



23 September 2021

Consumer Council response to the consultation by the Department for Infrastructure on Commercial Bus Service Permits- Guidelines for operators.

1. Introduction

We welcome the opportunity to comment on the new draft guidelines. Overall the new guidelines replicate most of the provisions of the existing guidelines. However, the new guidelines are helpful in adding clarity around the process and to publicise some changes to the process which are already being used.

We will use this section to make some brief overall comments on the draft guidelines and the role of private bus operators within the Northern Ireland public transport system.

Section 1.1 states that the:

'aim of the Service Permit system is to enable private bus operators to identify gaps in the public transport network in Northern Ireland and to provide that service under a Service Permit. These types of services are designed to complement the main public transport network delivered by Translink'.

However, the 2011 Transport Act (NI) requires the Department to consider the 'need to ensure fair competition', when assessing an application.

There is arguably a conflict between complementing the main public transport network of a single operator and creating competition within that network. The Department needs to ensure that the purpose of the permit system is clear, both to allow private bus operators to understand exactly what they are applying for and to ensure it is delivering the requirements of the 2011 Transport Act.

In Section 3 of the existing guidelines called 'Existing Services' an explanation is given regarding the rationale of the '30 minute rule'. This is helpful in explaining that the rule is designed to prevent another operator from providing a service within 30 minutes of an existing service. Therefore the rule is protecting an existing operator from direct competition.

We note that there is no reference to private operators having access to the Translink Journey Planner. For public transport to be more integrated and accessible to consumers, journey information needs to be in one easily accessible place. We believe that once an application is agreed the operator should be given access to the Translink Journey Planner. In order for this to operate effectively it should be a requirement that the operator provides information compatible with the Journey Planner and updates the information as necessary. At the same time Translink should work to ensure its Journey Planner is able to display information from other operators. This provision should be included in the new guidelines.

2. Service Permit Legislation

A comment on the 2011 Transport Act statutory criteria of 'the need to ensure fair competition' is made in our response on Section 1.

3 no comment

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5 no comment

6 no comment

7. New Service Applications

Service operators have consistently told us that in practical terms the length of the application process takes too long. The new guidelines have significantly increased the stated timescales for dealing with applications from 8 weeks to between 24 weeks and 33 weeks for new applications, and between 20 weeks and 29 weeks for renewal applications.

The Consumer Council has a statutory role in the consultation process. We believe that with the exception of complex new applications there is scope to reduce these timescales. Our experience is that renewal applications in particular are normally straightforward and quick to process. The main problem we encountered regarding timescales is when a large backlog of applications accumulated during 2019 which we were subsequently asked to deal with in large batches. We are happy to work with DfI to ensure that applications are scheduled to come to us on a regular and ongoing basis.

We suggest that the General Consultation and Consultation queries stages should run concurrently to reduce the overall time for an application to be processed.

To our understanding the provision at 7.16 whereby the application is referred to the Minister, has been the process that has been followed since May 2019, although it is not contained in the existing guidelines. We agree with the assertion in the guidelines that this will only be required in exceptional and rare cases where policy implications for public transport are involved.

8 no comment

9 no comment

10 Application Details

We welcome the clarity that has been provided on the 30 Minute Rule.

At 10.12/C we seek clarity on whether 'no vehicle changes' means 'no vehicle stops', or if this only applies if the vehicle is changed.

At 10.14, regarding access to Translink bus stations, we believe that the starting position should be a presumption that the operator will be allowed access to a Translink bus station if it requests it. If Translink believe that the request for access should be denied it should provide its reasons to DfI who will make the final determination.