



SCOTTISH CONSUMER COUNCIL

**RESPONSE TO THE
INTEGRATED TRANSPORT BILL:
THE EXECUTIVE'S PROPOSALS**

MARCH 2000

**The Scottish Consumer Council's response to the
Integrated Transport Bill: The Executive's Proposals**

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THE SCOTTISH CONSUMER COUNCIL

The Scottish Consumer Council (SCC) was set up by government in 1975. Our purpose is to promote the interests of Scottish consumers, with particular regard to those people who experience disadvantage in society. While producers of goods and services are usually well-organised and articulate when protecting their own interests, individual consumers very often are not. The people whose interest we represent are consumers of all kinds: they may be patients, tenants, parents, solicitors' clients, public transport users, or simply shoppers in a supermarket.

Consumers benefit from efficient and effective services in the in the public and private sector. Service-providers benefit from discriminating consumers. A balanced partnership between the two is essential and the SCC seeks to develop this partnership by:

- carrying out research into consumer issues and concerns;
- informing key policy and decision-makers about consumer concerns and issues;
- influencing key policy and decision-making processes;
- informing and raising awareness among consumers.

The SCC is part of the National Consumer Council (NCC) and is sponsored by the Department of Trade and Industry. The SCC's Chairman and Council members are appointed by the Secretary of State for Trade and Industry in consultation with the Secretary of State for Scotland. Future appointments will be in consultation with the First Minister. Martyn Evans, the SCC's Director, leads the staff team.

CONSUMER TESTS

The SCC assesses the consumer perspective in any situation by analysing the position of consumers against a set of consumer principles.

These are:

ACCESS

Can consumers actually get the goods or services they need or want?



CHOICE

Can consumers affect the way the goods and services are provided through their own choice?



INFORMATION

Do consumers have the information they need, presented in the way they want, to make informed choices?



REDRESS

If something goes wrong, can it be put right?



SAFETY

Are standards as high as they can reasonably be?



FAIRNESS

Are consumers subject to arbitrary discrimination for reasons unconnected with their characteristics as consumers?



REPRESENTATION

If consumers cannot affect what is provided through their own choices, are there other effective means for their views to be represented?

INTRODUCTION

1. The Scottish Consumer Council (SCC) welcomes the opportunity to respond to the *Integrated Transport Bill, The Executive's Proposals*. The SCC have been involved in transport policy and research for a number of years and since the commencement of the consultation period in May 1997 have responded to a number of consultation papers¹.
2. We acknowledge that the private car has allowed greater access to opportunities for consumers in Scotland today, however we also recognise that there can be substantial negative externalities – that is social, economic and environmental costs associated with high levels of car use and that the market currently fails to take account of these negative externalities by reflecting them in the cost of car use. In our response to the White Paper *Travel Choices for Scotland* the SCC highlighted the problems that many people face from pollution and congestion associated with high levels of car use, however, we noted our concern that the statement in the White Paper “*Across the UK we have come to rely on the car, whether we live in urban or rural areas, for all types of journeys*” did not reflect the fact that many people in the UK have to rely on modes of transport other than the private car.
3. The SCC are therefore pleased that the Integrated Transport Bill acknowledges that some people have no choice in their transport mode that “*growth in dependence on the private car has led to the exclusion of some of the poorest sections of our community. For example, some 75% of households on Scotland's most deprived estates do not have access to a car and as a result find their access to increasingly centralised services curtailed, while many others, particularly in rural areas, struggle to run a car on a low income*” (Paragraph 9).
4. We suggested that transport policy has to be set within the context of an integrated approach, both in respect to different modes of transport and in respect to other government policies. We therefore welcome the production of the Integrated Transport Bill. However, as noted, “*the Integrated Transport Bill is only one, albeit crucial, aspect of the Executive's action programme on transport*”.

¹These include the White Paper *Travel Choices For Scotland*; the draft National Planning Policy Guidelines (NPPG) and Draft Planning Advice Note (PAN) on Transport and Planning and the *Strategic Review of the Trunk Road Programme in Scotland: The Appraisal of Trunk Road Investment*. Also *From Workhorse to Thoroughbred, A Better Role for Bus Travel* and in October last year, *Tackling Congestion*. Copies of these can be obtained from the SCC. Recent transport research has included a report funded by the Scottish Office *Getting Around – Travel Choice and Behaviour*, and the SCC is also currently engaged in research examining the provision and dissemination of bus information in Scotland.

5. Nevertheless, we welcome the opportunity that we have to comment on it. However, the SCC are concerned that while the Integrated Transport Bill has taken on board comments that we have made to the government since the period from May 1997 when consultation began there remains a number of issues that we would urge the Executive to address before the Bill is tabled.
6. We have outlined our comments below. The SCC, like the Executive, are aware of the increasing need to encourage consumers and users of transport to change behaviour away from the private car in favour of public transport – and we commend our recent report *Sustainable Development and the Consumer* to you.

SPECIFIC COMMENTS

7. At paragraph 24 the proposals document lists those bodies the Minister for Transport and the Environment has met since July. The SCC are concerned that the meetings attended by the Minister has not included a balanced mix of those with an interest in transport in Scotland, as the overwhelming majority of these meetings have been with representatives of the business and motoring industry in Scotland (including the CBI, AA, RAC, the Scottish Council Development and Industry, the Scottish Chambers of Commerce, the Freight Transport Association, the Road Haulage Association and a wide range of public transport operators).
8. The SCC are concerned that the Minister has not met with those people who actually use public transport or those, such as the SCC, who represent the interests of consumers in Scotland. **We believe this is a serious oversight by both the Minister and the Scottish Executive and would recommend that this is addressed as a matter of necessity.**
9. At paragraph 28 the proposals document suggests *“The Executive wishes to encourage this trend towards collaborative working between local authorities and between local authorities and other agencies, with a view to developing local solutions for local problems. In this respect community planning can provide a framework effectively to integrate Local Transport Strategies with other relevant local initiatives and bodies”*. **The SCC would like to request that the Executives interpretation of community planning is defined.** Community planning can be, and is taken to mean many things to many people and without a clear definition of what the Executive envisages, confusion will be the outcome.
10. The SCC believes that in developing local solutions to local problems, it is fundamental that local people are involved and their views are taken into account. As we have noted in earlier correspondence to the Scottish Executive, there is no substitute for this. **There must be a recognition that consulting with local people includes consulting with current users of public transport.**

11. For this to occur, it is necessary to take account of and overcome the social and structural barriers which may limit consumers ability to participate in conventional consultation exercises. Bus users in particular are often characterised by those on the lowest incomes, including women and the elderly – that is those who are the most disadvantaged in society and those who are traditionally least likely to engage in consultation exercises. There is the need for a mechanism to be put in place to enable bus users views to be taken into account.
12. On this point, the SCC strongly endorses the Executives objective at paragraph 53 of the proposals document which states: *“We aim to give bus users a voice in securing better services through the introduction of statutory consultation procedures”*. The SCC welcomes this.
13. However, we would like to suggest there are two main ways of enabling consumers to have a voice. The first is through **consultation processes**, as is proposed. The second is through improved **consumer representation**. These two processes have different objectives. The first is primarily aimed at obtaining **consumer views**, which may be different in different parts of Scotland and according to age, gender and socio-economic factors. The second is primarily aimed at identifying the **consumer interest**. This is likely to be more consistent over time, and is based on the role and rights of the consumer in the market place².
14. In obtaining consumer views, the SCC is concerned that the proposals document is short in detail and practical guidelines on how this can be achieved. We suggest this is addressed in the Bill and once again the SCC would like to offer our services in the preparation of this detail. As we mention the SCC believes that in developing local solutions to local problems, it is fundamental that local people are involved. The SCC therefore believes that consideration must be given to enable local bus users views to be taken into account. **We recommend therefore that the Executive includes the proposal to place a duty on local authorities to facilitate the establishment of local bus user groups**. This could be achieved in partnership with bus operators.
15. In addition we believe the proposals document has failed to recognise the need to identify the **consumer interest**. We do not believe the proposals document addresses the need to ensure that user interests are being taken into account. **We are concerned and disappointed to note that the proposals document fails to mention the inadequate situation in respect to bus user representation and makes no provision for improving this**.

² Gray, B and Foster, A (1997) *Tongue-Tied Community Involvement, Consumer Representation and Food in Scotland*, SCC, Glasgow.

16. In the Scottish Consumer Councils response to the White Paper *Travel Choices For Scotland* we commented that we were aware of the Bus Appeals Body which had been established earlier in 1998 to undertake the role of representing consumers when problems arise with bus operators. We noted that the success of this body remains to be established as it was still early on in the life of the organisation. However, at that time we were concerned that the Bus Appeals Body is not effectively representing bus users in Scotland³. In our response in July 1999 to "*From Workhorse to Thoroughbred, a Better Role for Bus Travel*" we suggested that this is only part of the problem. Local authorities, as well as private operators also have public transport responsibilities.
17. In our response to the White Paper *Travel Choices For Scotland* the Scottish Consumer Council registered our disappointment at the lack of discussion to establishing a statutory body with responsibility for regulating the local bus industry in Scotland. Then in July 1999 (and in light of the government document *Consultation on Regional Transport Partnerships and the National Transport Forum for Scotland*, January 1999), in our response to the consultation document "*From Workhorse to Thoroughbred, a Better Role for Bus Travel*" we suggested that regional bodies may have the potential to provide effective consumer representation for bus users in Scotland. We made a number of recommendations on how these could be used to represent the interests of bus users. The current proposals document has opted against the introduction of the statutory regional transport bodies and once again has failed to mention or make provision for user representation (Paragraph 31).
18. The SCC strongly believes there is a pressing need for a body to provide consumer representation and achieve redress in events of problems or difficulties arising between the consumer and the local authority, as well as between consumers and the operators. **The SCC therefore recommends that the Executive include the establishment of a statutory bus users representative body in the Integrated Transport Bill.** Such a body currently exists for rail users. This body would allow bus users interests to be taken into account and would include a voice for bus users in policy decisions being taken on the bus.
19. At paragraph 47 the proposals document suggests that "*We are proposing to the relevant authorities and Highlands and Islands Enterprise that we jointly commission a thorough examination of the issues...of a Transport*

³ When the Scottish Consumer Council contacted the Bus Appeals Body in November 1998 the Bus Appeals Body said that of the 47 cases so far referred to the Body, only two were from Scotland, and these two cases were from the same person. After operating for over a year, at June 1999 there have only been 8 cases referred to them from consumers in Scotland out of 110 in total. The Scottish Consumer Council are concerned that this underestimates the true picture.

Authority". **The SCC welcomes this and looks forward to further details and consultation on the outcomes of this research.**

20. In the Scottish Consumer Council's response to the White Paper *Travel Choices For Scotland* we endorsed the development of a practical and effective *Scottish National Public Transport Timetable* (Integrated Transport Bill paragraph 65). However, the Scottish Consumer Council recommended that the **development of the National Public Transport Timetable must include consultation with consumer organisations and user bodies**. We therefore re-iterate this point in relation to this consultation paper and recommend that this is carried out before the completion of the National Public Transport Timetable.
21. The Scottish Consumer Council welcomes the proposal to require local authorities to publish passenger information as a duty (Paragraph 65). **However, the SCC would like to see this duty extent beyond timetable information to include production of passenger charters setting out the standards of service and performance reporting.** The bus industry produces few charters and standards documents which tell consumers what they can expect from the service providers and how to complain if they do not receive this level of service. These are almost universal in other public service sectors.
22. We would be particularly keen to see the preparation of these by bus companies in receipt of public subsidies and we hope that local authorities can secure this accountability under 'best value' tendering processes.
23. The Scottish Consumer Council supports the proposal (at paragraph 66) to provide greater stability of bus services and therefore **welcomes the proposal to legislate to require greater advance notification for changes in bus services**. The current situation where operators can change the timetable at any time of the year after only 42 days notice to the Traffic Commissioner does not work in the interest of the consumer. We will accept the change from 42 days to 56 days but would have preferred to see the proposal to legislate increasing in line with that practised by the railways - that is, twice yearly changes - which appears to be sensible and if standardised amongst bus operators and publicised would be easily understood by consumers.
24. The Scottish Consumer Council **welcomes the proposal to abolish the 'five minute rule'** where operators can adjust registered timetables by up to five minutes without further notification (at paragraph 66). As noted in our response to *"From Workhorse to Thoroughbred, a Better Role for Bus Travel"* we believe this practise works against the interest of consumers.
25. The SCC agrees with the proposals document (paragraph 51) that the main issue of concern should be how to reverse current trends and grow the bus

industry. We agree with and endorse the statement *“To do this, the bus will need to provide an improved quality service for users and so provide a realistic alternative to the private car”*.

26. In the SCC's response to *Tackling Congestion* we acknowledged the aim of the governments proposals was to reduce the negative impacts that arise out of high levels of car use, to the benefit of all in society including car users and non-car users. Indeed, we welcome this aim. We are also aware that low income consumers are more likely to own older cars which contribute more in terms of pollution.
27. However, the SCC noted our concern at the Executive's failure to recognise **that costs will arise from the implementation of pricing policies and that in particular these will impact disproportionately on low income consumers than those on higher income levels**. Consumers will not only face direct costs, but will also have to pay indirect costs from the implementation of the road user charges and workplace parking levies as businesses will, conceivably, pass the additional costs of both road user charges and workplace parking levies on to the final consumer. **The current proposals do not recognise that costs to different members of society will arise and that these costs will not be equitable**.
28. Sustainable development is based on the attempt to reconcile the conflicting aims of social equity, environmental protection and enhancement and economic growth. The SCC believes that social equity, and therefore sustainable development, cannot be achieved unless there is a recognition in government policy that social equity is distinct to equality. Equality implies equal treatment for all, whereas equity may imply positive discrimination to assist those who need it most. In the Executives proposals the pursuit of road user charges (Paragraph 81) and workplace parking levies (Paragraph 88) benefits may arise for society as a whole, while costs will arise for certain consumers – that is car users, and in particular low income car users. The role of government in this situation is to ensure that these potential benefits and costs to consumers are transparent. It is also the role of government to ensure that transport policies are consistent with other policy objectives, notably sustainable development and social inclusion. The SCC believes that the proposals document, like the consultation document, has failed to achieve this.
29. While the SCC are concerned about the impact on low income consumers from the current proposals, we are not, as we noted earlier, opposed to the use of economic instruments to facilitate change in behaviour. However, the SCC are concerned that the current public transport network is not adequate to enable consumers to change their travel behaviour.
30. Alternatives must be acceptable to travellers before they will be used. Price is not the only determinant in an individuals travel behaviour and factors which also determine travel behaviour include, for example, travel time, reliability

and arrival time of alternatives, waiting time, personal safety, comfort, convenience, privacy and so on.

31. The SCC believes it is essential that accessible and acceptable public transport options are operating for the public. This means there needs to be a commitment to adequately resourcing the infrastructure in tandem with charging. There is a need for an appropriate balance of carrots and sticks with a partnership approach to investment.
32. The proposals document suggests "*a paper-based charging scheme could be in place by 2002*" and the SCC would very much like to see the public transport network being adequate to provide an acceptable alternative to motorists in this short time-span, as noted at point 31 the SCC believes a partnership approach to investment is necessary.
33. The SCC would additionally suggest that it is essential to ask public transport users about the quality of service in a local area prior to the introduction of charging schemes, and therefore welcome the principle of consultation (paragraph 85 and Figure 1). **We would suggest, however, that the Executive must provide statutory guidance for local authorities on how to consult with public transport users.**

IN SUMMARY

- **The SCC are concerned that the Minister has not met with those people who actually use public transport or those, such as the SCC, who represent the interests of consumers in Scotland. We believe this is a serious oversight by both the Minister and the Scottish Executive and would recommend that this is addressed as a matter of necessity.**
- **The SCC would like to request that the Executive's interpretation of community planning is defined. Community planning can be, and is, taken to mean many things to many people and without a clear definition of what the Executive envisages, confusion will be the outcome.**
- **There must be a recognition that consulting with local people includes consulting with current users of public transport.**
- **The SCC suggests there is a need to recognise there are two main ways of enabling consumers to have a voice. The first is through consultation processes, as is proposed. The second is through improved consumer representation.**
- **The SCC recommends that the Executive includes the proposal to improve consumer representation. Including the establishment of**

local bus user groups and the establishment of a statutory bus users representative body which would allow bus users interests to be taken into account and would include a voice for bus users in policy decisions being taken on the bus. The SCC would also like to see the production of passenger charters setting out the standards of service and performance reporting in the bus industry.

- The SCC supports the proposal to provide greater stability of bus services and therefore welcomes the proposal to legislate to require greater advance notification for changes in bus services.
- The SCC welcomes the proposal to abolish the '*five minute rule*'.
- The SCC is concerned at the Executive's failure to recognise that costs will arise from the implementation of pricing policies and that in particular these will impact disproportionately on low income consumers than those on higher income levels.