

Legislation Committee No 4

LC4(3)-16-10 : 21 October 2010

Proposed Safety on Learner Transport Measure

Paper 3 : Response from the Confederation of Passenger Transport Wales (CPT Cymru)

Cyddfederasiwn Cludwyr Teithwyr Cymru

Confederation of Transport Wales

Consultation Response

Cyddfederasiwn Cludwyr Teithwyr Cymru/The Confederation of Passenger Transport Wales (CPTCymru) is the professional trade association of the bus, coach and light rail industry in Wales and is part of CPT UK. Its members in Wales include operators forming part of large national transport operators, municipally owned operators, large independents and small family businesses. CPTCymru members provide over 90% of all bus journeys and some 70% of all public transport journeys made across Wales.

Its governance includes the Bus and Coach Commissions Cymru and also its Committee for Wales, which all members may attend, and members are consulted widely on the whole range of issues affecting road based public transport.

Consultation Questions

1. Is there a need for a proposed Measure to deliver the stated objectives of:

“improving the safety image and travel experiences of dedicated learner transport, and safetyacting to ensure that standards are sufficiently high for the public and parents to have confidence in collective learner transport”

There is already a good deal of best practice adopted by many of the CPT members in Wales. All of the suggested measures discussed by this document are in use in one form or another by several of members. Most have been introduced in partnership with local authorities. From the very start of this process, CPTCymru has called for a common, Wales-wide approach which would be beneficial in obtaining a quality provision throughout Wales. It would appear that the Measure succeeds in bringing together all the good work already adopted by CPT members.

2. How will the proposed Measure change what organisations do currently and what impact will any such changes have?

The Measure will place higher demands on CPT members in terms of resources and time. The Explanatory Memorandum to the proposed Safety on Learner Transport Measure, (paragraph 8.8) notes that the Welsh Assembly Government intends to meet the costs associated with the Measure subject to available resources. Annexe C of the memorandum gives estimated gross costs of the main proposals. The impact will inevitably be in significantly greater cost. In addition to the capital cost of introducing several of these measures there are also, for example, training implications. The introduction of any significant scheme such as this will inevitably create changes to current operating practices at many bus and coach operators in Wales.

3. Are the sections of the proposed Measure appropriate in terms of achieving the stated objectives?

CPTCymru is concerned that the modification to s.14A of the Learner Travel (Wales) Measure 2008 includes the term ‘criminal’ offence under (c). CPTCymru is firmly of the view that this is a disproportionate penalty for breaches of the requirements. Existing contract regimes ultimately allow for termination of a contract. CPT members recognise this as a sufficiently strong sanction for such breaches.

The new section 14(b) of the measure has data protection implications for operators. It will depend on how the Welsh Assembly Government wishes to handle the way in which CCTV images are managed, but any additional responsibility for CPT members will again have cost and time implications.

Consideration of a common risk assessment policy for home to school services in the new section 14(c) needs careful thought. Many of the services operated by CPT members are already risk assessed in a formal manner, and it would be sensible to consider the template used before making a dramatic change to this process. In the case of CPT members with smaller operations, to whom this process will be less familiar, we would urge the Government to consider the training implications to assist operators with this process. Not least the Assembly Government will need to allow time to communicate these requirements to operators and answer their questions. Added to this is the process of actually undertaking these assessments, which will itself be lengthy. Operators are but one of the partners in a three way responsibility with local authorities and the schools themselves.

CPTCymru would draw attention to the prescribed standard which already exists within the current statutory Driver Certificate of Professional Competence (CPC) programme. School/Learner travel modules are available within this and it would appear that there is no point in duplicating this process. The revised s.14(d) refers.

There is lack of clarity over to whom s.14E refers. There needs to be clear indication whether this includes operator's own staff, local authority officials and/or school officials etc.

In consideration of the creation of an Enforcement Authority (s.14G) CPTCymru's concern would be that machinery should exist for the operators to be consulted over the creation of such a body and any changes made to the term and conditions under which those powers are to be utilised.

4. What are the potential barriers to implementing the policy provisions set out in the proposed Measure (if any) and does the proposed Measure take account of these?

The timescale for phasing out double deck vehicles and fitting seat belts to other vehicles create practical time barriers. Assuming the majority of replacement vehicles are sourced from the second hand market, there should be little difficulty procuring these within a reasonable timescale. The problem will come where replacement of double deck vehicles with alternative high capacity single deck vehicles requires modification to allow greater capacity. If, however, new vehicle purchase becomes the chosen route, then much greater timescales will be necessary to allow vehicle construction and delivery.

Like buses, 'coach' type vehicles are also part of the Disability Discrimination Act accessibility programme. Both single and double deck coaches will need to be fully accessible by 1 January 2020. The ability to convert even mid life vehicles for such use, is extremely complex and consequently more expensive. The only practical solution, in most cases, is investment in a new or more recent design of vehicle. CPT members have already based their vehicle replacement policies on the existing DDA accessibility timescales. To speed up this programme would significantly change that plan. CPT made the case for a longer period to phase out such vehicles for just this reason and would ask the committee to give consideration to this view.

The quality of vehicle provision will also inevitably be linked to the life of a contract. Operators will be encouraged to make greater investment in replacement vehicles where a contract length is greater and allows the repayment of that investment over a longer period.

5. What are the financial implications of the proposed Measure for organisations, if any?

Replacement of double deck vehicles with higher capacity single deck vehicles, or in some cases several smaller single deck vehicles has implications for operating centres. There are physical size constraints in some of the locations used by CPT members and they may need to resource more parking facilities. This may apply in equal measure to the terminal locations at the schools and colleges being served by these vehicles.

Specifically the additional cost of training drivers and escorts to understand their responsibilities with vulnerable individuals or groups is an important consideration. This falls outside the scope of the existing CPC training.

Our response to question 2 above highlights a number of areas.

6. Are there any other comments you wish to make about the proposed Measure?

CPT welcomes the opportunity to appear before the committee and give oral evidence about any detailed point of concern.

CPTCymru has no objection to this submission being in the public domain.

Cyddfederasiwn Cludwyr Teithwyr Cymru
Confederation of Passenger Transport Wales
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