae'n hanfodol hyfforddi swyddogion, cynghorwyr a chlercod cyfreithiol yr Ynadon (ar gyfer apeliadau) yn gyson a phriodol er mwyn sicrhau bod y rhai sy'n gweithredu'r safonau yn gymwys i wneud hynny. Dylai cynnwys yr hyfforddiant lunio rhan o'r safonau cenedlaethol.

Yn olaf, dylai unrhyw safonau cenedlaethol a ddatblygir fod yn gyson â'r meini prawf sydd wedi'u gweithredu yn Lloegr er mwyn lleihau'r amrywiaethau yn y gofynion i yrwyr, cerbydau a gweithredwyr, yn enwedig o gwmpas ardaloedd y ffin.

C24. A oes unrhyw faterion y credwch y dylid eu heithrio o unrhyw safonau cenedlaethol?

Nid oes unrhyw faterion y dylid eu heithrio, er na ddylai safonau cenedlaethol ddyblygu deddfwriaeth arall.

C25. Pa rwystrau ymarferol y gellid dod ar eu traws wrth osod safonau cenedlaethol cyffredin ar gyfer tacsis a hefyd CHP?

Y prif rwystr fydd ymgorffori'r safonau cenedlaethol i'r 10,000 o gerbydau a'r 12,000 o yrwyr sydd wedi'u trwyddedu yng Nghymru ar hyn o bryd, a'r darpariaethau fydd angen bod yn eu lle ar gyfer trefniadau trosiannol a hawliau teidiau. Yn ogystal, bydd angen ystyried dod o hyd i safonau cyson ac addas fydd yn gweithio mewn ardaloedd trefol a gwledig fel ei gilydd.

C26. Beth fyddai'r dull gorau o benderfynu ar gynnwys safonau cenedlaethol?

Mae nifer o bolisïau cenedlaethol eisoes yn eu lle sydd wedi'u mabwysiadu gan nifer o Awdurdodau Lleol yng Nghymru er mwyn darparu lefel o gysondeb rhwng ardaloedd, er enghraifft:

- Safonau Archwilio Cenedlaethol ar gyfer cerbydau hacni a hurio preifat, a
- Yr *Institute of Licensing* o ran pennu addasrwydd ymgeiswyr a'r trwyddedau yn y diwydiant cerbydau hacni a hurio preifat.

Yn ogystal, ceir rhai enghreifftiau rhagorol lle mae polisïau a safonau trwyddedu tacsï lleol yn eu lle sydd wedi'u datblygu a'u gweithredu ar lefel leol.

Yn gyntaf, bydd Llywodraeth Cymru angen sefydlu pa bolisïau a safonau sydd eisoes yn eu lle yng Nghymru ac yna tynnu ar wybodaeth ymarferwyr trwyddedu

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sydd â phrofiad ymarferol arbenigol o wneud gwaith trwyddedu tacsis yn ddyddiol.

Byddai Llywodraeth Cymru yn esgeulus iawn pe bai'n diystyru unrhyw bolisiâu, safonau neu weithdrefnau sydd wedi'u datblygu gan bobl broffesiynol yn y maes trwyddedu ac sydd, mewn gwirionedd, yn ceisio cyflwyno gwasanaeth cadarn yn erbyn cefnlen o ddeddfwriaeth sy'n annigonol ac sydd wedi dyddio.

Mae Panel Arbenigol Trwyddedu Cymru Gyfan yn cynnwys rheolwyr ac arweinwyr tîm sydd â gwybodaeth a phrofiad helaeth yn y maes trwyddedu tacsis ac, heb os nac onibai, byddai angen eu cynnwys yn helaeth yn y gwaith o ddatblygu safonau cenedlaethol.

Awgrymir y byddai angen i Lywodraeth Cymru ymgysylltu â grwpiau diogelwch teithwyr a chynrychiolwyr y gweithredwyr yn ogystal, a hynny drwy gyfarfodydd, seminarau a gweithdai.

C27. Plîs nodwch unrhyw sylwadau neu gynigion eraill o gwmpas safonau cenedlaethol na chawsant eu cynnwys yn y cwestiynau uchod.

Bu i ymgynghoriad blaenorol Llywodraeth Cymru ar Drwyddedu Tacsis a Cherbydau Hurio Preifat yng Nghymru [WG31865] gyfeirio at: "*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*".

Er nad yw'r Papur Gwyn yn gwneud unrhyw gyfeiriad at safonau cenedlaethol sylfaenol, mae'n werth nodi na fyddai'r Cyngor yn argymhell bod awdurdodau trwyddedu lleol yn cael caniatâd i osod amodau lleol ychwanegol uwchben y safon genedlaethol.

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Gorfodi

C28. A ddylid galluogi awdurdod lleol i ddiddymu neu atal trwydded sy'n ymwneud ag unrhyw gerbyd sy'n gweithredu yn ei ardal, hyd yn oed os na wnaeethant gyhoeddi'r drwydded wreiddiol?

Ydw	
Nac ydw	

Eglurwch eich ateb os gwelwch yn dda.

Mae'r Cyngor yn credu mai cyfrifoldeb yr Awdurdod Trwyddedu cartref yw diddymu trwydded cerbyd. Lle bo argymhelliad i weithredu i ddiddymu trwydded, mae'n hanfodol bod deiliad y drwydded yn cael y cyfle i gael ei glywed, h.y. cyfle i gael gwrandawriad teg; mae hyn yn ofyniad yn Erthygl 6 y Ddeddf Hawliau Dynol sy'n gwarchod eich hawl i wrandawriad teg. Yn ogystal, bydd gan yr Awdurdod Trwyddedu sydd wedi cyflwyno'r drwydded wybodaeth leol werthfawr ynghylch deiliad y drwydded, mynediad uniongyrchol i hanes y cerbyd ac unrhyw gwynion a dderbyniwyd a dylai fod yn gyfrifol am adennill unrhyw ffioedd sy'n gysylltiedig â chymryd y camau gorfodaeth. Nodir nad oes cynigion mewn perthynas â gosod ffioedd wedi'u cynnwys yn y Papur Gwyn.

Fodd bynnag, cred y Cyngor ei bod yn briodol i unrhyw swyddog awdurdodedig o unrhyw ardal Awdurdod Trwyddedu gael y grym i atal ar unwaith (Adran 68, Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976), trwydded unrhyw gerbyd sy'n gweithredu yn ei ardal (waeth lle y cafodd ei drwyddedu), lle bo risg uniongyrchol i ddiogelwch y cyhoedd, e.e. teiar diffygiol, neu o bosib lle bo'r cerbyd yn methu â bodloni'r safonau cenedlaethol, e.e. arwyddion drws / platiau cefn ar goll. Yna, byddai'r awdurdod sy'n cyflwyno'r gwaharddiad yn adrodd ar y mater i'r Awdurdod Trwyddedu cartref er mwyn iddynt hwy ystyried p'un i godi'r gwaharddiad neu gymryd camau pellach.

C29. A ddylid galluogi awdurdod lleol i roi sanctsiwn llai mewn perthynas ag unrhyw gerbyd sy'n gweithredu yn ei ardal, hyd yn oed os na chyhoeddodd y drwydded wreiddiol?

Ydw	
Nac ydw	

Eglurwch eich ateb os gwelwch yn dda.

Mae'r Cyngor yn ystyried bod hyn o fudd i gynorthwyo'r Awdurdod Trwyddedu cartref er mwyn pennu p'un a oes angen unrhyw weithredu pellach, e.e. hysbysiad gwella / cynghorol / rhybudd. Er enghraifft, byddai cyflwyno system o Hysbysiadau Cosb Sefydlog yn dod â gorfodaeth tacsis a hurio preifat yn unol â meysydd eraill mewn

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llywodraeth leol. Byddai angen datblygu rhyw fath o gynllun cyfeirio er mwyn hysbysu'r Awdurdod Trwyddedu a roddodd y drwydded; fodd bynnag, byddai angen rhoi ystyriaeth bellach i oblygiadau ymarferol hyn.

C30. Plis nodwch unrhyw sylwadau neu gynnigion eraill ynghylch gorfodi nad oeddent wedi'u cynnwys yn y cwestiynau uchod.

Mae Panel Arbenigol Trwyddedu Cymru Gyfan wedi bod yn trafod â Llywodraeth Cymru yn y gorfennol ynghylch cyflwyno'r grym i stopio a chyfarwyddo tacsis a cherbydau hurio preifat. Byddai hyn yn ychwanegiad defnyddiol a buddiol i'r dewisiadau gorfodaeth sydd ar gael i awdurdodau lleol ar hyn o bryd.

Ar hyn o bryd, ni all Awdurdodau Lleol roi amodau ar drwyddedau gyrrwyr cerbydau hacni; mae gan rai awdurdodau lleol Is-ddeddfau yn eu lle, a byddem yn argymhell ymgorffori unrhyw gydran berthnasol o'r rhain yn y safonau cenedlaethol.

Byddai'r Cyngor yn argymhell bod Llywodraeth Cymru yn cyflwyno darpariaethau gorfodaeth eraill, megis pan fo gyrrwr yn gwrthod taith gan ei bod yn daith fer, neu mewn achosion o godi gormod o ffi.

Yn ogystal, byddai'r Cyngor yn argymhell gwneud hyfforddiant yn orfodol i'r holl unigolion sy'n ymwneud â'r broses gwneud penderfyniadau ar faterion trwyddedu (fel y nodwyd uchod). Mae'n hanfodol hyfforddi swyddogion, cynghorwyr (yn cynnwys clerod cyfreithiol yr Ynadon yn ogystal) yn gyson a phriodol er mwyn sicrhau bod y rhai sy'n gweithredu'r safonau yn gymwys i wneud hynny. Dylai cynnwys yr hyfforddiant lunio rhan o'r safonau cenedlaethol.

Rhannu gwybodaeth

C31. A ydych yn cytuno â'n cynnig i greu cronfa ddata neu wneud trefniadau eraill ar gyfer rhannu gwybodaeth ddiogel berthnasol?

Ydw	
Nac ydw	

Eglurwch eich ateb os gwelwch yn dda.

Mae sefydlu cronfa ddata genedlaethol orfodol o'r holl yrwyr trwyddedig yn allweddol; fodd bynnag, dylid ehangu'r gronfa ddata hon i gynnwys cerbydau a gweithredwyr, perchnogion ac anfonwyr, i gefnogi gorfodaeth gryfach. Rhaid sefydlu hyn yn gyflym.

Yn y cyfamser, mae'r Rhwydwaith Gwrth-dwyll Cenedlaethol (NAFN) yn darparu cofrestr ar-lein o yrwyr tacsis a cherbydau hurio preifat sydd wedi cael eu gwrthod

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neu os ydyw eu trwydded wedi'i diddymu. Mae'r gronfa ddata hon yn cynnwys y rhesymau am unrhyw wrthodiad neu ddiddymiad, ynghyd â manylion yr Awdurdod Trwyddedu perthnasol. Rhaid i Lywodraeth Cymru gyflwyno deddfwriaeth i orchymyn bod hwn yn cael ei ddefnyddio, fel blaenoriaeth. Mae Panel Arbenigol Trwyddedu Cymru Gyfan wedi cytuno mewn egwyddor i ddefnyddio'r gronfa ddata hon ac yn ystod yr ymgynghoriad hwn, roedd yr holl awdurdodau lleol yng Nghymru yn bwrw ymlaen ar hyn.

Yn ogystal, rhaid i unrhyw gronfa ddata genedlaethol fedru derbyn neu gysylltu â chronfa ddata gyfatebol yn Lloegr, er mwyn osgoi dyblygu unrhyw fewnbyniad data a sicrhau diogelwch y cyhoedd, yn enwedig o amgylch ardaloedd ar y ffin.

C32. Plîs nodwch unrhyw sylwadau neu gynigion eraill ynglŷn â rhannu gwybodaeth Nac ydwd oeddent wedi'u cynnwys yn y cwestiynau uchod.

Mae darpariaethau'r *Common Law Police Disclosure* wedi'u hamlygu fel pryder dybryd gan y Panel Arbenigol Trwyddedu yn flaenorol. Nid yw'r cynigion hyn yn ymdrin â'r mater hwn. Awgryma'r Panel y dylid adolygu'r darpariaethau datgelu presennol i sicrhau bod yr holl wybodaeth berthnasol ynghylch troseddau ac ymddygiad gyrrwyr tacsï a cherbydau hurio preifat, gan gynnwys gwybodaeth am achosion o arestio, cyhuddo ac euogfarnau, yn cael ei rhannu â'r Awdurdod Trwyddedu ar unwaith.

Mae'r Panel yn gwerthfawrogi y gall Llywodraeth Cymru fod wedi'i gyfyngu mewn perthynas â dylanwadu ar yr awgrym hwn, ond mae'n hanfodol sicrhau bod yr holl yrwyr, gweithredwyr, perchnogion ac anfonwyr yn saff ac yn addas. Croesawir unrhyw ddylanwad y gallai Llywodraeth Cymru ei gael ar hyn i wella rhannu gwybodaeth ar sail diogelwch y cyhoedd.

C33. A ydych yn cytuno â'n cynnig i ailgyfeirio'r holl swyddogaethau trwyddedu tacsï a Cherbydau Hurio Preifat presennol, oddi wrth awdurdodau lleol ac i mewn i awdurdod trwyddedu cenedlaethol (Opsiwn A)?

Ydw	
Nac ydw	Nac ydw

Eglurwch eich ateb os gwelwch yn dda.

Ni fyddai'r Cyngor yn cefnogi'r cynnig yn seiliedig ar y wybodaeth sydd wedi'i darparu gan nad oes tystiolaeth i gefnogi'r angen i ailgyfeirio'r swyddogaeth trwyddedu tacsï a cherbydau hurio preifat gyfredol i ffwrdd o Awdurdodau Lleol. Ar hyn o bryd, nid oes unrhyw fanylion yn y papur gwyn hwn ynghylch sut fyddai'r JTA yn ymgymryd â'r swyddogaeth trwyddedu ac felly mae'n anodd iawn i ni ateb y cwestiwn hwn. Mae'r Cyngor yn teimlo nad oes digon o waith ymchwil wedi'i wneud mewn perthynas â'r bwriad hwn a bod yn rhaid i Lywodraeth Cymru gynhyrchu

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eglurhad llawer mwy manwl ynghylch sut fyddai'r JTA yn gweithio. Mae'r Cyngor yn teimlo y byddai mewn gwell sefyllfa i roi sylwadau ar y cynnig pe byddai hynny ar gael. Ein pryder mwyaf yw gwarchod y cyhoedd, ac nid oes unrhyw beth yn y cynnig hwn sy'n awgrymu mai diogelwch y cyhoedd sydd flaenllaw yn y cynnig hwn.

Dan y trefniadau presennol, mae gwerth a budd o wneud penderfyniadau lleol ar faterion tacsis; gydag aelodau etholedig drwy Bwyllgorau Trwyddedu a swyddogion yn sicrhau atebolrwydd lleol a gwleidyddol am benderfyniadau a wnaed, gan ddarparu dull cyson a chadarn sy'n cael ei arwain gan bolisiau trwyddedu tacsis lleol a chanllawiau cenedlaethol.

Yn ogystal, mae dyletswydd ar Awdurdodau Lleol i ystyried Fframwaith LIC ar gyfer Rheoli'r Economi Gyda'r Nos yng Nghymru. Mae angen i awdurdodau ystyried yr angen am drafnidiaeth yn eu heconomi leol gyda'r nos fel rhan o ddull integredig, sy'n cynnwys pwysigrwydd tacsis a cherbydau hurio preifat. Mae cydweithio mewn partneriaeth rhwng asiantaethau lleol allweddol, megis yr Heddlu (gan gynnwys yr Heddlu Trafnidiaeth), trwyddedu a'r diwydiant tacsis, yn cynnig y cyfleoedd gorau i gyflawni amgylcheddau trafnidiaeth gyda'r nos sy'n gynaliadwy ac sy'n hyrwyddo diogelwch. Ni fyddai tynnu'r ddyletswydd oddi ar Awdurdodau Lleol yn fuddiol o ran gweithredu cynlluniau i wella'r economi gyda'r nos yn ei chyfanrwydd.

Drwy'r Panel Arbenigol, byddai'r Cyngor yn fodlon ystyried y dystiolaeth ar gyfer cynigion Llywodraeth Cymru, a chydweithio ymhellach i sicrhau bod unrhyw ddiwygiadau a wneir i ddeddfwriaeth tacsis a cherbydau hurio preifat yn gadarn, yn orfodadwy ac yn gwella diogelwch y cyhoedd.

C34. A ydych chi'n credu y dylai awdurdodau lleol barhau i fod â chyfrifoldeb am drwyddedu tacsis a Cherbydau Hurio Preifat (Opsiw B)?

Ydw	ydw
Nac ydw	

Eglurwch eich ateb os gwelwch yn dda.

Ydw, cred y Cyngor y dylai awdurdodau lleol barhau i fod â chyfrifoldeb am drwyddedu tacsis a cherbydau hurio preifat. Er bod y Panel yn gwerthfawrogi bod y swyddogaeth Trwyddedu angen ei chryfhau, fel y nodwyd yn Dewis B, cydnabyddir bod trwyddedu yn gweithio'n dda ar y lefel lleol.

Mae swyddogion yr awdurdod lleol ac aelodau etholedig yn elwa o'r wybodaeth leol sydd wedi'i chael drwy gydweithio'n effeithiol mewn partneriaeth a rhannu data â phartneriaid megis Heddlu Gogledd Cymru a thimau gorfodaeth lleol y Swyddfa Gartref.

Gofynnir am dystiolaeth ychwanegol gan Lywodraeth Cymru i gyfiawnhau'r

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gwrthwyneb o ran parhau â chyfrifoldebau Awdurdod Lleol.

C35. Plis nodwch unrhyw sylwadau neu gynigion eraill sy'n ymwneud â chyfrifoldeb am drwyddedu tacsï / Cerbydau Hurio Preifat nad oeddent wedi'u cynnwys yn y cwestiynau uchod.

Nid yw'r Cyngor yn credu bod y cynigion presennol sydd wedi'u cynnwys yn y Papur Gwyn yn mynd yn ddigon pell i geisio ymgymryd â'r diwygiad y mae ei ddirfawr angen yn y maes trwyddedu tacsï a cherbydau hurio preifat. Byddai'r gyfres flaenorol o gynigion a oedd wedi'u cynnwys yn *Taxi and Private Hire Vehicle Licensing in Wales* [WG31865] wedi cyflwyno trefn trwyddedu tacsï gadarn a oedd yn addas ar gyfer yr 21ain Ganrif ac yn rhoi'r teclynnau angenrheidiol i awdurdodau lleol warchod y cyhoedd, taclo gweithio ar draws ffiniau a chyflwyno mwy o rym er gwell gorfodaeth. Yn hytrach, yr hyn sy'n cael ei gynnis ar hyn o bryd yw ateb cyflym, ac nid yw'n cynnig dim mwy nag ateb dros dro. Mae'r deddfwriaeth bresennol yn hynafol, nid yw'n addas i'r diben ac mae angen ei diwygio'n sylfaenol gyda phrif deddfwriaeth newydd.

Mae'r Cyngor yn siomedig bod y cynlluniau radical, uchelgeisiol a chyffrous a gynigiwyd gan Lywodraeth Cymru yn flaenorol wedi'u rhoi o'r neilltu, i bob pwrpas, a'i bod yn annhebygol y byddant yn gweld golau dydd. Fodd bynnag, mae dewis hyfyw arall ar gael yn rhwydd drwy ystyried mabwysiadu argymhellion y "*Ministerial Working Party into Hackney carriage and Private Hire Licensing in England* [2018]" mewn mwy o fanylder, gan eu bod yn adeiladu ar y gwaith a wnaed gan Gomisiwn y Gyfraith ar "*Reforming the Law of Taxi and Private Hire Services* [2012]".

Mae'r argymhellion hyn yn cynnig llawer mwy nag ateb dros dro a byddai hyn yn moderneiddio'r fframwaith deddfwriaethol, yn cyflwyno rheoleiddio priodol ac yn rhoi'r teclynnau gorfodaeth angenrheidiol i awdurdodau trwyddedu fedru amddiffyn y cyhoedd yn well. Yn ogystal, o weithredu'r argymhellion, byddai hyn yn sicrhau bod yr anghysondebau rhwng awdurdodau Cymru a Lloegr, yn enwedig ar hyd y ffin, yn cael eu dileu.

C36. Hoffem wybod eich barn am yr effeithiau y byddai'r cynigion deddfwriaethol a nodir yn y papur hwn yn eu cael ar yr iaith Gymraeg, yn benodol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac ar drin yr iaith Gymraeg heb fod yn llai ffafriol na'r Saesneg.

Rhaid i Lywodraeth Cymru ystyried Safonau'r Gymraeg fel y'u gosodwyd gan Gomisiynydd y Gymraeg. Mae'n bwysig bod ymgeiswyr yn cael gwneud cais yn eu dewis iaith. Gellid cynyddu'r effeithiau cadarnhaol drwy sicrhau bod arwyddion, ac ati, yn cael eu darparu mewn diwyg dwyieithog ar bob tacsï a safle tacsï. Byddai angen i'r Llywodraeth gynnal Asesiad Effaith ar yr iaith Gymraeg mewn perthynas ag unrhyw gynnis i ganoli'r swyddogaeth trwyddedu mewn Gwasanaeth

REFERENCE WP091

Cenedlaethol. Gyda gwasanaeth trwyddedu cenedlaethol, byddai pryder o ran effaith bosib hyn ar y cyfleoedd i ddefnyddwyr gwasanaeth, mewn ardaloedd megis Gwynedd, barhau i dderbyn y gwasanaeth, drwy gydol y broses drwyddedu, drwy gyfrwng y Gymraeg.

C36a. Pa effeithiau ydych chi'n meddwl y byddai? Sut ellir cynyddu'r effeithiau cadarnhaol, neu liniaru'r effeithiau negyddol?

C37. Hefyd, eglurwch sut rydych chi'n credu y gellid llunio neu newid y cynigion er mwyn cael effeithiau cadarnhaol neu gynyddu effeithiau positif ar gyfleoedd i bobl ddefnyddio'r Gymraeg, ac ar drin yr iaith Gymraeg dim llai ffafriol na'r Saesneg; a dim effeithiau andwyol ar gyfleoedd i bobl ddefnyddio'r Gymraeg ac ar drin yr iaith Gymraeg ddim llai ffafriol na'r Saesneg.

Gweler uchod. Byddai cadw'r swyddogaeth trwyddedu tacsis yn lleol yn yr awdurdod lleol yn liniaru unrhyw risgiau i'r iaith Gymraeg gan fod Cyngor Gwynedd eisoes yn darparu'r holl wasanaethau sy'n gysylltiedig â thrwyddedu tacsis drwy gyfrwng y Gymraeg.

C38. Rydym wedi gofyn nifer o gwestiyNac ydwi penodol. Os oes gennych unrhyw faterion cysylltiedig yn benodol nad ydym wedi mynd i'r afael â hwy, defnyddiwch y gofod hwn i'w hadrodd

Nid oes gan Gyngor Gwynedd unrhyw sylwadau pellach i'w gwneud.

Welsh Government [consultation](#) on improving public transport - Uber submission

Uber welcomes the opportunity to contribute to the Welsh Government's White Paper on proposals to legislate for reforming the planning and delivery of local bus services and licensing of taxis and private hire vehicles.

Uber shares the Cabinet Secretary for Economy and Infrastructure's intention to create safe, affordable and reliable transport that is a better alternative to private car ownership.

In this response, we will only be addressing Part 2 of the consultation; "Taxis and private hire vehicles".

Proposal One

"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."

Uber agrees that passengers and drivers should be as safe in Cardiff as they are in Ceredigion. We support the implementation of national standards that prioritise safety and acknowledge the benefits that technology has recently delivered to the industry.

We would welcome the opportunity to be part of the further consultation. Our experience as a licensed operator in over 70 councils across the UK has provided us with a unique perspective which we hope can be of value.

Aspects of national standards should include;

- Suitability of drivers (we refer to the [Institute of Licensing's guidance](#))
- Responsibilities of operators;
 - All pre-booking intermediaries to be regulated as operators
 - All operators to provide driver name, contact number, vehicle colour, make/model, licence plate and relevant regulatory identification numbers at point of pre-booking
 - Complaint handling conditions (including what type of complaints to proactively report; the time frame expected for information to be collated and sent on; the points of data required to be sent in line with GDPR requirements)
- Vehicle conditions (including livery requirements)

We agree with the Competition & Markets Authority's (CMA) [guidance to authorities](#) that national standards should focus on passenger/driver safety and not on predetermining the quality of services which could restrict or distort competition to the detriment of consumers. An example of this would be the current condition of at least one of the Local Authorities which requires all Private Hire Vehicles to be white.

Proposal Two

“The Welsh Government is proposing to allow a licensing authority to take enforcement action against any vehicle operating in its area.”

Uber strongly agrees that an enforcement officer should be able to enforce against non-compliance regardless of where a vehicle is licensed. This would evidently be made more possible if there was no variance from the national standards and if national databases of drivers/vehicles existed.

Proposal Three

“The Welsh Government is proposing to allow the creation of a mechanism by which relevant information can be shared, for the purposes of safeguarding.”

Uber welcomes the proposal for information to be shared between authorities (both Welsh and English) to assist in identifying the suitability of a driver application - especially in the case of drivers who have previously been revoked or refused a licence.

Following on from a point made in the national standards section, serious complaint reporting should also be mandated and regulated in order to safeguard against a problematic driver moving between operators before a revocation has been issued.



Welsh Government Consultation Document
Improving Public Transport
Responses from Arriva Cymru Limited
(t/a Arriva Buses Wales/Bysiau Arriva Cymru)

Introduction

Arriva Cymru Limited (Arriva Buses Wales) is a limited company operating local bus services in North East Wales in a geographical spread from the Lley Peninsular to Wrexham and Chester including Caernarfon, Bangor, Conwy, Llandudno, Colwyn Bay, Abergelge, Rhyl, Prestatyn, Holywell, Flint and Mold.

Introducing Arriva Buses Wales
: an overview

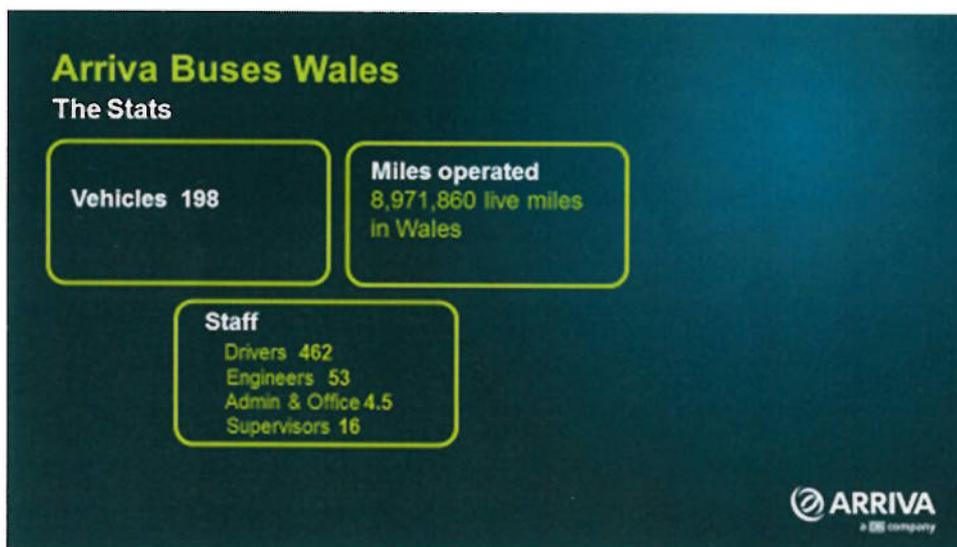
- 4 Depots, 3 Outstations; covering the North Wales Area, extensive operations in Wales
- Local business with local management teams
- Approximately 550 employees in Wales
- A growing Fleet of 198 buses
- Vision to provide transport solutions from door to destination

ARRIVA
a DB company

Bysiau Arriva Cymru
Ystad Ddiwydiannol Llandygai
Bangor
Gwynedd
LL57 4YH

Arriva Buses Wales
Llandygai Industrial Estate
Bangor
Gwynedd
LL57 4YH

Gwasanaeth Cwsmeriaid
Customer Services
+44 (0)344 800 44 11
Traveline
+44 (0)800 464 00 00
Ffon / Tel
+44 (0)1248 360 530
Ffacs / Fax
+44 (0)1248 360 531
www.arrivabus.co.uk



Most of the bus services operated by the company are commercial operated with limited subsidy, usually in the form of *de minimis* payments for additional journeys at the start and end of the day that would be deemed socially desirable but not commercially viable.

In the most recent years, a number of smaller operators – and one large operator – have ceased to trade in North Wales and there has been an element of panic that the current legislative framework of deregulated services does not work.

FACT: Over the years, smaller operators have been encouraged by local authorities in North Wales to grow their businesses, often with no commercial support in the form of business advice and have been persuaded to put in process for socially necessary services that, in a lot of cases, would not even cover the cost of the fuel to operate the journeys, let alone drivers costs, depreciation and other overhead costs. The recent trend towards e-auctioning of tenders has, again, forced down the price, with operators spending hours shaving off already tight margins leaving them running at a loss. This is, in the main, the reason why these operators have ceased to trade. It has nothing to do with the current system not working.

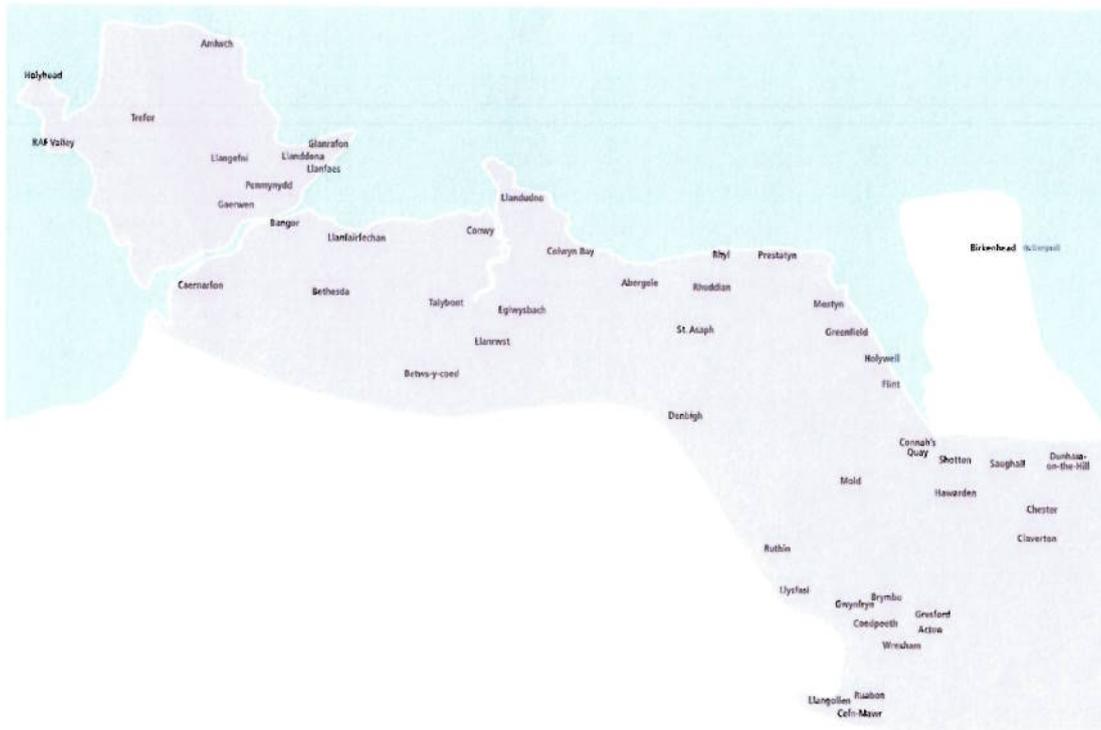
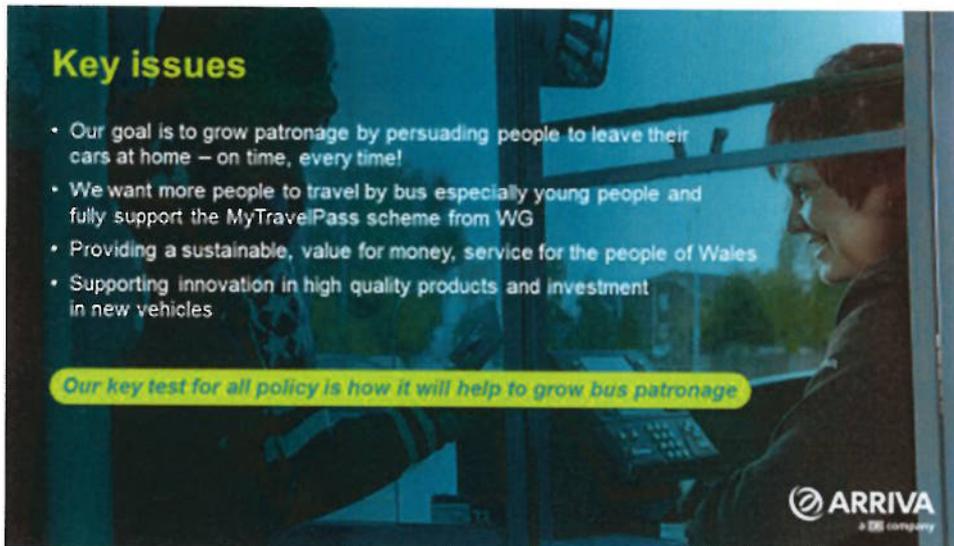


Figure 1: Arriva Buses Wales operating territory – March 2019

The Welsh Government regularly refers to “a downward trend in the number of passenger journeys made on local bus services” but this has to take into account the falling number of contracted services being let by tender and should not be used as a bland statement as there is noticeable growth in customer numbers in areas where there has been significant investment by commercial operators. The Minister himself referred to the growth in bus patronage in North East Wales as the recent launch of the extended MyTravelPass scheme at Coleg Cambria in Wrexham on 14th February 2019. Add to that the not unsubstantial switch over from on bus fares to modern technology such as “M-ticket” and the apparently falling passenger numbers is wiped out by growing numbers of techno-users. The advent of contactless payments in late Spring this year will, undoubtedly, see further growth in customer numbers.

Arriva Buses Wales is expending a lot of time and effort, through its Business to Business Manager, encouraging younger people at colleges to use buses and the Minister’s initiative to extend MyTravelPass to the age of 21 is applauded by us. We feel that he can go further – perhaps to 25 – before much longer as this will enable younger customers, who tend to be more environmentally aware in any case, to consider that the bus is the real better option to buying a car and having to pay for insurance, road tax, depreciation, fuel and parking – a considerably higher cost than a year travelling on modern high specification

buses, the likes of which have been purchased in recent years by Arriva Buses Wales.



Key issues

- Our goal is to grow patronage by persuading people to leave their cars at home – on time, every time!
- We want more people to travel by bus especially young people and fully support the MyTravelPass scheme from WG
- Providing a sustainable, value for money, service for the people of Wales
- Supporting innovation in high quality products and investment in new vehicles

Our key test for all policy is how it will help to grow bus patronage

ARRIVA
a BSN company

FACT: To continue seeing investment in buses and depots, the Welsh Government must commit to partnership working in areas where there are good, reliable, punctual bus services that largely provide the aspirations of the network of the future. No sensible company will commit to capital expenditure when there is a threat of franchising and contracts that will leave it powerless to provide excellent bus services in their own right.

Modern technology also provides bus operators with the tools to provide cost effective demand responsive services that, whilst there is an initial need to “kick start” them, will provide a much higher value for money for the Welsh Government, its partner transport authorities, bus companies and the public and we applaud the fact that the Minister has committed to visiting Arriva’s South Liverpool “ArrivaClick” operation to see it “live”. In North Wales alone, there are five potential pilot areas that we believe will be paying for themselves within three years and that, in some cases, can be largely paid for by replacing low frequency contracted services provided by local authorities. eg Conwy Valley and Wrexham.

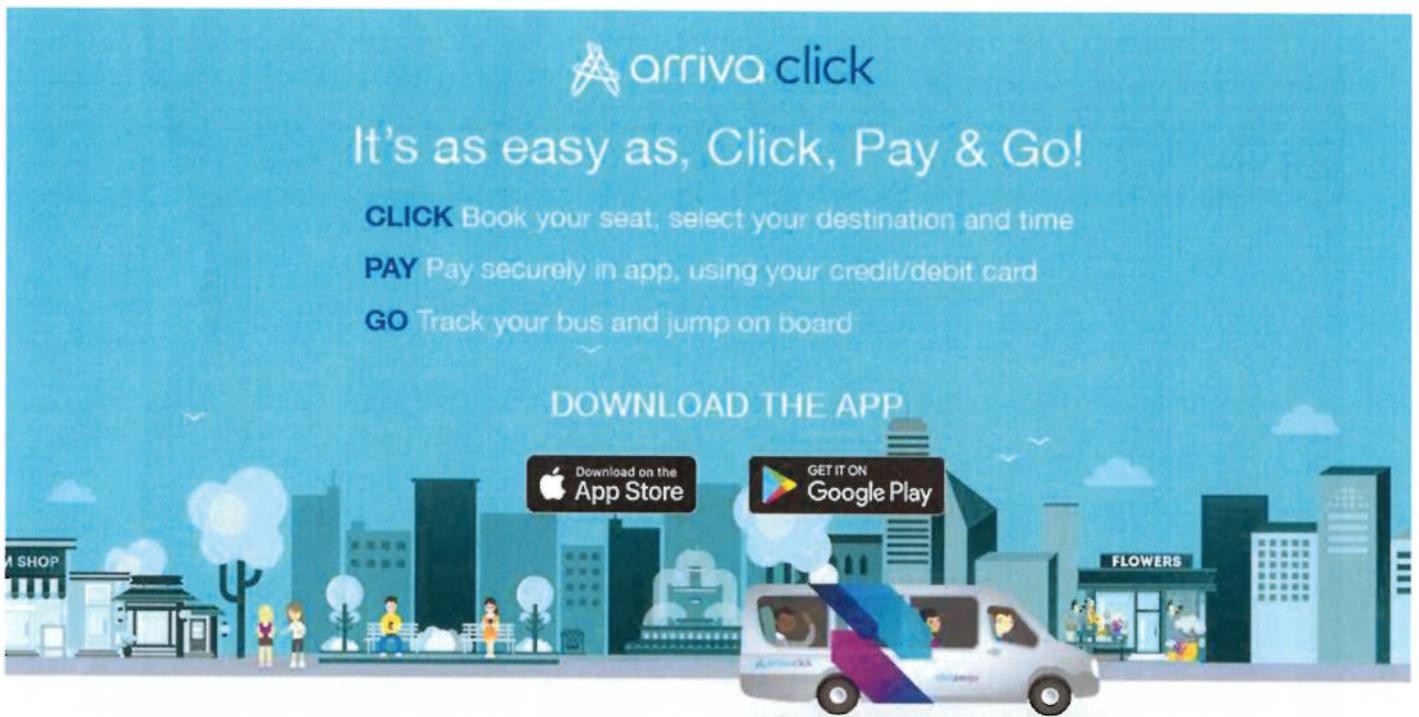


Figure 2: ArrivaClick demand responsive transport – the way forward in rural and urban communities where traditional big buses do not work efficiently.

Arriva Buses Wales is keen to work with the Wales & Borders rail franchise operator to provide integrated ticketing so that customers can have seamless journeys either through the use of *PlusBus* or through a scheme similar to the *OneArriva* ticketing scheme that was set up in Rhyl in 2017. We are also about to reach agreement with the rail operator for carriage of customers in the event of a blockade on the railway or an incident that means buses cannot run between centres served by the railway. This will kick into action with almost immediate effect so that customer are not left wondering what to do next in the event of the railway line being closed as a result of, for example, trespass on the line or worse.

There is a genuine desire by Arriva Buses Wales to work with the Minister and the Welsh Government to provide world class public transport that is at the cutting edge of quality bus provision and we agree with the Minister that “this is not without its challenges” but, working together in partnership, great strides can be made forward to increase bus usage and to strive together to ensure that the quality and luxury of services provided really tempts people out of their cars.

Investing in the future of public transport

- **£18.5 million** invested in new buses for Arriva Buses Wales
- **£3.5 million** invested in mid-life refurbishment of buses in ABW fleet
- **Sapphire upgrade** of Wrexham to Chester service in 2013, Rhyl to Llandudno in 2014, Chester to Deeside in 2015, Bangor to Holyhead in 2015. Further new SAPPHIRE buses in 2017 are due in May 2017
- **New upgraded MAX** service between Rhyl and Denbigh in 2015
- **New upgraded midibus** service between Bangor and Beaumaris in 2015 in partnership with Ynys Môn Council
- **New depot in Rhyl** – official opening March 2nd 2017
- Cuts to fares for regular customers since April 2014 fares revision ongoing
- Working with Guide Dogs Cymru to "enable" more visually impaired people through introduction of "talking buses".
- Working in partnership with local authorities to introduce **Voluntary Quality Bus Partnership schemes**



ARRIVA
a BAE company

The consultation document points out that 79% of customer journeys by bus were made on commercial bus services (i.e. "routes determined by bus operators' commercial imperatives."). By their very nature, these services are the core network in Wales and the percentage is higher in Arriva Buses Wales' operating territory. Commercial operators register services that, through years of operating experience, they know customers want.

The issue of "declining services" is raised on page 10 but this statement is too "broad brush" and does not target the truth. Many services have declined simply because they have disappeared as a result of local authority funding being cut and the Welsh Government should make this point clear when using these statistics as without such clarification they do not provide a full and accurate picture as to the case of such "declining services". We would suggest that the Welsh Government provides an overview of the trends on commercial services which includes journeys that are made using technology rather than just "paper tickets". In North East Wales, this shows a growth in passenger numbers, not a decline.

Commercial bus companies have professional expertise and experience to demonstrate how to grow bus usage in Wales and, by working in partnership with either local authorities, transport consortia or Joint Transport Authorities, can develop the existing network to grow customer numbers. Authorities can, and do, consider with bus operators initiatives that can cut congestion and make buses more reliable and punctual.

The Arriva TEAM

- Total of **376 years' experience** within Arriva Buses Wales management Team
- **As a Team our knowledge is unparalleled**



376
years' experience



Investing in the next generation

- Graduate programme
- Strengths of hiring young people
- Apprentice engineers taken on each year and fully trained at Arriva Bus Wales Depot.



Apprentice Matt based in Wrexham Depot



Ryan, Adam & Charlie are based in Chester



EXAMPLE: On the North Wales coast road near Rhyl, Conwy County Borough Council, in collaboration with Arriva Buses Wales, is transforming the Kinmel Bay junction to allow greater priority for buses in order to improve reliability. This busy bus route will benefit greatly from the initiative that has been funded by the Welsh Government. True partnership in action!

Arriva Buses Wales agrees that bus services need to “meet the needs of passengers and are integrated with rail and other transport services”. The very fact that most services in this area are commercial and that we meet, on a regular basis, with our local authority partners pays true testimony to the fact that the current system works very well and can be improved further when local authorities have the resource to improve infrastructure too. We believe that the establishment of an autonomous Joint Transport Authority that covers North

Wales and that has the powers to act more quickly in establishing bus priority and moving bus stops (rather than going through the long-winded consultation process that bogs local authorities down and can take more than a year to complete) will benefit all concerned.



The Arriva team : Customer Satisfaction

- **Our loyal customers are staying loyal.**
And they are proving to be happy with the efforts our Wales Teams are making to bus travel:
- Our overall satisfaction % remained the **HIGHEST** in the company – that is **73%** of our customers rating our buses as Extremely/Very satisfied overall
- UK BUS Overall customer satisfaction for 2016 was 68% (+1%)
- We also continue to strive forward in our customer satisfaction of the overall cleanliness of our buses (interior & exterior) along with increased satisfaction with seating comfort
- **Overall Satisfaction %**
 - Bangor 70% (Llandudno 71%)
 - Chester 75%
 - Rhyl 75%
 - Wrexham 73%

73%

ARRIVA
a BSB company

Arriva Buses Wales agrees that “public funding for bus services is considerable”. However, non-emergency health transport does not come in the form of bus services and again does not provide a full and accurate picture of the situation. It would be helpful if the Welsh Government could clarify the amount of money spent on what people misunderstand as being “bus services” to/from hospitals and appointments, often in an ambulance or, a privately procured taxi at significant cost to the taxpayer. Such ambulance and taxi journeys are of course not bus services and, in most cases, the NEPT and taxi journeys duplicate existing commercial bus services that provide the same journey at a much lower cost, especially when there is an agreement in place for bulk transport through Arriva’s Business to Business team.

The Welsh Government also needs to be clear on what it spends on what can be described as political and manifesto issues such as providing free travel at weekends on Traws Cymru, often at a cost to the commercial bus operator as well as the public purse and the Mandatory Concessionary Fares Scheme that effectively pays bus operators a much lower amount than they would otherwise receive if the customer were to pay the full fare.

The use of demand responsive travel in more rural communities will bring the communities together inasmuch as learner transport, social care, community and health services can all use the same bus.

Joint Transport Authorities

Establishment of a joint transport authority will give the local region a much better perspective and ability to create meaningful partnerships with local bus operators. In North Wales, Arriva Buses Wales already works in partnership with local authorities in Flintshire, Denbighshire, Conwy, Wrexham and Ynys Mon as well as Gwynedd (to a lesser extent) and a JTA covering the 6 local authorities as well as partnership with Cheshire West & Chester would benefit overall strategic planning of the network as well as taking pressure away from often stretched individuals in each separate authority. It is, of course, nothing new and the Taith Consortium, before it was disbanded under a previous Minister was heading towards providing exactly the coordination now being sought (along with TRACC, SEWTA, and SWITCH consortia). We fully agree that “skills and knowledge available within local authorities to effectively discharge their transport functions successfully is diminishing.”

Bus stop infrastructure has degenerated to a very low standard across the whole of North Wales despite which, local authorities have consistently refused to allow the predominant commercial operator to take on the responsibility for such infrastructure and manage them effectively. Very few bus stops actually show the service numbers that stop at them so even tech-savvy customers cannot access internet information as they cannot enter service numbers. This has now largely been overcome by bus operator apps that work on GPS location though to “rookie customers” a simple list of services that stop at the stop will give them comfort that there is, in fact, a bus service. In many cases in North Wales, when timetable cases and stop flags are damaged, they are simply not replaced despite the fact that, in Gwynedd, operators are charged for updating non-existent bus stop information.

Answer to Question 1

YES

Arriva Buses Wales believes that a co-ordinated approach to bus services is vital as many services cross existing boundaries between neighbouring authorities. A Joint Authority will be a “one-stop” shop to which bus operators can refer when planning changes to ensure that they fit with the overall plan for the area.

For example: Service 12 between Llandudno and Rhyl operates in Conwy and Denbighshire.

Answer to Question 2

A REGIONAL JOINT TRANSPORT AUTHORITY

Arriva Buses Wales believes that a regional JTA responsible to the Welsh Government is the best fit inasmuch as operation in North East Wales is completely different to, for example, Powys and Ceredigion and certainly different to South Wales. Local expertise is best placed to deliver for the region.

Answer to Question 3

NO

Arriva Buses Wales believes that “regional consortia” style was and is the best way forward for planning local transport.

Answer to Question 4

YES

Arriva Buses Wales believes that the relevant Welsh Minister should have input into the JTA so that he or she can be kept fully informed of measures being taken to improve public transport in the region.

Answer to Question 5

YES

Arriva Buses Wales believes that Ministers should set out guidelines for the effective operation of the regional JTAs and that they should be held accountable to the Minister.

The Welsh Government needs to work with operators to see how best to establish “the brand” onto existing company brands. For example, application of Metro branding or other Welsh Government branding does not cause a problem within a large organisation but it must be remembered that the operator’s brand is ultimately the important feature that sells the product to the customer.

Answer to Question 6

YES

Answer to Question 7

NO

Enhanced Quality Partnerships

It does appear from reading the script of the section “What will be the main differences between EQPs and the current system of QPSs?” that the Welsh Government is, in fact, proposing **significant** changes to the existing Quality Partnerships legislation such that it arguably removes all obligations on the transport authority to provide any contribution, facilities or measures of a meaningful nature to the partnership. This seems neither fair nor to the benefit of passengers and turns a partnership arrangement into something more akin to a one-way mandate from the authority in question to the operators in its area. The transcript goes on to say “the range of standards that could be placed on operators via an EQP would be much broader than is currently possible”. This is in effect not a partnership but an enforcement and takes the industry

back years and destroys any effective true collaboration and partnership working that has already been set up.

The whole section refers to “requirements imposed on local bus services”. It is clumsy and creates even more administration and bureaucracy than the current system.

We also note the lack of explicit reference to operator objection mechanisms for the most significant financial and commercial impacts of authority “demands” under an EQPS. We would ask the Welsh Government to ensure that the legislation incorporates similar checks and balances for the benefit of operators as are set out in the equivalent English law legislation under the Bus Services Act 2017.

It is also worth noting that the English equivalent of an EQPS (an AQPS) has yet to be implemented by a single local authority since the passage of the Bus Services Act 2017.

Answer to Question 8

NO - WHAT BENEFITS?

Arriva Buses Wales believes that the proposals for Enhanced Quality Partnerships do not offer any enhancements over and above what can be achieved by the current framework. The mechanism is clumsy and clunky and places all the requirements upon the operator(s). It is, therefore, not a partnership at all.

Answer to Question 9

NO

Arriva Buses Wales believes that in the North East Wales area, the current framework of voluntary and statutory quality partnerships can and does work. The EQP framework does not provide for true partnership working.

Franchising

Local authorities (or JTAs) should determine the most appropriate model for delivering bus services and Arriva Buses Wales agrees that it will largely depend on the bus market in their area.

If a bus market is largely made up of contracted networks, for example in Powys or Ceredigion or, indeed, the Traws Cymru network, there is an argument for franchising bus services as this will, inevitably lead to quality standards being set for the provision of bus services whereas under present schemes, it is rare that modern efficient buses are used as local authorities generally opt for the cheapest option and, even when long term contracts are offered, the bus operator is at a disadvantage because it can only pull out if it covers the cost differential between its costs and the new operators costs for the duration of the contract. Furthermore, it is one-sided inasmuch as the local authority can

serve 12 weeks' notice on the operator to terminate the contract. The operator, therefore, has no confidence or certainty of tenure upon which to make significant investment decisions such as the purchase of new on-bus technologies or new vehicles.

Under a franchising scheme, the operator will have confidence that for the length of its relevant route agreements, it will operate the service or service group and can invest in quality.

We would suggest that the franchising legislation, if implemented, provides timescales around the consultation process for franchising so as to provide certainty to operators and authorities regarding franchise decision timescales and to avoid the adverse impact of uncertainty on bus operator investment decisions.

It should be noted that the guidance of the central UK Government is that franchising should be considered as a measure of last resort and, based on experience elsewhere, it is clear that the franchising information gathering, analysis and business case process will incur significant (multi-million pound) costs to the taxpayer.

Answer to Question 10

YES

Arriva Buses Wales believes that the model, as described, can provide for better bus services in areas where there is limited or no commercial operation. It will do nothing in urban areas that have existing good commercial services.

Answer to Question 11

YES

Arriva Buses Wales believes that an independent audit of the any assessment for franchising should be placed in front of the Traffic Commissioner and that parties on both sides of the argument can present their case to him or her in Public Inquiry.

Answer to Question 12

NO

Answer to Question 13

NO

Answer to Question 14

NO

Arriva Buses Wales believes that all operators should compete on a level playing field and that specific arrangements for any operator, large or small,

will interfere with the normal business of providing bus services. Provision of business advice by the Welsh Government should suffice to allow SMEs to ascertain whether or not they should enter a franchise bid.

Answer to Question 15

Arriva Buses Wales believes that where it is necessary to introduce franchised operations, most of the bus services will be contracted by the local authorities and they should make their own arrangements with contractors for a seamless changeover at the appropriate time.

Local Authority Bus Services

There needs to be a very prescriptive set of rules and regulations that cover this area. The current wording states that it provides “for situations where local authorities receive few or no tenders for local bus services”. How many is “few”? This is too open-ended.

It will have to demonstrated that local authorities are, in fact, running buses at lower costs and this must take into account all overhead costs and not just operating costs.

Answer to Question 16

NO

Arriva Buses Wales believes that, given the availability of the franchising option in areas where there are few or no commercial services, there is little or no need for a separate tier of operation.

In the event that local authorities are enabled to operate municipal services, they must be able to demonstrate that all costs are covered, not just operating costs.

Answer to Question 17

NO

Arriva Buses Wales believes that, given the availability of the franchising option in areas where there are few or no commercial services, there is little or no need for a separate tier of operation.

In the event that local authorities are enabled to operate municipal services, they must be able to demonstrate that all costs are covered, not just operating costs.

Eligibility age for mandatory concessionary fares

There is a comment page 34 of the document that states: “ 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.” It is unclear what this means as

operators only receive recompense for the use of the ticket, not just because the service is running.

Answer to Question 18 YES
Arriva Buses Wales believes that, in the interests of equality, the eligible age should be the same for both sexes.

Answer to Question 19 YES
Arriva Buses Wales believes that this is the fairest means of introducing the change.

Public transport information and monitoring

Answer to Question 20 YES
Arriva Buses Wales believes that customers should have the maximum available information when planning a journey. As well as an operators app, PTi Cymru should be able to provide full information.

Answer to Question 21 YES
Arriva Buses Wales believes that in the event of the proposed withdrawal of services, local authorities should be aware of the reasons and that data should be available

Taxis and private hire vehicles (PHV)

Similar to standards that apply nationally to buses and coaches, taxis, as a part of the public transport mix must conform to National standards.

Answer to Question 22 YES
Arriva Buses Wales believes that, as part of the public transport mix, taxis must conform to national standards.

Answer to Question 23 NO

Answer to Question 24 NO

Answer to Question 25 NONE

Answer to Question 26

Arriva Buses Wales believes that the national standards can be set by local authorities/JTAs determining what is the highest standard in their area and applying this across the country.

Answer to Question 27 NONE

Enforcement

Answer to Question 28 YES
Arriva Buses Wales believes that, once a national standard is reached, it matters little where the taxi/PHV is operating. It MUST conform to the standard.

Answer to Question 29 YES
Same response as in Question 28.

Answer to Question 30 NONE

Information-sharing

Answer to Question 31 YES
Arriva Buses Wales believes that a national database is set up for taxi and PHV drivers as well as PCV drivers across the principality.

Answer to Question 32 NONE

Proposed legislative change

Questions 33 to 38 all apply to taxis and PHVs and have been mainly covered in previous answers.

Summary

The Welsh Government has set out a number of proposals and wishes in this consultation document.

However, nowhere in the document does it propose how it will pay for a number of very costly potential changes.

Parts of the document are confusing in that they set out options but do not state where and how these options would be applied.

Potential plans for local authorities to run their own bus companies do not have any real safeguards that will ensure that the Welsh Government, nor the local

authorities or proposed JTAs will receive true value for money. It is also contrary to the general trends elsewhere in the United Kingdom which has, for example, seen the prohibition of the creation of new municipal bus companies.

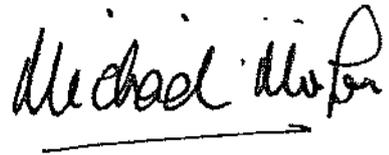
The fundamental part of taking the consultation beyond its current status is the Regulatory Impact Assessment (RIA) and, despite the Welsh Government informing operators that the timescale and timetable are very tight indeed, the RIA is already long overdue and, without it, consultation cannot be realistic or completed.

The Welsh Government openly admits that it is short on professional resource or advice on running buses and the content of the Consultation Document does indeed reflect that admission.

Transport for Wales regularly appears at the forefront of comments on the future of buses but it does not even get a mention in the document so it is unclear what role it has to play going forward. Does it have a role as, if it does, the travelling public and consultees, as well as bus operators need to know what it is.

The bus industry in Wales is made up of a number of large group companies but the bulk of it is SMEs (referred to in the Consultation Document). Those operators running buses in 2019 are still doing so, not because of some catastrophic event in the bus industry in the past few years, but because they have planned ahead and have a strategy to not only survive but to grow and deliver world class service to their customers. The wealth of knowledge and professionalism in the bus industry in Wales is wide and diverse and professional companies belong to the industry trade body – the Confederation of Passenger Transport (CPT) – that has represented the bus industry since the 1970s and has advised governments on bus and coach policy over the years. CPT is currently producing its own consultation document to present to senior civil servants and, hopefully, the Minister himself. That document will set forth the bus industry's recommendations on a voluntary path to improve bus services in Wales that can be delivered whether or not the White Paper consultation and lack of RIA time themselves out.

Working in a strong quality partnership, bus operators and the Welsh Government can deliver an integrated service of which Wales can be proud.

A handwritten signature in black ink that reads "Michael Morton". The signature is written in a cursive style with a horizontal line underneath the name.

Michael Morton, BSc, FCILT, FCIM, MInstTA
Managing Director/Rheolwr Gyfarwyddwr
Arriva Buses Wales/Bysiau Arriva Cymru

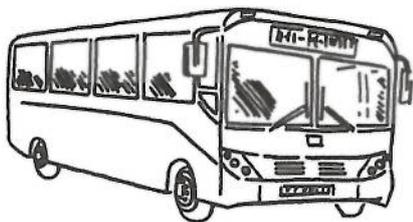
We will change the age over time to let people get used to the new rules.

Do you think this is a good idea?

Yes No Not sure

1. More Cars etc will use car Roads.
2. Years ago if you held a BLUE Badge you did not have a Bus Pass, it was one or the other - Re-introduce this Pass.
3. Charge a small fee say £10 it would soon sort out the people who don't use this Pass but think it is their right to have one.
4. Stop issuing Passes to Persons who ^{have} not held a Bristol Pass ^{less} for ~~more~~ then 5 years

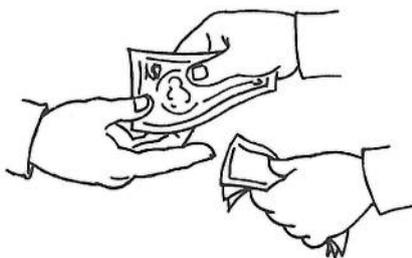
Idea 5 – Changing the people who can get a free bus pass



At the moment people aged 60 and over can have a bus pass.

The bus pass allows people to travel for free on any bus in Wales.

Bus passes are very popular.



Bus passes cost us a lot of money.

One way we think we could save money is to change the age people can get a bus pass.

We want to change it to the age women get a **state pension**. That age is 65 at the moment but it will increase in the future.

A **state pension** is money paid to people by the government. A person can get a state pension when they reach a certain age.

If you already have a pass, you will keep it.

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It is an anomaly that the Welsh Government already holds devolved powers for rail and bus services in Wales and also has certain responsibilities for air and sea yet they have no overall powers for taxis or private hire vehicles.

Legislation for taxis and private hire in England and Wales is sadly out of date and is regarded by the industry as 'unfit for purpose' in that it extends back to 1847 consisting of 68 different pieces of subsequent legislation up to the 1970's.

The Parliamentary Under Secretary for State, Norman Baker MP, has asked the Law Commission to advise him on current legislation and they are due to report on 19th July 2011. It is a fact of life that many people have made a lot of money arguing the vagaries of the various pieces of legislation and it is time for an up to-date 'National Cab Act' to reflect the modern era. There have been numerous bits of recent legislation for 'buses and trains, but nothing for taxis and private hire vehicles, simply regarded by the DfT as too difficult to address despite appeals from the trade and Institute of Licensing, representing licensing officers for local authorities.

ISSUES:

- 1) Should there be just one tier of taxi and private hire, which would enable all licence holders to ply for hire as hackney cabs? Perhaps this would be easier to justify in rural areas as opposed to more urban ones as is the case in London. There will be objections from some parts of the industry, but if adequate powers are legislated for, local authorities would be able to monitor the industry more effectively.

The travelling public would be better served with one tier, whereby there would be no confusion in what a taxi and what a private hire vehicle can and cannot do. It would be easier for licensing authorities to administer with obvious financial savings. By releasing private hire vehicles from the restraints of where they can pick passengers up, they can become a more valuable part of the Integrated Transport system we all aspire to. If for any reason a bus was late or failed to operate, then taxis can fill this gap speedily. The disincentive would probably be the difference in fares. As we all know there is a 'black market' in selling Hackney licence plates over which the LA has no control. By having just the one tier it should alleviate this market and along with 'entry requirements' for operators help improve the quality and professionalism of the industry. Should a metropolitan area wish to retain a two tier system it should be able to seek derogation from the relevant Minister responsible for transport or, to the appropriate Traffic Commissioner for their area.

- 2) The industry is rightly critical over the vast variation in charges for licences between authorities. The Welsh or Regional Government should stipulate annual fees, with a review annually, or as appropriate. They should also have an inclusive rate for CRB checks, which as an add-on in some authorities, again breeds discontent within the trade.

This should be an easy situation to resolve by stipulating fees on either a regional or national basis and should include any training and checks required (CRB etc). It would help remove the current practice of registering in another LA area simply to gain less expensive licences to trade.

- 3) DRIVERS: All taxi and private hire drivers should have to meet minimum criteria before being able to drive a taxi, which are supported both by the industry and licensing officers. Drivers

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must all pass a DSA driving assessment, have an enhanced CRB checked and to have at least a D1 requirement on their licence. What is known as 'Annex D', a 1992 Circular dealing with the 'fit and proper' criteria for an applicant for a licence should be reviewed, to the extent that the taxi trade has produced its own guidelines as the Annex which has been the subject of much dispute. The industry has developed a training package, referred to as a CPC and this should be a minimum requirement for all drivers and with no exemptions for 'grandfather rights', but a lead in period of 2 years so as to enable all existing drivers to take and pass the test. The CPC should be administered by an approved body similar to those undertaken in the road passenger and haulage industry. Drivers who reach the age of 45 years must pass a medical and have a regular repeat check-up until the age of 65 years, after which an annual medical would be required. Should there be any dispute or court judgement against any driver, then the Traffic Commissioner of that area should be the arbiter of any action against the drivers licence. It is not clear whether a driver should be required to sit a 'knowledge test', as there may be a 'sat-nav' system available in the vehicle, which could negate this requirement. It is a debatable requirement that drivers should be trained in manual handling and first aid, given they frequently carry vulnerable and less able bodied passengers, but they should undertake some agreed disability awareness course.

This is probably the easiest area to resolve and probably the most important because it is well recognised that some elements of the industry are less than satisfactory whether it be the driver or management. Legislation must be enacted to identify these necessary requirements and some form of Certificate of Professionalism Competence introduced especially for managers, owners and operators. Rather than stipulate the syllabus content it should be left to an independent Approval Body to assess and approve trainers and their syllabus. The managers' CPC should be the minimum requirement for entry and paid for by the applicant themselves before any licence is approved and for those already engaged in the industry a period of say three years to gain this professional qualification. Training for drivers also stipulated by the Approval Body would be done at the operator's expense, because they will be the ultimate beneficiaries of good practice. Operators could approach their Insurer's and seek reductions in their annual premiums based on the fact that drivers are trained to a higher standard than previously. To progress this on a pilot scheme, perhaps funding could be sourced to enable 'pump-priming' of an agreed syllabus for both drivers and managers.

- 4) MANAGEMENT: At present there are no entry requirements for managers or licence owners. This is unlike both the road passenger and haulage industry, whereby all transport managers must satisfy their capability by passing a Certificate of Professional Competence, which means they are financially aware, up to-date with legislation etc. Managers or Licence Holders must be of 'Good Repute' and 'Financially Sound' before they can be issued with a taxi licence. They should keep employment and maintenance records of all staff and vehicles they employ. There is a perception that because there is no 'hour's restriction' other than the Working Time Directive, drivers can be available to drive 24 hours a day, seven days a week. Drivers working information should be accountable to both the local authority in which their business is based and the appropriate Traffic Commissioner and should they have more than one base, then a fully qualified Transport Manager must be employed in each area.

This is dealt with to some extent under para.3 but gives some idea of what the relevant

qualification should encompass. It is paramount that minimum standards are set before entry to the industry. Not to do so would create an industry whereby the employee's have more qualifications than their employer simply because there are no requirements to be able to enter the industry. This could be regarded as 'barriers to entry', but if the industry is to become fit for the modern age, minimum standards must be stipulated.

- 5) LICENSING OFFICERS: At present, many local authorities regard 'taxi licensing' as an 'add-on' responsibility, which can cause resentment in the industry when interpretation of the present archaic legislation is at odds with other LA areas. All licensing officers must have an appropriate qualification shewing they are competent and fully understand the current legislation and can make sound judgements in their area. It is suggested they are at least in possession of the same CPC qualification as a Transport Manager in the taxi industry.
- Most licensing officers have a true regard of their position and undertake some form of accreditation to enable them to carry out their duties so as to understand the legislation of the industry such training is essential. It will help reduce the sometimes unwanted interference by ill-informed members when granting licences etc. Successful candidates should be able to transfer their accreditation when changing authorities as all knowledge should be transferable.*
- 6) VEHICLES: Probably the most contentious of all the decisions made by local authority Licensing officers and is an area that needs the strongest legislation that is 'fit and proper' for the purpose of carrying paying passengers. Some authorities insist on a minimum age for a vehicle and that in some authorities these vehicles should be liveried to some extent. Some authorities are calling for dedicated vehicles and not ones that can return to 'domestic' use when not in taxi mode. Most authorities now insist on at least a percentage of taxis being 'wheelchair accessible', whereas this is a laudable aim, the current black cab as seen in London, does not provide easy access for all, a point made by many in the industry. Encouragement needs to be given to vehicle manufacturers to become more innovative in future designs by designing vehicles that encompass the needs of some, if not all those with accessibility problems. All taxis should undertake stringent checks annually, possibly at the time of MOT's, which are carried out at VOSA recognised garages. The appropriate Certificate can then be submitted to the local authority overseeing taxi licensing. If the VOSA was charged with passing these vehicles, they will be able to keep a check on the recent phenomena of stretch limousines, which in some Traffic Areas have become a bone of contention with Traffic Commissioners and who at present, do not have powers over taxis.
- It would be sensible to establish a working party of representatives from the industry, licensing officers, users and the vehicle designers to develop a more appropriate vehicle for the modern age being accessible to as many people as possible. As stated above, even the 'black cab' common in London is not truly accessible, although far more so than in past years. The checking and monitoring by LA's can be very varied and it is recognised not all garages wish to participate in the approval of taxis and private hire vehicles. There should one stringent test for taxis, which would include private hire vehicles under the one tier system and should have an examination laid down by VOSA so there would no difference between LA areas. At present, only by taking an authority to court can an operator challenge a disputed decision and the precedent set by PCV and HGV decisions are made by Traffic Commissioners in the various parts of the country. Their decisions should be*

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impartial and binding. They would also be able to address the issue of 'stretch-limousines', which arguably should be classed as mini-buses.

- 7) OTHER ISSUES: Government could also use the new legislation to encourage 'greener' fuels, insisting on alternative energy sources thereby helping to reduce pollution, especially in urban areas. Installation of 'Smartcard Readers' in taxis could help many who rely on 'plastic' to get around in an increasingly cashless society we now live in. Pilot areas in Bangor and Newport funded by the Welsh Government, enabling stored fare cards to be used on buses should be extended to local taxis. A final bone of contention within the industry is the issue of VAT on fares, a tax that is not charged on either bus or rail fares. This would of course be an issue for Westminster as opposed to Cardiff. ***One area which can be influenced by national policy is the encouragement to use greener fuels by means of targeted grants. The government has recently announced grants for the purchase of 'electric powered vans', whereas the nature of taxi work may not lend itself to electric power, certainly the purchase of hybrid vehicles should be supported. Local Authority should be encouraged to promote the use of such vehicles locally. So as to include taxis as part of the Integrated Transport mix, initiatives such as 'SmartCards' should be available along with other initiatives similar to the Plus-Bus scheme, something Virgin Trains a few years ago with limited success.***

B Bigwood FCILT FInstTA

Law Commission Statement - July 2011

Taxis and private hire vehicles - regulation

Status: The consultation for this project is due to open in April 2012

We are reviewing the existing framework of taxi and private hire vehicle regulation with a view to preparing proposals for consultation.

Taxis and private hire vehicles (PHVs) are an important part of local transport. They operate in highly regulated markets where safety and quality control are paramount. Licensing covers key areas such as the quality of services, the fitness of drivers, fare regulation and restrictions on the number of licenses issued.

The current law on taxis and PHVs has been criticised for being complex and outdated.

One problem is the multiplicity of legislation. Taxis, which can "ply for hire" so customers can stop them in the street, have different rules to PHVs which can only be pre-booked. In turn each of the taxi and PHV trades is regulated by multiple statutes. There are also different legal systems along geographical lines distinguishing Plymouth, London and the rest of England and Wales. Whereas some distinctions are clearly justified others are less clearly so.

Some of the legislation, particularly relating to taxis, is archaic. The key statutes date back to Victorian times and refer to "hackney carriages" when taxis were literally horse-drawn vehicles. Case law and guidance are indispensable in interpreting the law. This also makes the legislation less able to reflect more modern technology like the telephone, internet and GPS technology.

The project

The project examines the legal framework relating to taxis and PHVs with a view to making it simpler and more modern. We aim to publish proposals for reform in April 2012. This will be followed by a three month consultation period where we invite the public to respond to our proposals. We plan to publish a final report with our recommendations and draft bill by late 2013.

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Comments on above would be welcome accompanied by structured arguments both for and against proposals.

The paper was initially prepared for the Welsh Government who will have a direct input to the Law Commissions report.

Please respond by:.....



Llywodraeth Cymru
Welsh Government

Police Liaison Unit Welsh Government, Cathays Park

Protective Marking:	Official
Author:	PS 1459 Mc Nelis
Title:	Police Response to WG Consultation – Improving Public Transport
Version:	1
Summary:	<p>This is the Police response to the Welsh Government consultation – Improving Public Transport. The first 21 questions do not involve a public safety aspect and therefore the Police take no position. With respect to the questions thereafter the Police support the measures proposed. It is considered that they would enhance public safety and the proposed reforms are necessary and proportionate.</p> <p>With respect to the questions posed from 22 onwards please see below:</p> <p>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.</p> <p>Yes, the legislation for PHVs and taxis in Wales is vague and confusing, national standards will provide clarity and the same legislative powers in all areas. Police Forces could support enforcement and advice in relation to any failure. It is important that the same standards apply and are fair.</p> <p>Q23. Are there any matters which you would like to see contained in any national standards?</p> <p>The introduction of a scheme similar to the Vehicle Defect Rectification Scheme. This would allow certain minor offences to be addressed in a timely and proportionate manner.</p> <p>Q24. Are there any matters which you think should be excluded from any national standards?</p> <p>No, the same standards should apply across Wales.</p> <p>Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?</p> <p>Introducing a new approach would require a level of investment in personnel, IT and support from all local authorities. Information sharing and data security concerns would have to be considered but these should not be overly challenging considering the importance of improving public safety and safeguarding.</p> <p>Q26. What would be the best approach for determining the content of national standards?</p>

	<p>Detailed consultation with subject matter professionals currently working in this area and advice from other devolved administrations and metropolitan areas in England as to how they have improved their processes.</p> <p>Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.</p> <p>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.</p> <p>Yes, should be approached as an All Wales initiative. To be effective and robust consistency in application of standards is required as well as the means to enforce them.</p> <p>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.</p> <p>Yes, as above.</p> <p>Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.</p> <p>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.</p> <p>Yes – the current approach can result in inconsistency and does not meet current safeguarding standards where commonality of approach and exchange of information across geographical areas is now an expectation.</p> <p>Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.</p>
Authorised by:	T/Supt Steve Thomas
Date sent:	25 th March 2019

Welsh Government Consultation: Improving Public Transport

1 Introduction

- 1.1 Transport Focus is the independent consumer watchdog promoting the interests of rail passengers throughout Great Britain; bus, coach and tram passengers across England, outside London; and users of the Strategic Road Network in England. We have a Board Member for Wales appointed by the Minister for Economy and Transport.
- 1.2 We welcome the opportunity to respond to the Welsh Government's consultation, with evidence from our passenger research.

2 Establishing Joint Transport Authorities

- 2.1 Since winding up the four Welsh transport consortia in 2014, local transport has been organised individually by 22 local authorities. However, people do not travel in silos, so it is essential for transport to be organised on a wider basis that crosses authority boundaries, with mechanisms in place to ensure effective liaison and decision making processes for cross-boundary and cross-border services, for passengers' local needs to be served.
- 2.2 The industry – bus operators, local authorities and Government – needs to work together, with a relentless focus on getting the essentials right, alongside a more effective and targeted approach to customer retention. This will help build trust and loyalty to make using the bus a real long-term proposition. More operators and authorities must also work together to attract new passengers and ensure bus continues to provide an essential lifeline to communities.
- 2.3 Our research¹ shows that building trust is made more difficult by it not being clear to passengers who runs which parts of the bus network, why bus routes run where they do, and at what time services choose to run. This has far-reaching implications:
- passengers don't know who to complain to if there are systemic failings in a bus service, which they find disempowering
 - passengers make assumptions on how buses are set up, believing it to be run by a combination of an 'over-regulated' public sector with a 'profit imperative' private sector – arguably the worst possible stereotypes
 - one outcome of this knowledge gap is that passengers don't know who they should be 'being valued by' if even they were to be valued. Any value felt is more ascribed to drivers acting as individuals rather than from the bus company itself. Whilst passengers don't want 'chapter and verse' on organisation and structure, they do want clear lines of sight, accountability and sanctions when there is consistent underperformance.
- 2.4 A key part of boosting regional prosperity is through making improvements to transport so that people will consider travelling further for employment and other reasons. Our research shows that addressing issues around fares and tickets is an important part of this, particularly where they make travelling easier to understand and use, and more convenient. These must, though, sit alongside improvements to infrastructure and timetabling.

¹ [Bus passengers have their say: Trust, what to improve and using buses more](#). Transport Focus. 2016

- 2.5 Criteria and policy objectives for local bus services should be geared towards building service provision on passenger priorities, rather than on cost alone and authorities would be expected to be monitoring the effectiveness of their spending in delivering their policy objectives and understanding how these are performing in meeting passengers' needs.
- 2.6 It is not clear how separate Joint Transport Authorities (JTAs) would relate and co-ordinate across regions, or how a national JTA would function alongside – or differ from – Transport for Wales. The previous transport consortia were the established route by which development proposals could be 'promoted' from local authority level, could have match funding drawn together and prioritised for implementation and delivery, on a regional basis. The new structure will need to have this kind of functionality and passengers' interests at its heart.
- 2.7 Good practice is being built in a number of locations. The West Midlands Bus Alliance (chaired by Transport Focus) was the first of its kind in Great Britain. It brings together bus operators, local councils, and other partners to focus on improving passenger journeys. Investment and concentration on service delivery over three years are driving improvements. The Bus Passenger Survey² is showing more passengers are satisfied with their journey and feel it was good value for money. In 2017, the Alliance renewed its commitment to improvements for passengers, with 50 deliverables³. The effectiveness of this model is being shown in the achievements⁴ now published, which include:
- Tackling congestion and making bus journeys quicker, with funding secured for bus priority measures
 - Improving bus emissions standards, through retrofitting and funding new vehicles
 - Making bus travel more attractive for young people, with discounted travel available to all 16-18 year olds
 - Making bus journeys better value, with low fare zones and discounts through 'pay as you go'
 - Further measures, which are making it easier to buy tickets, catch the bus and reshape the bus network to deliver economic growth.
- 2.8 Welsh Ministers should also have a crucial role in providing guidance and direction; and prime accountability. The closer that national strategy is aligned with passenger priorities the better the potential service for passengers. In an era of cost consciousness and efficiency it will be essential that scarce resources are focussed on the things that deliver the biggest passenger 'dividend'.
- 2.9 The structure needs to work in the best interest of passengers, including the ability to co-ordinate and set national standards and systems across journey planning, ticketing, real-time information and investment potential. These elements also require co-ordination and partnership regionally for local service delivery, with the perspective of door-to-door network service provision. It is also vital for service change proposals to be communicated and tested through robust and effective public consultation.

² [Bus Passenger Survey](#). Transport Focus. 2019

³ [Bus Alliance Deliverables](#). West Midlands Bus Alliance. 2017

⁴ [Bus Alliance Achievements](#). West Midlands Bus Alliance. 2018

- 2.10 From a regional perspective, this will provide an opportunity to review the bus service registrations process and appropriate authorities, which we discuss in section seven.
- 2.11 Our research⁵ shows investment is also needed in improvements for young people. In some respects, young people want the same thing from their bus journey as their fellow passengers, ranking value for money, punctuality and reliability highly as priorities for improvement. However, there are key differences:
- They don't feel that services are designed with them in mind or that enough is being done to make them feel valued
 - Not knowing how the system works or what to do is a barrier and a source of anxiety about 'getting it right'
 - Improving the journey experience is important; young people notice poor quality provision
 - There is a need to design systems better, learning from other industries in the way they appeal to young people
 - Fares for young people are confusing and inconsistent.

3 Enhanced Quality Partnerships

- 3.1 Transport Focus's research gives good understanding of passengers' expectations and aspirations. We have published insight into passengers' priorities for improvement, across a section of rural, urban and metropolitan areas, ranking 31 different criteria⁶. [We have also produced a 'simulator' that allows the research to be broken down by different characteristics - e.g. by bus operator, by region, by journey purpose and by passenger characteristics - age, disability etc.]⁷
- 3.2 The top five priorities for improvement from our research were:
- Better value for money from bus journeys
 - More buses arriving on time at your bus stop
 - More journeys on buses running to time
 - Buses running more often than they do now
 - More effort made to tackle any anti-social behaviour
- 3.3 We believe that a partnership approach between authorities and operators can help to address all these issues.
- 3.4 Partnerships are vital in addressing punctuality. Our research shows that some of the main causes of delay are outside the direct control of the bus company, for example: delays to the bus because of parked vehicles or vehicles being loaded or because of highway design (narrow roads, poorly designed junctions)⁸. A partnership approach to unblocking these should be more effective for passengers.
- 3.5 We know from our research that passengers want a sense that their views on performance and services matter⁹ – this means creating mechanisms to capture views (either directly or via representative bodies) and then to act on them. One of the best ways of ensuring this happens is to build incentives or targets into any agreement. Our strong

⁵ [Using the bus: what young people think](#). Transport Focus. 2018

⁶ See footnote 1

⁷ [Bus passengers have their say - simulator](#) Transport Focus 2016

⁸ [What's the holdup? Exploring bus service punctuality](#). Transport Focus. December 2014

⁹ See footnote 1

preference is for these targets to be based on what passengers think – the best judge of quality being those who have used the services in question. This could encompass a range of criteria covering the bus stop, the bus and the driver. This is a technique that is already being successfully used within rail franchises.

4 Franchising

4.1 In addition to our work on passengers' priorities, Transport Focus also conducts the Bus Passenger Survey (BPS)¹⁰ to find what passengers think of the current service provided. In the autumn 2017 wave we spoke to around 48,000 passengers, including more than 4,800 in Wales; to produce a picture of satisfaction with bus travel. BPS measured passengers' satisfaction with their local bus service for a wide range of aspects including the bus stop, waiting for the bus, on the bus, the outside of the bus and the bus driver as well as their overall satisfaction with that bus journey and their rating of value for money.

4.2 These, together with our bespoke research on a number of specific issues, give us a good understanding of the core issues that a franchise should look to address, measure and audit. We would therefore make the following recommendations:

- Set clear targets for punctuality
- Identify the mechanism through which performance will be monitored
- Identify sufficient 'back-office' support and expertise to achieve this
- Commit to publishing key performance data
- Include a clear commitment to minimise the number and frequency of changes to the timetable and to establish fixed dates when these will take place.
- Establish a process for consulting/informing passengers of such changes
- Include a real time customer information action plan. The extent will depend on the size and scale of the franchise. However, the default should be towards real time passenger information at bus stops - passengers should not have to stare up the road wondering if their bus is coming
- Support and promote a central, amalgamated pre-journey information source where passengers can find out more about fares, ticket types and bus route information across different bus operators, including planned developments with smart ticketing
- Identify and implement specific policies to meet the needs of young people, particularly 16-18 year olds. This to include the range of tickets, marketing and visibility of the price
- Identify standards of behaviour for drivers and require bidders to identify training programmes for drivers that include customer service skills alongside traditional content
- Identify clear complaint handling processes and lines of responsibility between the bus company and the local authority and demonstrate how the complaints will be monitored and used in making service improvements. Establish standard response times and criteria for passenger compensation. Publicise the scheme with contact details in a passengers' charter– and report delivery against the scheme
- Establish targets and a monitoring mechanism for monitoring service quality and commit to publish the results
- Require bidders and specifiers to work together in identifying and dealing with anti-social behaviour and ensure that security is considered as part of any design guidelines covering bus stops and buses
- Require bidders to submit a passenger engagement strategy setting out how they will engage with passengers and how they will use the information gathered through this
- Include strategies for boosting bus use.

¹⁰ [Bus Passenger Survey](#). Transport Focus. 2018

- 4.3 There is a tendency to view franchising as something that will apply on a grand scale analogous to what takes place with Transport for London (TfL). Looking at franchising purely through this lens would suggest that it is something that fits larger operators rather than smaller outfits.
- 4.4 However, we are given to understand that franchising does not have to be a one-size-fits-all approach – it could be on a city-wide basis or just apply to a sub-set of services or geography within the authority’s area. If so, a franchise could be on a TfL scale or it could potentially be as small as a single route within an area. The latter would presumably be more attractive to small or medium operators. If this is indeed the case, then it would be helpful for the guidance (or any secondary legislation) to provide clarification.
- 4.5 Transport is not the sort of market where people can ‘vote with their feet’ if they don’t like a provider. Generally, they rely on their local service to make essential journeys and have little choice of any alternatives. It is therefore essential for transitional arrangements to be in place to safeguard provision for passengers. The core principles of the Bus Services Act 2017 require a minimum of six months’ transition to adapt to franchising plans.

5 Local Authority Bus Services

- 5.1 We commented on municipal bus companies during the passing of The Bus Services Act 2017 (in England). Our submission pointed out that municipally-owned bus companies consistently score well in our Bus Passenger Survey satisfaction research, with some being among the best performing service providers. We also argued that any concerns about the potential for anti-competitive behaviour could be addressed through existing competition law.
- 5.2 It is crucial that any change to the bus sector puts passengers at the heart of developments. We know from our research that passengers want a sense that their views on performance and services matter¹¹ – this means creating mechanisms to capture views (either directly or via representative bodies) and then to act on them. One of the best ways of ensuring this happens is to build incentives or targets into any future arrangements or bus company framework.

6 Eligibility age for mandatory concessionary fares

- 6.1 In our response to the Welsh Government consultation on the mandatory concessionary fares scheme, we raised a number of points. Those who are approaching the age of 60 will resent the postponement of the concession until they reach women’s pension age. Clearly the Welsh Government has to balance its view on the cost of the scheme overall. In Greater London the concession at age 60 has been retained even though elsewhere in England the UK retirement age applies.
- 6.2 However, we accept that life expectancy is increasing and that as a result working lives will be longer. By that token, at some point it follows that the age of qualification will need to be reviewed, especially if the concession is to remain affordable to the Welsh Government and available to those who rely on it. However, any such increase should be introduced incrementally and communicated well in advance. A staged implementation would help to minimise frustration for those near 60.

¹¹ See footnote 1

6.3 Our work on bus passengers' priorities for improvement¹² shows that value for money is the top priority for paying passengers. Therefore, any expectation of passengers continuing to pay for longer needs to go hand-in-hand with improvements in what they are getting in return – key factors being punctuality, reliability and frequency.

7 Public Transport Information and Monitoring

7.1 Requiring the release of open data will find favour with passengers, and be a significant advance over current provision, if information about routes, timetables and fares are made available in a consistent and reliable way. The addition of fares and punctuality information to what is already provided will be a key advance. The availability of such information needs to be promoted and it needs to be user-friendly, and benefits for passengers are likely to depend on how well this is done.

7.2 When considering the information needs of passengers it is important to distinguish between, on the one hand, commuters/other frequent users making familiar trips and, on the other, infrequent and non-users and those making unfamiliar trips.

7.3 Passengers travelling frequently and making familiar trips are likely to place disruption information on their priority list, whereas infrequent passengers making unfamiliar trips are likely to focus first on:

- How can I get from A to B?
- Where do I get on/off?
- When do I need to leave home? What time will I arrive? Can I rely on this?
- How much will it cost and how do I get a ticket?

7.4 Passengers contemplating an unfamiliar journey may be anxious about, for example, arriving late for work or missing a doctor's appointment. They may be worried about missing their stop. Or they may be embarrassed about not being allowed on the bus because they have the wrong ticket or because there is no space for their wheelchair.

7.5 Our research with young people¹³ in particular, highlighted their two-stage process for planning a journey: what is quickest and most convenient for me? How much will this cost me? It also found that space on young people's phones is limited and therefore valuable. Apps must first stand out as interesting enough to download and must then prove their worth through relevance and usefulness to earn a permanent place. Young people like using Google Maps and are reluctant to download additional apps that do the same thing.

7.6 Reliable, real-time information is key to helping young people feel confident when using the bus and improving their journey experience. They want easy-to-use, centralised and streamlined information, visual mapping and the ability to personalise their journey across modes and operators. Young people want systems to 'hold their hand' through the experience and create a sense of understanding and familiarity. This includes fares shown with journey plans and at bus stops, clear information on discounts and easy ways to pay through smart and contactless. They also want information that updates along the journey, especially during delays, to give the cause, revised journey times and

¹² See footnote 1

¹³ See footnote 5

connections, supported by announcements and screens on board.

- 7.7 Our research into what bus passengers think about punctuality and timetables¹⁴ shows they feel that punctuality data, independently audited, should be published and made available to regulatory bodies even if most passengers have little appetite for searching it out. Information should be as granular as possible – to be as close as possible to reflecting a passenger’s individual experience. Information that is an average for your area or the company concerned was felt to lack value, since they would not be able to extrapolate what it means for them personally.
- 7.8 Transport Focus feels that there is a strong case to require publication of punctuality data, to provide the following benefits:
- It is an important principle that customers should have information about the product they are using
 - It is likely that transparency about performance will result in greater focus on improving it than would otherwise be the case.
- 7.9 Reviewing the provision of powers around bus service registrations is an important step. Our response to the DfT consultation on bus registrations¹⁵ supported the introduction of 14 days’ pre-advice to local authorities, not least because in the context of reductions in the level of service it gives more time for a local authority to consider passengers’ needs, enter into discussions with the operator and, if necessary, consider whether to invite tenders to provide a replacement service.
- 7.10 We also added that there are strong arguments that electronic bus service registrations (EBSR) should be introduced comprehensively as quickly as possible and we encourage serious consideration of this. We see two principal reasons:
- Accurate and comprehensive timetable information: comprehensive EBSR is likely to significantly improve the quality of timetable information available to passengers, supporting open data availability through websites and apps; ensuring not only that journey planners are accurate on ‘day one’ of a new timetable but that they give accurate information to passengers enquiring now about journeys that will take place after a service revision. We see a strong argument that providing a timetable electronically in a standard format that allows passenger information to be provided accurately and comprehensively should be one of the minimum obligations associated with running a bus service.
 - Transparency: comprehensive EBSR would also give considerably greater transparency about the service changes being proposed. It would give passengers, as well as those who represent them such as local authorities, parliamentarians and voluntary user groups etc., the opportunity to properly understand what is being proposed and its impact.
- 7.11 In terms of public transport monitoring, we have concerns about where the independent voice of the passenger is heard. Transport Focus had a seat at the previous transport consortia and also on the Public Transport Users’ Advisory Panel; providing independent understanding of passengers’ attitudes and behaviours, together with commissioning of research to bridge gaps in that. However, with the winding-up of those bodies, it is not

¹⁴ [How late is late? What bus passengers think about punctuality and timetables](#). Transport Focus. 2014

¹⁵ DfT consultation on the implementation of Competition Commission remedies on bus registrations. Transport Focus. 2014

clear where the role now lies. We believe that there is a strong case for a multi-modal approach to consumer representation in the transport sector in Wales, to maximise benefits for transport users.

- 7.12 We believe that the ability to take this approach with our remit in England has resulted in continual improvements and benefits for consumers; in:
- Improving the flow of information before and during disruption (both planned and unplanned) so as to minimise the impact on passengers
 - Benchmarking levels of passenger satisfaction for rail, bus and tram passengers and using this information to drive improvements from both operators and regulators
 - Using the data gathered from complaints to highlight areas of consumer detriment
 - Enabling development of a highly professional research capability that contacts over 120,000 users a year, asking for their views and then using this information to influence decision makers
 - Providing the base to develop and modernise our approach to consumer engagement through innovative research methods (emotional tracking, social media, trust, consumer panels) and through direct engagement with decision makers.
- 7.13 We believe that the specialism, credibility and relationships developed through this approach are critical to achieving successful outcomes for transport users – through gathering information and providing something that is both useful to, and trusted by, decision makers and makes a difference. This multi-modal approach also helps secure additional benefits for consumers in identifying and assessing lessons learnt in one sector and applying them effectively in the others.
- 7.14 Our research suggests that passengers want their operator to be accountable, with published data to ‘keep the industry honest’. The National Rail Passenger Survey plays an important role in formal and independent measurement of rail service delivery and is now providing the means for writing this accountability into new franchise specifications as well as providing a means of benchmarking services across different regions. We believe that in a similar way, a consistent and benchmarked approach, such as delivered by the Bus Passenger Survey, focuses industry attention on key areas for improvement, alongside intelligence on drivers of satisfaction. Wales was included in the Bus Passenger Survey¹⁶ in 2017. Repeating this would provide a robust basis for monitoring service delivery and securing continued improvements; with the published accountability that passengers seek.
- 7.15 Although the Bus Passenger Survey gives feedback from passengers’ journeys, there is also a need to understand the views of those who don’t use buses, have recently stopped, or don’t have a service they can use. This would provide understanding of their decisions, perceived barriers and potential for policy actions to attract and encourage more people to use public transport.

8 Taxis and Private Hire Vehicles

- 8.1 Provision of national standards for taxis and private hire vehicles in Wales would give assurance and consistency for transport users. In addition, the ability to include taxis within service networks would add to the toolkit that authorities have to support door-to-door journeys, especially in rural areas.

¹⁶ See footnote 10

- 8.2 It is equally important that service standards are supported by appropriate enforcement, to offer protection and recourse for service users.
- 8.3 We have researched users' views of pre-booked community buses and shared taxis¹⁷; concluding that these can offer a way of providing a service where one might not otherwise exist at all and contribute to meeting the transport needs of isolated communities, particularly if introduced as part of a wider review with full public consultation. However, this also needs to be viewed in the context that reductions in service frequency tend to be accompanied by falls in patronage, so financial savings to local authorities are often achieved at a longer-term cost.
- 8.4 We are also mindful that the way people want and chose to travel is changing and that this can have an impact on the demand for conventional bus travel. Since our report on demand responsive travel in 2016 there has been a big increase in the number of new on-demand travel options, including services such as Uber. Initial experience of some of these new app-based initiatives shows encouraging signs about the potential to encourage young people and car drivers to travel more by public transport. It will be important that these new services and changes to traditional travel patterns are taken into account.

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¹⁷ [Demand Responsive Transport: users' views of pre-booked community buses and shared taxis](#). Transport Focus. 2016

**FLINTSHIRE COUNTY COUNCIL'S RESPONSE TO
WELSH GOVERNMENT'S WHITE PAPER FOR TRANSPORT**

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

Yes

Transport services are not influenced by County boundaries but by end destinations. A joined up and integrated service is therefore critical, if a sustainable and affordable public transport is to be provided.

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

Within the options provided in the consultation document, the preferred option would be a national JTA setting policy and clear and consistent standards across Wales, with regional/sub regional delivery boards. However there is a lack of certainty over the makeup of the regional delivery boards. The Council would support a devolved sub-regional/regional partnership of local authorities to deliver the transport function. The regional delivery boards in this arrangement should also comprise of Council's with similar demographic/geographic characteristics or a wider area based delivery arrangement possibly based on the Growth Deal Area.

We consider it is essential that there is local authority representation on the national JTA.

It is unclear what governance arrangements would be in place for the proposed National or regional JTA's.

There are concerns that a regional JTA would cover too large an area to allow full integration of all of the transport functions across such wide and diverse demographic and or geographic delivery area.

A lack of understanding of the role of the national JTA and the local JTA in option 2.

Will the proposed organisational structure take account of current regional transport committees?

What role will TfW have in delivering public transport – is there duplication in this respect?

Delivery boards need to include cross border working relationships with existing English JTA's.

Clarity is required on the full scope of the JTA powers and regional boards. Would it include adult, social care transport and school transport and non-emergency medical patient transport.

Lack of clarity on funding for the JTA. It should not be at the expense of existing Council funding streams for other transport related functions.

Q3. Is there another organisational structure for JTA's that we should consider? Please describe.

Yes.

Option 1. National JTA with local sub regional collaboration partnerships with local authorities (see Q2)

Option 2. Devolved regional delivery based on Growth Deal areas and delivered within the constituted powers of the Growth Deal Programme

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 support Welsh Ministers being on the National Board or Committee of the JTA in order to set strategic direction policy and set budgets. However, there would be a conflict of interest, if Welsh Ministers were represented on the local JTA's or delivery boards.

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 powers should sit at JTA Committee/Board level to set guidance and direction however, it is appropriate for Welsh Ministers to intervene where a JTA is failing

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

Yes with the following exception.

Responsibility for certain back office functions such as concessionary fare reimbursements, grant payments, Traveline and customer surveys and inspectors could remain national functions however other back office functions such as ticketing and fares back office systems, integrated demand responsive travel system implementation and management should remain as a regional functions.

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

Yes. Non-emergency medical patient transport and co-ordination of community transport schemes. A national JTA should also set standards for community transport schemes across Wales.

See the Council's response to Question 33 in respect of taxi and PHV licensing

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. This is welcomed in order to encourage operators to enter into partnership working arrangements.

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

Yes.

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 however, we see franchising very much as the least favourable option, due to financial implications and the likely impact on the bus industry in terms of restricting supplier access to the market.

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 will avoid a future challenge against the decision by non successful operator.

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

No. Other than franchising would further restrict the transport supplier market.

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 do not feel this is practicable in North Wales where franchising (if appropriate) should operate on defined routes/corridors and not by area.

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 otherwise we will be restricting the limited market even further

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

Further subsidy of existing services – this will require defined and long term budget planning. A commitment by WG and local authorities to commit to current spending levels would provide assurances on this matter.

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

Yes.

In what circumstances do you think this would be appropriate?

Where there are concerns that suppliers are not providing value for money - this process will provide some level of control against increased costs and help, support and regulate the market and would be particularly useful where we have high contract prices due to a lack of competition.

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?

Open and transparent procurement process with an award only in circumstances where the in-house option provides overall best value.

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

Yes

In what circumstances do you think this would be appropriate?

For wider scale bus service provision.

Forming the arms-length company would remove the opportunity to integrate the transport provision with existing internal transport services.

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?

Open and transparent procurement process with an award only in circumstances where the in-house option provides best value. When the scale of the operation justifies a support team to deliver the service.

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.

No.

Reduction in the number of potential users will further reduce demand and the number of bus journeys made.

More people would use their own cars for journey's - which would have a further detrimental impact of the environment

The availability of free bus passes encourages bus use amongst this age group.

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

Yes.

This would be appropriate if the date were to be changed – which the Council does not support.

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. Information should be made available to help network planning but given the commercial sensitivity access to this information should be restricted.

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.

Yes. This information will aid service continuity on core routes.

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 Flintshire are represented at, 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 Council’s.

This may cause issues with those counties who border England.

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

Flintshire County Council’s view is that separate National Standards should be defined for vehicles, drivers and operators. Our belief is that 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 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).
- Overseas driving licenses.

In addition, we 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.
- Accessibility standards including the carrying of assistance dogs.
- 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 Council’s 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-Council's-stand> The LGA Guidance has also now been published. (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), 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 and councillors 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, and those which have thriving town / city centres.

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 Flintshire are 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 we would not recommend that local licensing authorities be permitted to set additional local conditions above the national standard.

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.

Flintshire County Council 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 also believe that it is appropriate for any authorised officer from any Licensing Authority area to have the power to suspend immediately (Section 68 LG (MP) 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 considered to be of benefit to aid the home 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 local 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 previously 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, including Flintshire, have byelaws in place and we 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 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 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.

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. The Welsh Government must introduce legislation to mandate its use as a priority. It was agreed in principle at Licensing Expert Panel that Welsh Authorities would use this database and at the time of this consultation response all local authorities 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 previously. These proposals do not cover this issue. It's suggested that 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 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.

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. 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. 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.

There are of course many advantages of retaining the function at a local level, with local knowledge, needs and issues.

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, local authorities should continue to have responsibility for taxi and PHV licensing. The Licensing function requires strengthening as mentioned in option B of the consultation, but 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.

Flintshire County 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 temporary 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 overlooked, and are unlikely to be revisited. A viable alternative however is readily available by considering in more details 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 in terms of a workable 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 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?

The Welsh Language Act specifies that anyone should be able to conduct business through the medium of either Welsh or English.

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.

The Welsh Language Act is in place to ensure the Welsh language is treated no less favourably than English.

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.

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.

Older and disabled people we have engaged raise issues in relation to a lack of integrated transport systems continually. They feel this is a key barrier to accessing health and community services and to being able to socialise, shop, and enjoy cultural activities.

Key barriers related to a lack of integrated infrastructure include the distance between bus stops and between train stations; a lack of connecting services in some areas; difficulties identifying and locating bus stops; and variations in accessibility and related standards between routes.

Infrastructure barriers facing wider protected characteristic groups include the excessive length of time a journey by bus or other public transport can take compared to the same journey by private transport; having to take multiple buses and walk between stops to complete journeys; a lack of information and clear, accessible ticketing and information systems; and variations in feelings of safety on different routes.

Regional bus transport networks are vital. Participants at our focus groups highlighted that without frequent and reliable buses to the Vale of Glamorgan and valleys people could not work in Cardiff. One specific example is that many people commute, such as from St. Athan. There is no train station in St. Athan and local people have been campaigning for one. Unless that happens the buses are the only way people from St. Athan can work in Cardiff, without having to own a car and drive in.

Planning transport services on a regional basis has the potential to reduce journey times, distances between stops, and lack of integration between services. There is also the potential to increase information, safety, accessibility, and identification of bus services. Further details of these barriers and solutions is provided in response to other questions in this response.

Participants in our focus groups felt there is a lack of joined up planning between different transport methods. This makes public transport difficult to use, especially for long distance journeys. Key examples in Cardiff are the fact that the Sophia Gardens coach station is far from the city centre. The fact there is no bus connection to the coach station and no clearly signposted, safe walking route, means that many people have to get a taxi to the coach station. They felt that **shuttle buses or a local bus connection would make it easier to use the coach station** and reduce their reliance on taxis. Another issue was the fact that trains and coaches often get in later than local buses. They felt that this means people have to get taxis home after long distance journeys. Participants suggested **night buses timed to connect with late trains and coaches** would allow people to use public transport for the whole of their journey and not have to use taxis. Information on different methods of transport at

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the coach, train, and bus stations or hubs is also important. As well as interactive maps and information, participants felt that real time bus information boards and staff who know about the other transport connections are vital.

Participants also felt that buses and bus stations must be in the same place as the train and coach stations with little distance to travel. They were concerned that the new Cardiff bus station will not be directly opposite the train station. Even more than a couple of hundred meters can be extremely difficult or impossible for some older and disabled people. They felt that **there must be regular shuttle buses to the bus station from the train station**. Whilst this suggestion was based on Cardiff, it is also relevant to other towns and cities in Wales, for example Swansea where the train and bus station are 0.7 miles apart.

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

We have no preference in relation to the proposed organisational structure. Whichever option is adopted it will be vital to ensure that the structure supports improvements in accessibility, information provision, and consistent standards. We also feel it is vital to ensure that local planning departments and processes are linked to the JTAs, to ensure that road and infrastructure planning integrates improvements in relation to bus routes and lanes and active travel.

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 agree that the Welsh Ministers should be represented. To achieve the goals of consistency and integration across Wales, with local flexibility, national oversight is important.

Proposed JTA Functions in relation to buses

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

We agree, in principle, with the proposed division of national and regional functions. There must be flexibility to deliver local services, but also consideration of the links between local services and regional and national services in order to ensure that an integrated, reliable, affordable, and accessible service can be delivered.

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

Accessibility should be an explicit part of quality standards. Many disabled people face barriers to accessing public transport and many access requirements are not currently part of mandatory bus quality standards. Disabled participants at our focus groups highlighted issues they have experienced accessing buses and trains. One issue was buses not lowering their floor without requesting it from the kerb and steps up to trains. This made some participants with mobility impairments who were not wheelchair users reluctant to use public transport. Participants also highlighted that bus drivers only wait for people to sit down before driving off if they have said they need the bus floor lowered, for

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wheelchair users, or if they see you struggling. They found it good that bus drivers waited for them to sit down when asked, but felt that they **should always wait for people to sit down.**

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.

If the current system is being under-utilised due to legislative restrictions, then amending legislation or introducing new legislation is an appropriate solution. However, statutory partnerships should not be the only partnerships considered. To maximise the accessibility, affordability, reliability, quality and therefore use of bus services, it is also important to develop partnerships with community transport providers, service providers, and third sector groups and community organisations.

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.

We agree with the process in principle. However, there are several considerations that should be taken into account when setting both national standards and EQPs, including:

In relation to the frequency and timing of services:

One participant at our focus groups stated that they always choose to travel by bus into Cardiff from Penarth, as there are several buses, they always turn up on time, and the drivers are polite and good at lowering the ramp. In contrast, most other participants in our focus groups felt it was very difficult to find out where to get the bus from in Cardiff and routes are not easy to follow. Participants highlighted that bus timetables do not account for rush hour traffic or giving people time to sit down. Several participants had missed appointments because they relied on the bus timetables to be accurate, but have experienced buses regularly being late. They felt **that bus timetables should be changed so they accurately reflect the time needed for people to sit down safely and for usual traffic conditions at that time of day.**

In relation to facilities:

Whilst we understand that requirements to provide bus shelters and other facilities are a barrier to developing QPS, these facilities are vital to enabling people to travel by public transport. At our focus groups participants highlighted a lack of bus shelters as a barrier to using public transport. Key issues raised included the health implications of standing, and of cold and rain exposure, to people with health conditions. They also highlighted that stops without shelters are harder to identify. This is exacerbated for people with sight impairments. It is therefore vital to ensure that bus shelters and facilities are provided and continue to be enhanced. Alternative

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mechanisms to ensure provision must be developed if these are not to be part of future partnership arrangements.

In relation to vehicle standards accessibility is a key barrier to using public transport. These issues range from a lack of driver training and drivers not using ramps or lowering the floor; lack of audio and visual stop information on buses; and not waiting for passengers to sit down; to vehicles not being designed to accommodate wheelchair users or more than one wheelchair user. We feel that whilst emissions requirements are important, there should also be accessibility requirements.

In relation to ticketing requirements, the current system of different prices and ticket types for different operators is not only confusing, but also leads to delays to journey times waiting for a bus from a certain provider and to people sometimes paying more than necessary when their journey involves multiple operators. Integrated ticketing should be considered in the requirements for EQPs. Further detail regarding integrated ticketing is provided elsewhere in this response.

In terms of consultation, it is vital that requirements to engage with or consult bus service users specifically includes taking account of the views and issues of people with protected characteristics. This should include people of different ages and genders; BME people; LGBT people; disabled people with a wide variety of impairments; parents and carers; and people of different faiths.

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.

We feel that enhancing services and standards for bus users and potential bus users should be the core principle of any franchise. This relates to the social, economic, cultural, and environmental well-being of an area and all the diverse people who live in, work in, or visit the area. Ensuring that SMEs are considered and franchising enables SMEs to participate increases the range of potential service providers and therefore options to enhance well-being, services and their use by everyone.

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?

We feel that Local Authorities should be able to run services directly when this either delivers savings for the same level and quality of service as an external provider or

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where the Local Authority delivering the service would increase the routes, timing of services (for example evenings and weekends), frequency or quality of services. Criteria for improved services should include improved feelings of safety (including tackling anti-social behaviour and hate incidents); improved accessibility (including physical accessibility, services for people with learning disabilities, and accessible information provision); improved driver training (including equality, diversity and accessibility); and improved links with health, community, cultural, sporting, and other activities and services.

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 feel that the criteria used should focus on the accessibility, affordability, and quality of services. Criteria used for decisions and the decisions made should be subject not only to scrutiny, but also to public engagement. Public engagement, in advance of decision-making, should explicitly include people with protected characteristics and requirements to take their views and needs into account. We also feel that money should not be the only criteria for decision-making. Value for money should include impact on the local economy and companies, as well as the economic, environmental, social and cultural wellbeing of people in the area.

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

We feel that the decision whether to provide services directly or through an arms length company should be subject to criteria including value for money, arrangements for public engagement, and social, economic, environmental and cultural wellbeing. These criteria and the proposed decision should be subject to engagement and widely publicised in advance of any decision.

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

We feel the same circumstances apply as for direct service provision, as listed above.

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?

We feel the same safeguards apply to arms lengths companies as to direct provision.

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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?

Participants at our focus groups welcomed the concessionary bus pass. They felt that being able to use their bus pass on buses throughout Wales and by different companies takes the stress and complication out of travelling by public transport. This encourages people to use buses more and assists in addressing social isolation for older and disabled people.

Proposals to align with the pensionable age are understandable in the light of rising costs and reducing passenger numbers. However, for those who are nearing retirement and have planned their finances, this change could have a significant impact on their finances. It is important to ensure this change is not immediate and takes account of the needs of older people on lower incomes.

Additionally, the financing mechanism should be investigated and alternative proposals developed. As mentioned in the consultation, linking the compensation scheme to the adult standard fare provides a disincentive for service providers to reduce that fare. Affordability is a key barrier to public transport use, especially for couples and families. Therefore this mechanism should be amended and incentives provided for reducing fares.

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

We agree with this proposal. It is vital that people who are near 60 and have planned their finances are not suddenly faced with additional costs. Many may find it difficult to re-plan their finances for an increase in the duration where they need to pay for bus 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	✓
No	

Please explain your answer.

A lack of up to date information on bus routes, timetables, fares and tickets is a key barrier to increasing bus use.

Ensuring that information is available and public is vital, both on and offline to meet access requirements.

A range of issues relating to a lack of public transport information was raised by participants in our focus groups. These issues are broader than those in this consultation, but are important considerations.

A key issue raised by participants was the lack of audio and visual information on most buses on the route and the next stop. These **real-time displays both on buses and at bus stops are vital for people with sensory impairments**. Without

audio and visual displays, many people with sensory impairments miss their bus or miss their stop. Displays at bus stops should also announce that the bus is coming and what route it is, so people with visual impairments can get their bus without having to rely on other people at the bus stop to read the information on the front of the bus.

Participants felt there is little information on bus routes and bus stop locations in Cardiff. Some participants highlighted that not everyone is online or have internet on their mobile phones. They felt there is an over-reliance on mobile phone technology to help people find their buses. This leaves people without access without any information and having to search around town for their bus stop.

They suggested interactive maps and information in town in key locations, such as St. David's shopping centre, Queen Street, and central library.

Agreements could be made with shops or services for them to have information and help people find their buses. There could also be an office in the city centre with interactive resources and staff to ask about public transport. This could be co-located with tourist information. Where people can find bus information needs to be clear and widely advertised.

They also felt that there should be someone to ask about bus information and other public transport information. This is particularly important, as there is no central bus station or hub. Participants were aware that buses start and end in different locations in the city, with no shuttle or link between the different routes. They felt this makes it difficult to find the bus they need. Maps and information suggested above help address this issue. They also felt that **there should be people around the city centre at key points who they can ask about where their buses go from and how to get where they want.** Bus drivers should also be more aware of the different bus routes and be able to help people find their busses. The fact that the trains, coaches and buses all have different hubs makes this issue worse.

Some participants stated that being familiar with the bus routes and train routes helps them to have good experiences using buses and trains. One participant highlighted that they know exactly where they are going, but if bus routes change they panic and it makes them anxious. **When bus routes change there must be clear information on posters at bus and train stations, and in central locations, as well as on the buses.** This would ensure that people who do not have access to online information are made aware of changes and can plan effectively.

Participants felt that integrated ticketing across all forms of public transport in a region is a good idea. They highlighted international examples of integrated transport systems such as Germany (Berlin in particular), and Mumbai. They suggested that Wales should explore regional and national integrated ticketing options.

They felt that **links between the different systems and transport companies are vital to developing an integrated transport system.** Participants felt the current bus system is complicated. Some give change and others do not, different companies charge different prices and there is no way of getting tickets that can be used on both company's buses. This means you have to know all the bus companies and routes for the whole of your journey before you use it and often have to wait for a bus from the right company, rather than getting on the first bus that comes along. This makes travelling by bus confusing, hard and stressful. Having an option of an

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integrated ticket that you could use on any bus would take the stress and complication out of travelling. **Any integrated ticketing system must be easy to use and include ways of purchasing tickets that do not require a bankcard.**

This is vital to ensure it is accessible to all disabled people.

The whole system needs to be **easy to use from door to door anywhere in a town, city or region and link with long-distance transport.** One specific suggestion in South East Wales was that local trains to the Vale of Glamorgan and the Valleys from Cardiff, especially with park and rail systems, should be part of an integrated transport and ticketing system. Participants highlighted that the system and tickets must be easy to understand and use. Offline information and accessible information is important for people to be able to use the 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.

We feel that a much wider range of information on services is important to ensure that affordability, accessibility, integration, and quality of bus services can be improved. This needs to include information about user groups and service satisfaction and issues.

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.

We feel that it is important for the public to know what minimum standards they can expect throughout Wales. We also feel that national parity would be beneficial to owners and drivers of taxis and PHVs.

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

Accessibility should be part of national standards. In addition to minimum accessibility standards and training for drivers, there should be a register (on and off line and in a variety of languages and formats to meet all access requirements) of

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numbers of accessible vehicles and the specific access features of vehicles operated by companies. This will ensure easy access and choice for disabled people who often face barriers to accessing taxis and PHVs.

We feel that national minimum standards are essential for both taxis and private hire vehicles to address equality concerns. We are aware of situations where people have been passed by when hailing taxis if they are a wheelchair user or use other walking aids, such as sticks or crutches. There should be an enforceable obligation to stop placed on taxis and an obligation to send appropriate vehicles when requested on private hire companies, or to give a reason why they cannot meet a specific need.

Given the range of issues disabled people can face using taxis and private hire vehicles we recommend that national minimum standards include comprehensive disability equality training for all drivers and dispatchers. This course must cover a range of impairments, including mobility impairments, learning disabilities, mental ill health, sensory impairments, and cognitive impairments. It should include understanding of the social model of disability; language and terminology; and etiquette in addition to specific taxi accessibility issues and solutions in practice.

These courses should be delivered by disabled people/equality organisations and accredited as a national scheme. This would ensure high quality training and overcome some of the attitudinal barriers to accessing taxis and private hire vehicles, in addition to practical access solutions and using access equipment.

We also feel that minimum standards could ensure that accessible taxis are available in all areas of Wales, both in terms of wheelchair accessible taxis and in terms of taxis with a range of other accessibility features.

We feel that minimum standards should include ensuring that information on accessibility features available in local taxis and private hire vehicles should be compiled, published, and publicised. This would ensure that disabled people can make accurate decisions on whether they will be able to access a vehicle and which company to use. This information must be required to be in Plain English and Cymraeg Clir as standard with the availability of accessible formats clearly advertised.

We welcome flexibility for local authorities to set additional standards, based on local circumstances. However, for this to work effectively it must be clear that national minimum standards are not aspirational, but the absolute minimum that is expected. Local authorities should be encouraged to go beyond minimum standards when this is possible and would improve accessibility, safety, affordability or quality of journeys for passengers.

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

We feel that there should be wide engagement with people in Wales. This should specifically include people with protected characteristics, both in terms of safety and the discriminatory comments people have faced from taxi and PHV drivers and operators and in terms of accessibility for disabled people with a wide-range of impairments, including learning disabilities and mental ill health, as well as a range of physical and sensory impairments and health conditions.

The issues raised in this process should be key to setting standards in consultation with local authorities and taxi and PHV operators and drivers.

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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.

We feel that enforcement action should be carried out regardless of where the vehicle or driver is registered. However, in practical terms it will be essential for the enforcing authority to liaise with the authority that issued the licence and for mechanisms to be established to ensure access to this information for all local authorities. This reduces the risk of drivers, operators or vehicles whose licence has been suspended or revoked moving and applying for a licence in another local authority. This is important in terms of public safety and confidence

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.

Our answer to question 29 addresses this issue.

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.

We feel that the ability to share information in relation to revoked or suspended licences and other safeguarding concerns, including concerns that lead to not issuing a licence, need to be shared between local authorities. This is to ensure public safety and confidence.

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)?

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Yes	
No	

Please explain your answer.

We feel that a national licencing authority is more likely to remove variations in standards and enforcement. However, we are concerned that establishing such a body is a long and complex process. We feel that at a time of reducing public finances the costs of establishing a new body and transferring the wide range of functions proposed should be fully considered. We are concerned that if there is a cost to this proposal it will divert funding from public service provision and funding that people rely upon. There is evidence that spending reductions have had a disproportionate impact on some groups, including women; disabled people; single parent families; and some BME groups. Any further reduction to public spending could have a serious effect on these groups.

If the proposed option does not incur increased costs then consideration must be given to a phased establishment and transfer of powers, to ensure there is no impact on safe, reliable, and effective taxi and PHV services, especially for disabled people, in the interim period.

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:

Participants at our focus groups have raised a range of issues which impact on their ability to use buses and public transport. These issues have been raised by individuals with protected characteristics, in particular disabled and older people. The additional comments below are in addition to the equality impacts we have raised throughout our response.

Some participants at our focus groups felt that buses not having seatbelts deterred them from using buses with young children and for some disabled people. They felt that all buses should have safety belts as standard. They suggested seatbelts should become part of safety standards for buses.

Some participants felt that bus drivers in Cardiff are under a lot of stress and pressure. Congestion in Cardiff makes this worse. They had experiences of bus drivers being less friendly and patient than they should be. Some participants had also experienced bus drivers getting far too close to cyclists or pedestrians and felt **there should be more training and understanding to better cater for both bus users and active travel users.**

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

Please explain your answer.

The current level of expertise in the public transport discipline within local authorities is reducing, due to continuing budget reductions; it is making it harder to transport services such as deliver bus planning and delivery of services. Therefore being able to identify ways enhance current working relationships across government can only further benefit the delivery of services to the public and ensure users of public transport, have improved connectivity.

By having a consistency in standards across all of Wales, this will ensure where services cross borders between regions the same standards of provision can be assured. A joined up approach to enable the delivery and integration of services requires greater detail from Welsh Government, before any agreement can be discussed. We must be cautious that any changes must be efficient and effective to ensure we provide value for money. It is also important that local communities are able to engage and be consulted as part of the decision making, in order to ensure ownership in future investments, therefore the governance that enable any changes to occur need careful scrutiny.

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

Working across the whole of Wales will be a challenge, due to the distances and specific requirements of each region. A smaller “regional delivery “JTA” aligned to city and growth deal areas, would ensure local governance. The local authority process of governance and scrutiny that ensures public accountability and acceptance regarding decisions, and therefore the delivery on our local transport networks should remain as part of the local government remit, and our future working relationship with TfW needs clarification in order to ensure accountability and scrutiny continues at a local level.

The regions continuing involvement in developing these emerging processes, of updating and of identifying how any proposed new process might affect the delivery to the public. We continue to work across the current TraCC area which includes Meirionnydd area of Gwynedd as our partnership has brought benefits to all three local authorities; therefore we consider a JTA model of 1+4 should be the model going forward. It is important going forward that local input is continued as its impertinence in understanding local constraints and local knowledge at the point of delivery.

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

The role of regional consortia's in the past was an effective way to deliver transport planning and programme delivery, and could be reconstituted to govern regionally and work along-side TfW to deliver integrated transport.

It is important the Mid Wales region body is resourced to deliver the appropriate governance and public accountability ensuring that a closer understanding and working relationship with local delivery is achieved.

Wales worked previously across four Transport Consortia areas, therefore there is already an understanding of the type of work streams required to take forward delivery at the regional 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?

We would welcome the involvement of the Welsh Ministers, as this would reinforce the government's commitment to delivery, and allow them an understanding of constraints to local delivery. Minister's involvement can only benefit the delivery of policy and strategy going forward.

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 power to direct local authorities should always only be used as a method of 'last resort'. Where there are failings to deliver in line with guidance. There should always be a willingness to work together to resolve issues.

The details of how the relationship between Regional Delivery Boards/JTA's/Regional and Welsh Government is unclear and further details are required regarding the relationship before comments can be made regarding the need for powers to issue guidance and directions.

Our Local Authorities always welcome guidance, to assist with delivery of a consistency in approach.

Proposed JTA Functions in relation to buses

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

How the two levels (national and regional/local) relationship are proposed to interact and collaborate with each is not fully understood, and therefore before any relationship can be considered fully further information is required.

Currently there are a number of skills within the local authorities and where possible these skills should continue to be utilised and built upon with the local areas, as it is

vitaly important to retain employment in Mid Wales.

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

At this stage local authorities do not feel able to highlight any functions to be transferred. Our local authorities are in principle opposed to the inclusion of Highways Management and Winter Maintenance, unless a comprehensive business case is prepared and accepted by all key stakeholders, proving that there are financial and operational efficiencies to be gained by establishing a JTA.

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.

Before additional legislation is brought forward there needs to be a full evaluation and consideration of need. In the past local authorities, bus operators and Welsh Government have worked together successfully. However, seeking consensus can be time consuming and often results in compromises that work for individual local authorities and/or bus companies, but do not deliver to original desired outcomes. It can be difficult to achieve consistency of product and connectivity in the delivery of both local and national bus network due to funding restrictions; therefore it can fall short of the expected delivery. Our routes are not very often commercial and therefore there is never competition along corridors, unless our services are travelling out of area into heavy populated urban areas, and therefore our working with the Welsh Government in collaboration has been the only option available

The proposed new enhanced quality partnerships could provide a further tool for local authorities. It could see better dialogue with operators and a more joined up approach to network planning, providing connectivity between services and models of transport. We would require further information regarding the proposed new legislation, before commenting further

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.

Enhanced Quality Partnerships - further powers to enable local authorities to work collaboratively with operators is welcomed, however in rural areas where the services are usually 100% supported there is little competition to run services.

Requirements for improved compliance with service standards and quality can already be written into contracts. We would always prefer voluntary arrangements to

be used wherever possible, and only using legislation as a last resort, and the process of decision making must always put users and communities at the centre of the decision making process, to ensure ownership of changes and support for investment.

Without see the business case and proposed process to be undertaken and administered, it is difficult to assess whether an EQP would be used. Monitoring of the EQP and the requirement for operators to analyse the network with a view to establishing whether it is delivering and meeting local needs, may put off operators from becoming involved in the processes.

The ability for local authorities to increased partnership working and plan to deliver improvements will be dependent upon the adequate resources being made available. Currently local authorities are experiencing a reducing workforce and skills therefore without increased funding to put in place the skills, change is unlikely to be achievable.

Therefore this function should only be implemented by a Joint Transport Authority that has access to adequate resources to achieve a consistence of delivery for all of Wales.

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 proposed legislative and decision making process for franchising changes may require further work and over that which is currently required. Currently resources are already constrained and therefore providing additional requirements that will not provide any additional benefits would not be welcomed.

The current tendering process means that operators could make a bid to run the service which is unsustainable and therefore pull the contract when it doesn't achieve the profits predicted, leaving the local authorities having to pay additional amounts to ensure the services are continued to be delivered.

The new franchising model would ensure a minimum price is paid to an operator to run the service which should ensure long term sustainability of services and our operators which is important. However the delivery of a franchise will require additional resources within local authorities, therefore any delivery of a franchise should only be undertaken if additional resources are allocated to run public transport. Currently without a business case to consider we are unable to assess the impacts.

It is important that the franchise model enables small SMEs to be able to compete on a level playing field with large companies, in order that this does not disadvantage our small operators in Mid Wales.

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.

The requirement to undertake auditing and the value this brings to be considered carefully, it is important that the consequences of having excess amounts of bureaucracy doesn't make processes cost prohibitive.

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

None.

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?

As previously expressed, in order for any new arrangements to be administered by local authorities they would require appropriate resources to be available, therefore the issuing of permits should only be implemented by a joint transport authority that is appropriately resourced.

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.

In the Mid Wales Region the small and medium sized bus operators are important to the local economy and therefore we would want to see every effort made to involve them in the retention and improvements of skills and knowledge to enable them to be part of a new delivery model and ensure local employment is secured, sustained and assisted to grow.

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 business case should consider this and ensure a process is put in place with agreement with both operators and local authorities to ensure sustainability of the current services

Local authority bus services

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

If local authorities were to run their own bus services, the only circumstances which would deem this appropriate is when profits are reinvested back into the bus services, and there the appropriate controlling legislation is enacted. This new process would require local authorities to require additional resources to undertake this new process.

Local government run bus provision would ensure local knowledge and skills are not lost.

This type of intervention would not insure low-fares, higher frequencies and higher usage. The funding made available to running services need to rise and fares need to be reduced.

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

As Above

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?

As Above

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

There is currently insufficient information relating to how this model would work therefore without a business case to consider, we are unable to form a view

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

AS Above

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 Above

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?

Before a decision is made to change the concessionary fare criteria, there needs to be a full understanding of the social consequences of such a decision, and a full evaluation of options that might be considered.

e.g.

- Consideration of the Wellbeing and Future Generations Act, and its compliance with the Act.
- Consideration of whether there is an opportunity of introducing fees or low cost fares
- Consideration of the economic and social impact of restricting travel opportunities.

Any cost savings made from the implementation of policy changes should be recycled into either EQO's or cheaper fares. Alternatively, the age criteria could remain the same and the reimbursement rate could be reduced. Whatever proposal come forward, it is clear that in order to affect change and encourage the public to use public transport, there needs to be an increase in the funding.

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

If the government were minded to make changes to the current criteria then incremental changes would be the most appropriate method.

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.

In order to achieve high quality up-to-date information it is necessary to have access to accurate information and therefore part of this is to have access to operators contribute to providing information. The model going forward whether it is via a franchise or permit would need to require this compliance as condition of contract, and therefore we would support the release of open data on routes, timetables, fares and tickets.

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.

As above.

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.

This is consistent with the previous consultation work undertaken between the Wales Heads of Environmental Health's 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.

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 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, and local area knowledge).
- Foreign driving licences

In addition, the Panel 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. 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), although this is in need of updating.

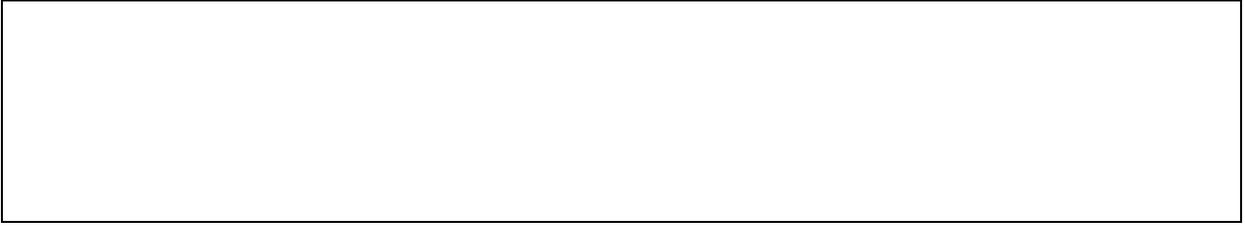
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

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 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 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.

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.

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
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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.

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.

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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. A Ceredigion representative sits on this Group.

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.

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.

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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.

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. 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 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.

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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.

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.

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. 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

Q36a. 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:

We have no further comments to make.