

CONSULTATION ON: PROPOSALS FOR A  
PUBLIC TRANSPORT USERS' COMMITTEE  
FOR SCOTLAND

**December 2005**

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# **SCOTLAND'S TRANSPORT**

## **CONSULTATION PAPER ON THE FORM, REMIT AND MEMBERSHIP OF THE PUBLIC TRANSPORT USERS' COMMITTEE FOR SCOTLAND**

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## **Ministerial Foreword**

The Transport (Scotland) Act 2005 received Royal Assent on 5 August. It places a duty on Scottish Ministers to establish a Public Transport Users' Committee for Scotland.

Nicol Stephen, the then Minister for Transport, gave a commitment during the passage of the Bill in Parliament to establish a multi-modal Public Transport Users' Committee and stressed the importance of consulting on the details of the new body prior to creating it.

I believe that for this influential body to represent effectively the interests of public transport users, the views of users, potential future users and providers on the establishment of the committee must be taken into consideration. I believe strongly that the consultation should be wide-ranging because public transport provision affects all of us.

In this consultation paper, options are explored and your views are invited. I would also welcome your views on any alternative suggestions you may have.

A handwritten signature in black ink that reads "Tavish Scott". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

**Tavish Scott MSP**

Minister for Transport  
December 2005



## 1. Summary

### ***Why are we consulting?***

- To gather the views and opinions of users, providers, existing representative bodies and wider groups generally to ensure that the new Public Transport Users' Committee (PTUC) can effectively represent public transport users and potential future users and become an influential body.
- To ensure that a range of modes of transport are represented and that the new body has the appropriate structure and form.

### ***What are we consulting on?***

- This consultation seeks your views on:
  - What form the new body should take.
  - What the relationship with existing bodies should be.
  - What the remit of the new body should be.
  - Who should be on the new body.
- We are also interested in **any wider views** you may want to put forward on the proposals.

### ***Who may have an interest in these proposals?***

- All transport users.
- All potential transport users.
- Bus User Complaints Tribunal, Mobility and Access Committee for Scotland, Shipping Services Advisory Committees, Rail Passenger Council and the Scottish Consumer Council.
- Transport service providers.
- Organisations representing key transport user groups.

## **2. Legislative context - The Transport (Scotland) Act 2005**

1. Section 41 of the Transport (Scotland) Act 2005 states that the Scottish Ministers shall, by order, establish a body corporate to be known as the Public Transport Users' Committee for Scotland.
2. The Transport (Scotland) Act 2005 provides the Scottish Ministers with flexibility to determine the constitution and membership of the PTUC.
3. The PTUC may consider and make recommendations to Scottish Ministers about any matter relating to public transport services in, from or to Scotland and it shall consider and make recommendations about any other matter if asked to do so by Scottish Ministers.
4. Additionally, Scottish Ministers may confer further functions and make changes to any function of the Committee relating to public transport services or facilities; remove functions from the Committee and transfer any function of the Committee to another person (including the Scottish Ministers).
5. The Committee shall have regard to any written guidance issued to it by the Scottish Ministers and comply with any written direction given to it by them, as to how it is to discharge its functions.
6. The Act defines public transport services as all those services (including ferry services used also for carrying freight) on which members of the public rely for getting from place to place when not relying on facilities of their own but does not include:
  - services provided under permits under section 19 of the Transport Act 1985 (9c67) (permits in relation to use of buses by educational and other bodies) other than services provided wholly or mainly to meet the needs of members of the public who are elderly or disabled;
  - excursions or tours.

### **3. The existing framework for user representation**

#### **RAIL PASSENGERS' COUNCIL (RPC)**

7. The objectives of the new Rail Passengers' Council are as follows:

- to act as a rail passenger organisation that secures improvements to services, providing help, advice and information to customers;
- to help form the development of main policies, procedures and regulation of matters affecting rail passengers;
- to act as a national campaigning and lobbying organisation, with more emphasis on research and publishing;
- to reduce complaints made by passengers through driving up the quality of service levels and passenger interfaces, as well as raising the profile of RPC amongst all passengers.

8. The Rail Passengers' Council replaced the 8 regional Rail Passengers' Committees as a GB-wide rail passenger consumer body.

9. The Chairperson was appointed by the Secretary of State for Transport, and the Board of the Council is composed of not more than 16 members. The Scottish Ministers, National Assembly for Wales and the London Assembly appointed a member each. The other 12 appointees were decided by the Secretary of State after consultation with the Chairperson. The staffing structure is headed by a Chief Executive who is responsible for the delivery of RPC objectives.

10. The RPC was created under section 19 of the Railways Act 2005. The board meets at least twice a year or at the request of the Chairperson whenever he sees fit, or by the request of 3 other members of the Council. The RPC is funded by the Department for Transport.

#### **BUS USER COMPLAINTS TRIBUNAL (BUCT)**

11. The Transport (Scotland) Act 2005 provides for the extension of the Bus User Complaints Tribunal's remit to include scheduled services which are not classified as local services. This change allows BUCT to deal with complaints regarding coach services and is consistent with the intention of the Transport (Scotland) Act 2001 that the Tribunal cover all scheduled bus services which are available to the general travelling public.

12. Scottish Ministers specified that the overall aim of BUCT shall be to provide bus users with a voice in securing better bus services through the introduction of a statutory appeals procedure in the event that a bus operator does not satisfactorily resolve a complaint.

13. The BUCT Regulations 2002 were made under Section 41 of the Transport (Scotland) Act 2001. BUCT was established in 2002 and in its short lifetime has made some progress in becoming the public representative of the bus user in Scotland. In 2004 the Tribunal dealt with 126 relevant complaints and 167 complaints in total, of which they made determinations in 47 cases and referred 28 cases to the Traffic Commissioner. The Regulations give BUCT the following powers, duties and functions:

- the power to determine any written complaints made by or on behalf of any individual about the manner in which a relevant complaint has been dealt with or appealing a decision made on a relevant complaint;
- the power in making determinations to require the payment of compensation by a bus operator;
- the duty to consult bus operators, and any other relevant parties, regarding complaints about registered local bus services;
- the duty to consider any appeals from bus operators in relation to the payment of compensation;
- the duty to make reports arising from complaints to Scottish Ministers;
- the duty to make reports arising from complaints to the Traffic Commissioner; and
- the functions to acknowledge, receipt and register written complaints made in accordance with the regulations.

14. A "relevant complaint" is defined in the 2001 Act as any written complaint made by or on behalf of any individual to an operator of local or scheduled coach services which relates to the operation of any local or scheduled coach service operated by such operator.

15. In practice this means that BUCT deals with any relevant complaints which have not been satisfactorily resolved by a bus or scheduled coach operator in the first instance.

16. BUCT membership comprises a Convenor and 2 members who all have considerable experience of the bus industry and public transport generally.

17. BUCT is funded by the Executive. The administration is provided by DfT as it was decided that there were synergies in placing BUCT within the Traffic Commissioner's regulatory orbit.

### **SHIPPING SERVICES ADVISORY COMMITTEES (SSAC)**

18. The proposed 5 new-style SSACs would cover Hebrides North, Hebrides South and the Clyde ferry services areas, plus separate committees for Orkney and Shetland. The new-style SSACs could:

- comment to subsidised ferry operators in the Clyde, Hebrides and Northern Isles as appropriate on local operational matters, including operators' route development proposals, issues with timetables and fares etc;
- consider local customer complaints and refer matters to the Scottish Ferry Committee (SFC) if appropriate or unresolved;
- respond to requests from the SFC for comments on particular matters;
- report annually to the SFC on local SSAC activities, for subsequent SFC reports to Scottish Ministers;
- in the event that subsidised routes are proposed for withdrawal, to consult with users and report to the Scottish Ministers through the SFC.

19. Three initial SSACs were established some years ago by CalMac to provide a mechanism for local consultation on operational matters.

20. New-style SSACs are likely to consist of nominated representatives from local authorities and other interested bodies e.g. hauliers, freight bodies, National Farmers' Union of Scotland etc. as was the case in each of the previous 3 areas.

21. New-style SSACs would be established voluntarily by interested parties. In practice, the Minister would simply write to local authorities in the areas concerned inviting them to establish such committees in line with his thoughts on remit etc. Local authorities have already agreed to this in principle, subject to clarification of some details e.g. funding.

22. Future costs of new-style SSACs are to be met by Scottish Executive grants.

## **SCOTTISH FERRY COMMITTEE (SFC)**

23. Scottish Ministers have already consulted on their proposals to establish a 2-tier arrangement: a new SFC to consider strategic long-term issues and new-style local Shipping Services Advisory Committees (SSACs) to consider operational issues such as timetables and route development. The Scottish Executive is currently developing these proposals with a view to the committee and new-style SSACs being set up during 2006. Its broad remit would be to:

- be consulted by Scottish Ministers on ferry matters in Scotland and to prepare reports on ferry topics as requested by Scottish Ministers. For example, it might be asked for long-term views on whether Clyde and Hebrides Ferry Services routes could be configured in different ways, to consider options for new routes and whether fares could be better structured to reflect different levels of isolation, economic fragility etc. between different islands;
- consult with SSACs on possible future route developments and feed these to the Scottish Executive for consideration;
- comment to the Scottish Executive when asked on future research projects;
- consider strategic or unresolved complaint cases that are referred to it from the SSACs, and if necessary refer matters to the Scottish Executive;
- report on an annual basis to the Scottish Ministers on the Committee's work, including input from each of the SSACs, reporting on their activities. In essence, the SSACs would report to the Scottish Ministers through the SFC;
- provide a focus for the views of SSACs to the Scottish Ministers on future service developments.

## **AIR TRANSPORT USERS COUNCIL (ATUC)**

24. Section 4(1) (b) of the Civil Aviation Act 1982 gives the Civil Aviation Authority (CAA) a duty to "further the reasonable interests of users of air transport services." The CAA established the Air Transport Users Council (ATUC) to assist it in that duty.

25. The ATUC consists of the Chair and not more than 19 and not less than 11 members. Appointment of the Chair is made by the CAA. Appointment of members is made by the CAA on the advice of the Chair of the ATUC. Such appointments are for a term of 3 years which may be renewed for a maximum of one further term of 3 years. However, the fact that a member has served for a maximum period will not necessarily preclude his or her serving as Chair beyond the end of that time. No employee of the

CAA may be a member of the ATUC. Members are appointed as individuals and not as delegates of any particular interest group. They represent as wide a range as possible of personal experience as users of air transport services.

26. Functions of the ATUC:

- to investigate complaints against the suppliers of air transport services where the person or body aggrieved has not been able to obtain satisfaction from the supplier concerned and to seek a resolution where appropriate;
- to advise passengers, either directly or through the media, on how to make the best use of air transport services including, where appropriate, the publication and promotion of educational and statistical material;
- to formulate and promote policies furthering the reasonable interests of passengers and to represent them to regulatory authorities (both in general and in relation to specific proposals), service providers and the media;
- at the ATUC's discretion, to co-operate with or be a member of any airport consultative committee;
- at the ATUC's discretion, to co-operate with or be a member of any consumer group, national or international, which can further the reasonable interests of passengers;
- to carry out or commission research in support of the above objectives, if appropriate.

27. The ATUC is funded by the CAA. It is permitted to obtain additional project funding and co-funding from other sources. The ATUC makes an annual report to the CAA and publishes it. Operational and financial objectives and performance indicators are agreed from time to time with the CAA. The ATUC is subject to CAA internal audit requirements.

**MOBILITY AND ACCESS COMMITTEE FOR SCOTLAND (MACS)**

28. The MACS Regulations 2002 were made under Section 72 of the Transport (Scotland) Act 2001. MACS is an advisory Non Departmental Public Body (NDPB) and was launched in May 2002. It was established to advise the Scottish Ministers on the transport needs of disabled people and how to improve the accessibility of transport, more specifically to:-

- give Scottish Ministers advice on aspects of policy affecting the travel needs of disabled people;

- take account of the broad views and experiences of disabled people when giving advice;
- ensure that disabled people throughout Scotland are aware of travel developments which affect their mobility, choices and opportunities;
- work closely with the Scottish Executive and ensure that MACS work programme complements work being undertaken by the Disabled Persons Transport Advisory Committee (DPTAC), the Disability Rights Commission and other organisations in the voluntary and statutory sector;
- promote the travel needs of disabled people with transport planners and operators so that these are fully taken into account in the delivery of services;
- monitor and evaluate the effectiveness of their work against the above aims and objectives in improving travel opportunities for disabled people in Scotland.

29. MACS holds 6 main committee meetings per year. Members are also involved in a number of working groups. Each year MACS issues a Programme of Work and produces a report which is laid before Parliament. Since 2002 MACS has responded to over 24 consultation documents and taken part in more than 23 working groups.

30. MACS membership comprises a Convenor and at least 9 but not more than 14 other members appointed by Scottish Ministers following an open recruitment process. At least one half, including the Convenor, must be disabled. Members are invited to serve for 3 years.

## **DEVOLVED AND RESERVED MATTERS**

31. BUCT and MACS are statutory bodies dealing with devolved issues. The proposed non-statutory ferry committees would also deal with devolved issues. The RPC and ATUC are reserved to Westminster.

## **USER REPRESENTATION IN OTHER PARTS OF THE UK**

32. The London Transport Users' Committee (LTUC) covers a specific geographic area, as will the PTUC. Its remit is to investigate suggestions and complaints from users who are dissatisfied with the response received from the service provider and to promote integrated transport policies and press for better public transport services, higher standards of quality, performance and accessibility; and to conduct research, produce publications, liaise with service operators, transport regulators and local authorities. In turn, transport operators must consult with LTUC on any proposed changes to their

services or closures of lines or services. The remit covers transport in and around London including the Underground, the National Rail network, London's bus network, Docklands Light Railway, Croydon Tramlink, taxis and other users of the Greater London road network.

33. The Transport (Wales) Bill proposes powers for the Welsh Assembly Government to establish a PTUC for Wales.

34. The General Consumer Council for Northern Ireland is a statutory body whose aims are to promote and safeguard the interests of all consumers in Northern Ireland. The Council campaigns on behalf of consumers for the best possible standards of service and protection; undertakes research and data collection; gives advice and information and issues publications. It deals with individual complaints about passenger transport, coal, natural gas and electricity. The Council meets regularly during the year and has statutory Groups (or committees) for energy, food and transport together with a consumer education Group.

#### **4. Form and structure of the PTUC - Options**

35. In setting up a Public Transport Users' Committee, we would like to achieve an overarching body with a high-level advisory remit, an influential and respected body that gives passengers a voice. It should not deal with individual complaints (although these could be handled by a sub-committee) because arrangements already exist for passengers to take up complaints with operators and, if they are not satisfied, to take them further. The PTUC would build on the best of the existing (or proposed) bodies and work with them rather than against them. The PTUC could through either of the options set out below have an input and be involved in high-level, strategic issues such as integration, equal opportunities, accessibility, aggregate complaints, the National Transport Strategy and concessionary travel.

##### **Option 1: Create one integrated high-level committee incorporating mode-specific sub-committees**

36. One integrated high-level committee with mode-specific sub-committees is possible. The functions of the proposed SFC could be taken on by the PTUC and dealt with by a sub-committee leaving the new-style SSACs to deal with individual complaints, although the PTUC's ferry sub-committee might deal with unresolved issues referred to it by the SSACs. The functions of MACS could be incorporated into the PTUC and be carried out by a sub-committee which would build on the excellent work of MACS and set its functions in a wider context. The functions of BUCT could be incorporated into the PTUC and be carried out by a bus sub-committee with an expanded remit to cover all aspects of bus user representation, although this would involve the PTUC's bus sub-committee in individual complaints. Sub-committees would be largely self-directing but would be answerable to the main PTUC. By working closely with them, the PTUC could complement the work of the reserved bodies ATUC and RPC.

37. Advantages of this option are that it would provide a consistent, manageable structure for the PTUC that would maintain the benefits of having customised sub-committees, while still creating a body with real influence based on a hierarchy of passenger interests. Gaps identified in user representation could be filled. This would enable bus users, whose representation is disproportionately low compared to other modes, to be more comprehensively represented. There may also be scope to deliver best value benefits by having the sub-committees serviced by a shared administrative unit or secretariat. There would be a clear message that the main PTUC would not deal with individual complaints.

38. Disadvantages of this option are that it would be legally complicated to recreate MACS and BUCT as sub-committees of the PTUC. The reserved ATUC and RPC would not be incorporated in the PTUC, so user representation of modes of transport would still reflect the devolution settlement.

### **Option 2: One umbrella body superimposed on the existing bodies**

39. The new PTUC could be an umbrella organisation working closely with and involving the existing bodies but having no statutory relationship with them. Its remit could be entirely separate from the existing bodies. It could provide a forum for members of the existing and other interested bodies to come together.

40. Advantages of this option are that it does not require the dismantling of any of the existing arrangements. It would maintain the benefits of having customised bodies and would be able to complement their work whilst adding a multi-modal perspective to transport users' needs.

41. Disadvantages of this option are that, due to the very varied nature of the remits and functions of the existing and planned bodies, it would be very difficult for the PTUC to avoid duplication. It is reliant on the existing and planned bodies working closely together and it is likely that such a forum would be less influential.

### **Scottish Executive's preferred option**

42. The Scottish Executive's preferred option is Option 1: creating one integrated high-level committee incorporating mode-specific sub-committees. While it is recognised that this option may cause disruption in the short term, there are potential benefits for users in the long term because it would provide a simple structure which would be easy for users to understand and engage with. Furthermore, it would reduce the total number of user representation bodies and the number of public bodies which is in keeping with the principles of best value and efficient government. Under this option the PTUC could address identified shortfalls in user representation especially with regard to bus users and work in close partnership with the RPC and the ATUC.

**Question 1:** Which option do you believe would best deliver an effective PTUC?

**Question 2:** Do you have any alternative suggestions of how the PTUC could be structured?

## 5. Remit and function of the PTUC - Overview of possibilities

43. It is essential that the remit of the PTUC is clear. It needs to avoid duplication of responsibilities, seek co-operation on issues of common interest, provide value for money, avoid unnecessary disruption to existing arrangements; and avoid interfering unnecessarily in provider/customer relationships.

44. The PTUC's remit could include:

- representing all users and potential users of public transport in Scotland, and cycling and walking interests;
- engaging with and complementing the work of existing, proposed and new bodies, as well as users and providers;
- giving advice and making recommendations to the Scottish Ministers regarding the promotion and improvement of integration, safety, the environment, sustainable transport, social inclusion, accessibility and economic growth;
- advising Scottish Ministers on strategic issues, either at their own instigation or at Scottish Ministers' request;
- inputting into the development of national and regional strategies and accessibility policy;
- producing an annual report for Scottish Ministers highlighting issues of concern to travellers;
- undertaking research;
- requesting reports from mode-specific bodies;
- referring matters to the Scottish Ministers for consideration by them.

45. The PTUC should **not** deal with day-to-day issues such as individual complaints between users and individual providers. Local operations or licensing should also **not** be dealt with by the PTUC.

### What do you think?

**Question 3:** What do you believe should be included in the remit of the PTUC?

## 6. Relationship of other user representation bodies with the PTUC

46. The PTUC will have an interest in Scottish rail issues and will need to work in close partnership with, but not duplicate the work of, the RPC. It is vital that the PTUC complements the work of the RPC and does not create confusion for rail passengers. To this end the PTUC should leave the RPC to deal with unresolved individual complaints in relation to rail.

47. The PTUC could offer a users' perspective on development of policy on devolved aviation issues and engage with the ATUC as appropriate. It is vital that the PTUC complements the work of the ATUC and does not create confusion for air passengers.

48. The PTUC could also engage with the statutory regional transport partnerships on issues such as integration, development of policy and accessibility. It is also expected that the regional transport partnerships would consult the PTUC on their regional transport strategies.

**Question 4:** In what way do you envisage the PTUC interacting with users or your organisation?

## 7. Membership of the PTUC - overview of possibilities

49. Transport providers, operators and consumer groups are also key stakeholders with valuable contributions to make to the improvement of public transport services. Membership could include passenger representatives from rail, bus, ferry and air plus a selection from cross-modal groups appointed on individual merit. The membership of the PTUC should provide a broad geographical representation.

50. There is a wealth of experience of individuals, bodies and groups who deal with user representation, as well as users themselves. Key stakeholders already highlighted in this consultation include the RPC, SSACs, BUCT, ATUC and MACS.

51. Appointments to the PTUC will be made in accordance with the Commissioner for Public Appointments in Scotland's Code of Practice which regulates the process by which appointments are made by Scottish Ministers to those public bodies falling within her remit.

**Question 5:** Should PTUC membership seek to include passenger representatives covering rail, bus, ferry and air or should the focus be on an individual's ability to contribute at a strategic level?

**Question 6:** What essential skills and knowledge should a member of the PTUC have?

## 8. Conclusion: Please give us your views

52. In summary, we would welcome views on the following questions:

**Question 1:** Which option do you believe would best deliver an effective PTUC?

**Question 2:** Do you have any alternative suggestions of how the PTUC could be structured?

**Question 3:** In what way do you envisage the PTUC interacting with users or your organisation?

**Question 4:** What do you believe should be included in the remit of the PTUC?

**Question 5:** Should PTUC membership seek to include passenger representatives covering rail, bus, ferry and air or should the focus be on an individual's ability to contribute at a strategic level?

**Question 6:** What essential skills and knowledge should a member of the PTUC have?

You can let us have your views in the following ways:

- By post to:

Tash Farrell  
Local Authority & Partnership Liaison Team  
Transport Strategy Division  
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Victoria Quay  
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You can also request extra copies of this document from this address.

- By email to: [transport@scotland.gsi.gov.uk](mailto:transport@scotland.gsi.gov.uk)

The closing date for the consultation period is **22 March 2006**

You can also view this document on the Scottish Executive website

[www.scotland.gov.uk](http://www.scotland.gov.uk). If you have any queries, or require copies of this document in alternative formats, please contact Tash Farrell on 0131 244 4010.

## **9. List of Consultees**

53. In addition to making this consultation document publicly available via the Scottish Executive website, we are circulating it to the following:

- Air Transport Users Council
- Business sector including Enterprise Networks
- Bus User Complaints Tribunal
- Clerk of the Local Government and Transport Committee
- Community Planning Partnerships
- COSLA
- Cycling Groups
- Disability Rights Commission
- Equal Opportunities Commission
- Freight groups
- Commission for Racial Equality
- Local Authority Chief Executives
- Mobility and Access Committee Scotland
- Other Government departments
- Rail Passengers' Council
- Representative user groups
- Shipping Services Advisory Committees
- Trade Unions
- Transport academics in colleges/ universities
- Transport lobby groups
- Transport sector
- Voluntary sector /community groups or umbrella groups

However, if you think anyone else or any other organisation should receive a copy, please let us know. Contact details are given in section 8.