
BSWB 08 - Evidence from: Community Transport Association

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil Gwasanaethau Bysiau (Cymru) | Bus Services (Wales) Bill

1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

The Community Transport Association (CTA) are very supportive of the Welsh Government's aspiration to create a bus network that offers safe, integrated, sustainable, efficient and economic transport in Wales. The current legislative environment has led to a fragmented, expensive, and inaccessible network that leaves many people unable to connect with the people and the places they love, and holds us back as a country from being the best place to grow up, live, and grow old. We welcome the Welsh Government's commitment to a network that puts people before profit, and we appreciate the explicit commitment to creating an approach which 'will enable Ministers to secure bus services that will be accessible, available and affordable to more members of society, regardless of their background or socio-economic status.'

Throughout the process of developing the draft Bill, CTA Cymru and its members have been broadly supportive of both the need for new legislation and the approach taken by the Welsh Government around recognising the importance of the breadth of provision and providers in the Welsh public transport network, in seeking to create new opportunities for more people to choose sustainable shared transport options. We welcome this renewed focus on Bus as a vital part of our transport infrastructure, and are very pleased to see the recognition and inclusion of community-led provision alongside more mainstream modes in the draft Bill. Our concern throughout this process is around ensuring everyone in our communities has equitable access to this improved network - we have added detail below in specific questions to illustrate this.

<https://ctauk.org/news/one-network-one-timetable-one-ticket-response-cta>

2. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 1 - Key concepts and general objectives (sections 1 to 4)**

CTA believes that the key concepts set out in Part 1 are logical and congruent with the industry's understanding of such terms. We appreciate the Welsh Government's clear delineation between 'flexible' and 'standard' bus services in the draft Bill, and welcome the clarity this will offer when the Welsh Government and their delivery partners Transport for Wales (TfW) begin creating franchise packages for tender.

The objectives set out in the draft Bill are welcome and clearly link back to the policy intentions set out in Llwybr Newydd in 2021. We appreciate the leadership shown by the Welsh Government in taking ownership of such objectives and creating the legislative framework that gives them a legal duty to deliver an integrated, accessible, affordable, and sustainable network.

3. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 2 - Functions of the Welsh Ministers relating to local bus services (sections 5 to 20)**

Preparation of Welsh Bus Network Plan

The Welsh Ministers do not have the capacity or the expertise to draw up the Network Plan, so they will necessarily be reliant on TfW, the CJsCs, and Local Authority officers to support them in this. While the CTA welcomes the responsibility lying with the Welsh Government for this work, we have significant concerns about how this will work in practice given the very poor community engagement we have seen around the drafting of the draft Regional Transport Plans which will feed directly into the development of the Network Plan. Feedback to CTA shows that these documents are complex, disconnected from reality and lived experience, aspirational, and unrealistic – they miss the very real challenges that currently prevent people from accessing our public transport network.

The extremely limited, digitally focused, and short term statutory consultation exercise completed by the CJsCs and the partners they have chosen to work with, have systematically excluded huge segments of Welsh society from the consultation process. The draft RTPs also have minimal recognition of the importance of Community Transport, despite Llwybr Newydd's Third Sector MiniPlan making clear that it is essential 'that community transport provision is included in travel plans for existing and new transport, health and education services'. We urge Senedd Members scrutinising the draft Bill to examine how this might impact on the development of the Network Plan, and to consider the need for a statutory duty to meaningfully engage with Welsh communities to inform the development of the Network Plan.

Local bus service contracts

CTA welcomes the recognition that community-led providers can form an effective part of a franchised network, as well as providing additional support to communities through other services. We applaud the Welsh Government for recognising the importance of Community Transport as part of an effective, integrated, and inclusive bus network, and making explicit provisions in law to enshrine the sector's right to actively participate in both tendered contracts (which are also compliant with other legislation including the Transport Act 1985 and provisions therein relating to Community Transport) as well as providing exempt services according to community need.

Reliance on community bus services

We have asked Officials involved in drafting this Bill for further clarity on this provision, and we would welcome Senedd Members scrutinising the draft Bill doing the same. While CTA welcomes the recognition of the importance of existing community-led services and we believe the intention is to avoid disruption to vital services already in place, it is unclear how this might work in practice - in particular the funding mechanisms which are essential to understand from a sustainability point of view, but not the purview of primary legislation; also any potential conflict that might arise from the development of new contracts or permits that cross into areas where Ministers are 'relying on community services' and which would be given priority.

4. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 3 - Restriction on providing local bus services (sections 21 to 24)**

CTA welcomes the provision of exemptions for community-led services, which will allow demand responsive services to continue alongside, but not part of, franchised networks in a zone. This exemption will ensure that people not able to access the mainstream network for any reason will still be able to access Community Transport where available, as well as holding space for operators to test and pilot new services to meet the needs identified in partnership with communities. As per section 1, we will need further detail on how communities will be enabled and empowered to feed this vital intelligence to the Welsh Ministers responsible for drawing up the Network Plan, in order to better respond to community need and maintain a continuously evolving and improving bus network.

5. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 4 - Information and data (sections 25 to 31)**

Provision of information to the Welsh Ministers

Given that services provided under a Section 19 permit are not in scope for this Bill and are not (in the main) funded by the Welsh Government/delivered under any sort of contractual agreement with the Welsh Government, it seems unreasonable that Welsh Ministers can expect providers to give information to the Welsh Government on these services. We would urge Senedd Members to seek further detail on this through the Scrutiny process, including:

1. What timescale will operators be expected to comply with in compiling/returning this data?
2. What training/support/investment will be provided to enable operators - many of whom are grassroots, volunteer-led charities with no/few paid employees - to comply with this expectation, especially given the reduced level of support CTA is able to offer since the Welsh Government reduced our funding in 2022/23?

It is also important to note that services provided under a Section 19 permit are not available to members of the general public under the Transport Act 1985, and are only available on a pre-booked basis to passengers that are eligible to receive that Community Transport organisation's support (ref: <https://www.gov.uk/government/publications/section-19-and-22-permits-not-for-profit-passenger-transport/section-19-and-22-permits-not-for-profit-passenger-transport>). CTA would question how and where such information as provided to the Welsh Ministers will then be shared, in order to ensure our members are not then found to be operating outside the expectations set out in UK legislation (not devolved to Wales), causing unintended consequences for our network.

6. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 5 - Local authority powers and duties (sections 32 to 34)**

CTA welcomes the provision for Local Authorities to continue to provide financial assistance to operators, and we look forward to working with Officials on the detail of this in forthcoming legislation and guidance. It is essential that support for the Community Transport sector is finally put on an equal footing with commercial transport, particularly given the Welsh Government's proclaimed focus on a network that puts people before profit. Community Transport operators are legally prohibited from generating a profit from their services, and in many places in Wales – despite little to no core funding – they have run vital, relied upon local services which have been meeting the needs of their local communities for decades. There are very few commercial businesses which can say they same.

We hope to see more equitable funding arrangements put in place that will enable community-led providers to step up into their full potential and play a more active role in improving the transport network as a whole. In addition to supporting existing operators to continue their services and develop, this is also an opportunity to address the transport deserts that exist in many smaller communities by piloting and rolling-out place-based, community-led provision with the potential to become an integral part of the network of the future. Examples CTA are currently supporting include Bala, Brynmawr, and Cellan.

7. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 6 – Miscellaneous and general (sections 35 to 44)**

CTA welcomes the protection in law of worker's rights. We have no further comments on this section.

8. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

As identified in Q12, CTA has significant concerns about the quality of, and community involvement in, the Regional Transport Plans which will be used to develop the Network Plan for Wales. There is a particular gap in all four of these plans around how transport will support older people, disabled people, and those with other protected characteristics. It is clear that this Bill has been drafted through a social justice lens which is absolutely vital if as a society we wish to break down some of the barriers which prevent equal participation in our communities – we are very concerned that the reliance on limited, and in our opinion, flawed, RTPs, will have a detrimental impact on the Bill in delivering the objectives set out in Part 1.

CTA have offered support repeatedly to the Welsh Government, TfW, and the CJsCs in engaging with community partners/local residents to inform future network development. As identified in WCPP's research project around multi-sector collaboration in transport, 'Multisector collaborations and partnerships can be a mechanism for generating action that is co-productive, co-creative, and collaborative ... Participants called for transport to be connected, grounded, centred, and even rooted in community' (ref <https://wcpp.org.uk/publication/exploring-the-role-of-multisector-collaboration-in-welsh-transport/>). We reiterate this offer here, as we hope Senedd Members will consider how this could be implemented going forward and how this should be reflected in the draft Bill and any further legislation or guidance to follow.

Secondly, Community Transport operators are not in the same financial or operational position as commercial businesses to be able to bid for contracts – despite their ability to deliver them well in practice. While outside the scope of

this draft legislation, it will be important for Ministers and Senedd Members to consider how this barrier could be removed to ensure equitable access to the opportunities not-for-profit, community-led providers should have to play an active role in delivering our future public transport network.

9. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)

No comments for this section

10. Are any unintended consequences likely to arise from the Bill?

S22 routes not part of a contract or permit will still need to be registered with the Office of the Traffic Commissioner – how this might impact our ability to deliver services in a timely and responsive way, if Local Authority transport teams are reduced and/or busy with franchises is currently unclear, as is the potential for pushback from Local Authority colleagues who are already being instructed to prioritise mainstream T routes. CTA anticipates that following introduction of the Bill following Royal Assent, there will be restricted capacity and funding for the Community Transport sector and a lack of clarity on transitional arrangements during franchise zone roll out – we would welcome Senedd Members’ support in scrutinising this further. We anticipate that this uncertainty and the potential for reduced funding could lead to the closure of some of our operators, leading to few people with additional support needs making vital journeys. In the RTP consultation responses, CTA have asked for clear Community Transport investment/development plans to be considered – we recommend that Senedd Members seek clarity on how this will be put in place before franchising gets underway.

CTA understands that all existing contracts will need to be retendered following implementation of the Bill, starting with the SW Wales franchise zone. This has the potential for significant cost changes from existing operators who will go from a position of certainty to vulnerability (private and community providers alike) at a time of very high costs already, with additional expectations around open data and real time information leading to significant additional investment being required. It is unclear whether this has been factored into the financial assessment in the RIA, as well as the additional investment that will be required for the Welsh Ministers to enable community-led providers not currently delivering contracted or permitted services to equitably participate (e.g.

investment in real time trackers, zero carbon fleet).

We recommend that Senedd Members consider the England Bus Bill provision for mandatory training of bus drivers around disability awareness and assistance. This has been identified as an issue by disabled people and DPOs in Wales including previous evidence given to the Climate Change Committee (ref <https://business.senedd.wales/ieListDocuments.aspx?CId=741&MId=12630&Ver=4>), and CTA believes a similar expectation in this Bill would benefit disabled passengers significantly. The Welsh Government's Disability Rights Taskforce (which includes CTA) would be a beneficial contact point to explore the need for this further. CTA have also been working with the West Glamorgan Regional Partnership on the development of a Transport Charter, coproduced in partnership with people with Learning Disabilities, which may be beneficial to consider (ref <https://www.westglamorgan.org.uk/programmes/well-being-and-learning-disability-programme/>). Not including such consideration may have the unintended consequence of disabled people continuing to feel unwelcome and unsupported on the Welsh bus network.

11. What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

It is CTA's understanding that the Welsh Government's proposed model for franchising the network is expensive and will require substantial long term investment to maintain and deliver on the aspirations set out in this Bill and in Llwybr Newydd. However we are not in a position to comment on the specifics set out in the Explanatory Memorandum, as this is not our specialist area and we are not resourced to be able to explore this in greater detail. What is true is that the Welsh tax payer already contributes substantially to subsidising a bus network that does not meet our needs, and shifting to this more regulated model will give the Welsh Ministers greater influence and control over how that network should work in the future.

12. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

A key concern already touched on in Q12/Q17 is around the importance of involving communities in shaping our future network, and the limitations of

relying on the Regional Transport Plans developed by the CJsCs. CTA welcomes the specification in Part 2 section 6 of the draft Bill around consultation with key stakeholders and representative groups, however we do not feel this goes far enough. As per the 5 ways of working set out in the Wellbeing of Future Generations Act (2015), public bodies in Wales are expected to directly involve people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves. This ensures that services not only meet our current needs but also those of future generations – a key consideration for such a significant legislative change for Wales.

While the draft Bill stipulates that Ministers must consult with ‘any persons appearing to the Welsh Ministers to represent the interests of persons using or likely to use local bus services that the Welsh Ministers consider appropriate’, there are many people in Wales who do not use – and will not be able to use without significant changes – the Welsh bus network. If we want the network to meet these individual and community needs, it is vitally important that non-passenger voices are represented in any consultation. TFW have already admitted that the ‘base network’ introduced following the rollout of the franchised zones will look and feel very similar to the current network, particularly without an increase in funding. We do not expect to see big changes, especially in the short term, and we know from our passengers and our members that many people’s needs are not able to be met by mainstream bus. Rural communities, people living on low/restricted incomes, disabled people, people with learning disabilities, and carers – especially women who often have to make ‘chain’ journeys – tell us that the current network simply doesn’t work for them. If we want to make the bus network a viable and realistic option for behaviour change and carbon reduction, and/or reduce the need for services outwith the franchised network, it’s essential that Ministers have a statutory duty to meaningfully engage with people not using, and not currently likely to use the bus network – third sector partners including CTA and our members are ideally placed to support this.

A connected point around meaningful engagement and consultation – digital-first engagement as well as service delivery creates significant barriers for many people as seen in this paper by Senedd Research <https://research.senedd.wales/research-articles/computer-says-no-digital-exclusion-in-public-transport/>. If Ministers wish to meaningfully engage with communities to ensure services offer equitable access to all, this engagement cannot simply be via an inaccessible digital marketplace/online repository/facebook page as we saw recently with the draft RTP development process. CTA and our members are looking forward to working with Senedd

Members and the Welsh Government to ensure this draft legislation is further developed - in partnership with the communities it has been designed to serve - to ensure it meets the needs of people across Wales, both now and for the future.