**Introduction**

Transport for Greater Manchester (TfGM), on behalf of the Mayor of Greater Manchester and the Greater Manchester Combined Authority (GMCA), is changing the way buses are run in Greater Manchester.

Instead of the current ‘deregulated’ system, where local services are provided commercially by bus operators who decide which routes and timetables to provide, between September 2023 and January 2025 most bus services in Greater Manchester will be run under a system called bus franchising following the making of the *Greater Manchester Franchising Scheme for Buses 2021* (the Scheme) by the Mayor of Greater Manchester in March 2021.

The GMCA is the franchising authority for the Scheme, with certain functions of the franchising authority exercisable by the Mayor of Greater Manchester. Under bus franchising, TfGM, on behalf of GMCA will commission bus services and coordinate the bus network in Greater Manchester, working alongside the bus companies who will run these services under ‘local service contracts’ awarded by TfGM on behalf of GMCA.

Bus Franchising will be introduced across Greater Manchester in three phases, dividing Greater Manchester into three ‘sub-areas’ (A, B and C).

* **Sub Area A** includes bus services running within and from the northwest of Greater Manchester. This includes the Bolton and Wigan Council areas as well bus services running through parts of Salford and Manchester from the west of Greater Manchester. First services will operate here from September 2023.
* **Sub Area B** includes bus services running within and from the northeast of Greater Manchester. This includes the Bury, Rochdale and Oldham areas as well as the north of Manchester City Council area. First services will operate here from 2024.
* **Sub Area C** includes some bus services crossing over from the northeast of Greater Manchester as well as services running in the south of Greater Manchester – the south of the Manchester City Council area, Stockport, Trafford, Tameside and the rest of Salford. First services will operate here from 2025.

More information about bus franchising in Greater Manchester, including the Scheme itself, can be found here: [Our Buses | Transport for Greater Manchester (tfgm.com)](https://tfgm.com/our-buses). Once bus franchising comes into effect in a Sub-Area, no local bus service can be provided in that area unless:

1. It is provided under a ‘local service contract’;
2. It is an interim service provided by the franchising authority pursuant to section 123O Transport Act 2000;
3. It is provided under a service permit;
4. It is excepted by the franchising scheme; or
5. It is operated under a section 22 permit.

As a result, where bus franchising is introduced, franchising authorities must operate a **Service Permit** process to ensure that other services, which are local services, do not form part of the network of services operated under local service contracts, and do not fall within exceptions (ii), (iv) or (v) above, are still able to operate in the franchised area if appropriate. This could include services which operate cross-boundary, i.e., in both the franchising area and the area outside, and other services which complement the services operated under local service contracts.

In addition to operating a service permit process, franchising authorities are also allowed to attach **conditions** to a service permit.

**Requirement to Consult**

Regulation 3 of the *Franchising Schemes (Service Permits) (England) Regulations 2018*[[1]](#footnote-1) (the Regulations) states that before a franchising authority can start to operate a **Service Permit** process it must consult on its proposed service permit process. Regulation 3 (2) (a) of the Regulations also requires the consultation to set out and seek views on the following matters:

1. the description of the proposed application procedure;
2. the description of the proposed required information that a person applying for a service permit must submit with the application;
3. the proposed amount of any fee that must accompany the application;
4. the proposed periods of validity of service permits;
5. the proposed period or periods of time within which the franchising authority must take a decision on an application for a service permit;
6. the proposed period or periods of time that must expire before the service permit is effective; and
7. the proposed period or periods of time which must expire before the variation or withdrawal of a service by an operator is to take effect, which must not exceed 56 days.

Following the consultation, franchising authorities must publish a report setting out the authority’s response to the consultation and publish a **Service Permit Policy Statement**.

A franchising authority cannot begin to accept applications for permits until these steps have been carried out.

In addition to the above, a franchising authority cannot attach **conditions** to a service permit until they have published a **Notice** specifying the conditions that they may attach. Before they publish the **Notice**, franchising authorities are required by section 123R (5) of the Transport Act 2000 to consult on the sorts of conditions they may decide to attach to service permits as part of their wider consultation on the service permit process.

This will ensure that neighbouring authorities and operators in the area are able to feed back about the potential impacts of proposed conditions on services.

**Purpose of this Consultation**

This consultation is the statutory consultation required by regulation 3(2)(b) of the Franchising Schemes (Service Permits) (England) Regulations 2018 (the Regulations). It sets out and seeks your views on the proposed **Service Permit** process. This is covered in Part 1 of this document.

This consultation is also the statutory consultation required by section 123R (5) of the Transport Act 2000. It sets out and seeks your views on the proposed **conditions** that the franchising authority may attach to a service permit. This is covered in Part 2 of this document.

It has been prepared in accordance with government guidance. [[2]](#footnote-2)

The consultation document and questions have been prepared by Transport for Greater Manchester (“TfGM”) on behalf of GMCA.

The consultation runs from 12.00 on 1 March 2023 to 23:59 on 28 March 2023.

**Who can take part?**

**Service Permit process consultation**

The Regulations require franchising authorities to consult:

1. all persons operating local services in the area to which the franchising scheme relates;
2. any relevant authority any part of whose area would, in the opinion of the franchising authority, be affected by the grant of a service permit; and
3. such other persons as they see fit.

**Service Permit Conditions consultation**

The Act requires franchising authorities to consult:

1. persons operating local services in the area to which the scheme relates; and
2. other persons whom, in their opinion, it would be appropriate to consult.

The above persons are ‘**statutory consultees’**.

Accordingly, whilst this consultation on the proposed **Service Permit** process and **Service Permit Conditions** is particularly relevant for operators providing, or intending to provide, bus services in Greater Manchester and neighbouring Local Transport Authorities, it has been determined that this will be an open consultation, anyone can take part, and we welcome the views of any interested individuals or organisations.

You can answer as a member of the public or in an official capacity. Please be aware that if you are answering in an official capacity your response may be published. References or quotes from responses from members of the public will be done on an anonymised basis.

Decision makers will have access to all responses following the close of the consultation period.

**The consultation questions**

The consultation questions are about the proposed **Service Permit** processand the proposed **Conditions** that may be attached to service permits.

The questions for this consultation have been prepared around the requirements of the Transport Act 2000, the Regulations and the Guidance.

You do not have to answer all the questions in the questionnaire to submit a response.

The other ways you can also respond are set out below.

**Where do I get more information?**

This consultation document includes information you need to answer the consultation questions.

If you have any questions, please email busservice.account@tfgm.com or call 0161 244 1000

**How do I respond?**

Please reply by 23:59 on 28 March 2023.

Responses will be accepted through the completion and submission of a questionnaire online at www.tfgm.com/service-permits

**Access for all**

If you need to respond in a different way, or require the consultation materials in a different format, please contact busservice.account@tfgm.com or call 0161 244 1000 to discuss how we can help you.

Support for non-English speakers is also available at 0161 244 1000.

**What happens to my response?**

All responses received through the channels outlined above go direct to TfGM who are conducting this consultation on behalf of GMCA and the Mayor of Greater Manchester and managing and analysing the responses.

**What happens next?**

Your response will be assessed as part of the consultation process and taken into account when any decision is taken regarding whether to introduce the proposed **Service Permit** process and what **Conditions**, if any, may be attached to service permits.

**Confidentiality and Data Protection**

Transport for Greater Manchester (TfGM) are the data controller.

TfGM will process your personal data in accordance with the Data Protection Act (DPA) 2018, and the General Data Protection Regulation (GDPR). Information you provide including personal information in response to the consultation will only be published in aggregate form or anonymised.

However, if you are responding to the consultation in an official capacity, we may attribute comments you make to the organisation or body you represent. It should be noted that information provided in response to this consultation, including personal information, may be subject to disclosure in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations (EIR) 2004, the Data Protection Act (DPA) 2018, and the UK General Data Protection Regulation (GDPR).

Therefore, if we receive a request for disclosure of the information, we cannot give an assurance that confidentiality can be maintained in all circumstances.

Further details of how TfGM process your personal data provided during the consultation and for details of how you can exercise your rights are available at tfgm.com/privacy-policy or by emailing data.protection@tfgm.com.

If you no longer wish for us to use your personal information during the analysis stage, you have a right to have the relevant information deleted.

**Part 1**

**The Proposed Service Permit Process**

**1.1 What are Local Services?**

The GMCA will become responsible for the arrangement and operation of local bus services through the phased introduction of the Scheme across Greater Manchester between September 2023 and January 2025.

**‘Local services’** that are not provided as part of the franchised network, not excepted from the franchised network or are not an interim service (as defined in s.123O of the Transport Act 2000) will require a Service Permit to operate within areas of Greater Manchester once the Scheme becomes effective in those areas.

A ‘**local service**’ has the meaning given to it by Section 2(1) of the Transport Act 1985 and is **where a public service vehicle is used to carry passengers by road at separate fares**. The route can be of any overall length if a passenger can alight within 15 miles of where they boarded (and there is not a point on the road between those places which is more than 15 miles away from either of them).

School, college, works or other special services may be local services and require a permit, even if they are free services, in accordance with the definition of separate fares given by the Public Passenger Vehicles Act 1981. However, free services where there is no payment of separate fares on behalf of users e.g., supermarket services, are not local services, and do not require a permit. Services are not a local service and do not require a service permit if all of the following conditions apply:

* someone other than the operator or their agent is responsible for arranging the journey and for bringing the passengers together;
* the journey is not advertised beforehand to the public;
* all passengers travel to or from the same place (e.g., to a school or factory) or in the case of a tour, all passengers must be carried for the greater part of the journey; and
* passengers pay the same fare no matter how far they travel.

Services to schools within Greater Manchester that are not available to the public, often referred to as a “closed” services, are exempt from the franchising scheme and do not require a service permit. Services operated under a permit granted under either section 19 or 22 of the Transport Act 1985 also do not require a service permit.

Rail and Metrolink replacement services can be local services and whilst they do not currently require registration with the Traffic Commissioner may require a service permit if they are a local service.

If applicants are unsure whether they require a Service Permit, they should contact the TfGM Bus Services team for advice. If it appears to the franchising authority that in operating that local service, the person is failing or has failed to take all reasonable precautions and to exercise all due diligence to avoid contravening s 123J(3) of the Transport Act 2000 the franchising authority must inform a traffic commissioner.

**1.2 The Statutory Test**

The criteria that must be satisfied if a franchising authority is to grant a service permit is set out in section 123Q of the Transport Act 2000:

**The franchising authority must grant the service permit applied for if they are satisfied that—**

 **(a) the proposed service will benefit persons making journeys on local services in the area to which the scheme relates, and**

 **(b) the proposed service will not have an adverse effect on any local service that is provided under a local service contract in the area to which the scheme relates.**

The franchising authority may not grant the service permit applied for if they are not satisfied as to the matters in (a) and (b) above.

**The Proposed Service Permit Application Procedure**

**1.3 Before you Apply**

Applicants are advised to check that the proposed route and timetable for a bus service is achievable at all the times of day it is intended to run. It remains the responsibility of applicants to ensure that sufficient resources will be available to provide the service and to consider the overall feasibility and viability and safety of the service before applying for a Service Permit, including the ability to operate the proposed vehicles along the route. Applicants should also ensure an appropriate level of service is proposed to fully fulfil its purpose, including the operating hours and days of operation.

Applicants are strongly encouraged to speak to TfGM’s Bus Services team in confidence, at least 21 days before submitting an application to discuss their proposals, particularly where the application includes operation along roads not currently served by buses.

In the case of services which enter Greater Manchester from neighbouring areas, the sections of services outside Greater Manchester must be [registered](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705081/PSV353A_local_service_registrations_-_England__except_London__and_Wales.pdf) with the appropriate Traffic Commissioner as appropriate. It is recommended that a service permit is obtained before registering sections of services outside of Greater Manchester. The franchising authority will liaise with the neighbouring Transport Authorities and the Office of the Traffic Commissioner, where appropriate, to ensure proposed start dates meet the requirements of all parties as far as possible.

**1.4 When to Apply for a Service Permit**

It is proposed that an application for a new permit or an application to vary or withdraw a local service should be submitted at least 98 days (14 weeks) before the proposed ‘**effective time’**. The ‘**effective time’** means the beginning of the day on which a local service may first be provided under the service permit. [[3]](#endnote-1)

If there is a specific need for a service or change to begin sooner than this, a permit may be granted at fewer than 98 days at the franchising authority’s sole discretion.

In particular where the Traffic Commissioner would be entitled to exercise their discretion to allow for a short notice registration under regulation 7 Public Service Vehicles (Registration of Local Services) Regulations 1986, then the franchising authority would also be able to determine that the period for application of the service permit could be reduced to enable that short notice application to be made. Applicants should note that the franchising authority will retain discretion as to whether to shorten such time periods and applicants should therefore ensure that they provide details to the franchising authority as to why one or more of the reasons specified in Regulation 7(2) of the Public Service Vehicles (Registration of Local Services) Regulations 1986 apply to the permit service.

By reflecting the short notice provisions that apply to a registration with the Traffic Commissioner the franchising authority seeks to ensure that the permit process will not adversely affect any required short notice registrations where these apply on a cross boundary route, provided that such services continue to meet the requirements for a service permit and satisfy any conditions attached to the service permit.

Applicants will be strongly encouraged to speak to TfGM’s Bus Services team, in confidence, at least 21 days before submitting an application to discuss their proposals, particularly where the application includes operation along roads not currently served by buses. This is to ensure that any infrastructure issues can be considered and taken into account by TfGM in determining whether the statutory requirements are met, as this may require TfGM to apply additional conditions, or engage with the operator to ensure that they are proposing to provide a service on an appropriate route.

In the case of services which enter Greater Manchester from neighbouring areas, the sections of services outside Greater Manchester must be registered with the appropriate Traffic Commissioner as appropriate. It is recommended that a service permit is obtained before registering sections of services outside of Greater Manchester. The franchising authority will liaise with the neighbouring Transport Authorities and the Office of the Traffic Commissioner, where appropriate, to ensure proposed start dates meet the requirements of all parties as far as possible.

**1.5 How to Apply for a Service Permit**

Franchising authorities can determine the manner in which applications for service permits must be made.

Applicants must complete a prescribed application form which can be viewedon the consultation webpage ([www.tfgm.com/service-permits](https://eur03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.tfgm.com%2Fservice-permits&data=05%7C01%7CNina.Seecharan%40tfgm.com%7C7fd4f1073c4545f5980108db1992b354%7C3b120540dd5f47a8b26adef83679e8a0%7C0%7C0%7C638131890081442838%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=MYLne%2B1pAcs0eUG88wolxorU%2F5v015cFPzqipRdON2Q%3D&reserved=0)).

It is proposed that applications should be made to the TfGM Bus Services team via an online application form. Applications would be sent to a dedicated TfGM Service Permit application email address, with an online payment system for the accompanying fee (see 1.7 below).

**1.6 Information to be submitted with an application for a Service Permit**

As noted above, applicants must complete a prescribed application form which can be viewedon the consultation webpage ([www.tfgm.com/service-permits](https://eur03.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.tfgm.com%2Fservice-permits&data=05%7C01%7CNina.Seecharan%40tfgm.com%7C7fd4f1073c4545f5980108db1992b354%7C3b120540dd5f47a8b26adef83679e8a0%7C0%7C0%7C638131890081442838%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=MYLne%2B1pAcs0eUG88wolxorU%2F5v015cFPzqipRdON2Q%3D&reserved=0)).

In addition to the information required in the application form, it is proposed that applicants must also submit the following information with their application:

1. A list and map of the route that the proposed service will serve.
2. A list of proposed stops, stands, and terminal points.
3. The proposed service number that the operator wishes to use.
4. The proposed start date for the service.
5. A full working timetable, including its days of operation, or a relevant TransXchange file that supplies this information.
6. If applicable, confirmation that any proposed departure slots at a TfGM bus station or City Centre stop have been reserved, where applicable, with the relevant bus station beforehand.
7. The commercial fares that will be charged and any operator or other tickets that would be valid or available on the service.
8. Details of the vehicle(s) type(s) to be used on the service, including their age, accessibility, seating and total capacity, and emission standards.

The above information is intended to ensure that the franchising authority has sufficient information to apply the statutory tests and consider what, if any, conditions should be attached to the permit. The permit will relate to the service as described in the application form and accompanying information, so care should be taken to ensure that this information is correct, to ensure that the permit allows operation of the service by the operator once a permit has been granted. Whilst the franchising authority may specify the description of the service in the permit to allow for minor deviations without the need to apply for a new permit, the scope of such deviations, if any, will be at the franchising authority's discretion, due to the need to ensure that any permitted service meets the statutory tests.

In the case of rail replacement and tram replacement services, much of the above information will not be relevant and the operator responsible for providing rail replacement services will need to provide details of the stations / tram-stops and routes which may be replaced with bus services, the proposed date from which such rail/tram replacement services may be provided, and details of the vehicles likely to be used. In such cases an application may be granted based on the identification of the rail services which may be replaced by such local services. The franchising authority may choose to grant a permit in respect of all replacement services that may be provided in respect of all rail or tram services provided by a single rail replacement operator, noting that such local services do not require registration with the Traffic Commissioner.

It is through that application process that the franchising authority and operators will discuss (amongst other matters) the details of the proposed service, such as the route, stopping points and frequency, working together to address any issues which may give the franchising authority cause to refuse the permit.

Any omissions or inaccuracies in the application information may delay the franchising authority’s ability to consider a permit application.

**1.7 The proposed fee to accompany the application**

Franchising authorities are allowed to require applications for service permits to be accompanied by a fee for processing the application. Any such fee must be no more than the reasonable cost of processing the application.

It is proposed that applications for new permits, or renewals of permits, are accompanied by a non-refundable fee of £160.

It is proposed that applications that relate to the variation of an existing permitted service are accompanied by a non-refundable fee of £65. Any failure to pay the application fee may delay the franchising authority s ability to consider a permit application.

There will be no charge for cancellations of a local service.

Any proposals to increase the above fees to reflect the cost of processing applications will be subject to further consultation.

**1.8 The Proposed Periods of Validity of Service Permits**

It is proposed that a Service Permit can be issued for a specified period of up to five years where it is considered that the statutory test set out in 1.2 above will be met for that period of time. Service Permits will be non-transferable.

It is proposed that the franchising authority may issue a Service Permit for a shorter specified period of validity where it considers that the requirements referred to above may only be met for that shorter period, and such permits may be 1, 2, 3 or 4 years in length, as is deemed appropriate.

Where a service meets the statutory requirements, the franchising authority wish to provide operators with certainty that they can operate permitted services. However, where it is foreseeable that a service will not meet those requirements in the future, it may be considered to be more appropriate to grant a shorter permit, to minimise the need for the franchising authority to need to revoke permits.

A Service Permit will no longer be valid once the specified period of validity has expired and a new application will be required should an operator wish to continue to operate the local service in the franchised area.

**1.9 The Period of Time within which a decision will be made on an application for a Service Permit**

The decision whether to grant or refuse the application will be taken by the franchising authority, which must grant a Service Permit if it is satisfied that the of the matters set out in section 123Q of the Transport Act 2000 (see 1.2 above).

It is proposed that the period will be 28 days, starting with the date on which the application is received.

To inform the decision-making process it is proposed that the franchising authority may discuss the application and request information from with one or more of the following stakeholders:

1. Highway Authorities or neighbouring Transport Authorities affected.

2. Greater Manchester Police, in relation to new routes or infrastructure.

3. The Office of the Traffic Commissioner.

4. Any other person or body considered relevant.

It is expected that applicants will also normally be notified of the outcome within a period of 28 days beginning on the date the application is received. This notification may also include the franchising authority’s written reasons for the decision (if required) but if not, such reasons will be provided in accordance with the statutory timescales set out below:

1. If the franchising authority grants a service permit with conditions, it must give notice of its reasons for doing so to the applicant within a period of 14 days beginning with the date on which it grants the service permit with conditions.
2. If the franchising authority attaches conditions to a service permit after it has been granted, it must give notice of its reasons for doing so to the holder of the service permit within a period of 14 days beginning with the day on which it attaches those conditions.
3. If the franchising authority does not grant a service permit it must give notice of its reasons to the applicant within a period of 10 days beginning with the date on which it decides not to grant the service permit.

*(The time periods specified in a), b) and c) are a requirement of the Transport Act 2000 and do not therefore form part of this consultation).*

Applicants should identify any information in their application which is commercially sensitive so that in seeking the information referred to above the franchising authority can, if necessary, seek appropriate confidentiality undertakings from such stakeholders.

**1.10 The period of time between the date on which a service permit is granted and the ‘effective time’**

The ‘effective time’ of a permit means the beginning of the day on which a local service may first be provided under that service permit. Franchising authorities are required to consult in relation to the proposed period of time between the date on which a service permit is granted and the ‘effective time’.

It is proposed that the period of time between the date on which the service permit is granted and the effective time shall generally be 70 days. However, where the Traffic Commissioner would be entitled to exercise their discretion to allow for a short notice registration under regulation 7 Public Service Vehicles (Registration of Local Services) Regulations 1986, then it is intended to reserve the right to determine that the period for application of the service permit should also be reduced to enable that short notice application to be made. Applicants should note that the franchising authority shall retain discretion as to whether to shorten such time periods and applicants will therefore need to ensure that they provide details to the franchising authority as to why one or more of the reasons specified in Regulation 7(2) of the Public Service Vehicles (Registration of Local Services) Regulations 1986 should apply to shorten the period of time from when the service permit is granted to the effective time.

**1.11 Publication**

Where the franchising authority grants a Service Permit it will provide notice of that decision in writing and shall also include:

a. Any conditions attached to the Service Permit.
b. The date on which the Service Permit is granted.
c. The effective date and
d. The period of validity and expiry date of the permit.

The franchising authority shall send the above information to the applicant and to the Office of the Traffic Commissioner. The appropriate neighbouring transport authority (or authorities) will also be notified in cases of cross-boundary services.

Where the franchising authority does not grant a service permit they must give notice of their reasons to the applicant within a period of 10 days beginning with the date on which they decide not to grant the service permit

Details of applications, along with permits granted and refused may be reported to the franchising authority and published online*.*

**1.12 Making changes to, or withdrawing a local service**

It is proposed thatOperators may vary or withdraw a local service which is subject to a service permit, subject to providing at least 56 days’ (8 weeks’) notice to the franchising authority before the changes proposed can take effect. Where a variation requires updates to the service permit, this may require a further permit application to the franchising authority, which will be subject to the 98 day application period set out in 1.4 above.

As noted at 1.10 above, the franchising authority intends to retain the discretion to shorten the period of time for such changes to take effect in circumstances where the Traffic Commissioner would be entitled to exercise discretion to shorten the notice period for registration.

However, these circumstances and the decision as to whether short notice may be applied remains at the discretion of the franchising authority.

**1.13 Revocation and Suspension of Service Permits**

The Transport Act 2000 and the Regulations allow for service permits to be revoked or suspended and set out the grounds for doing so, and the procedure to be followed as set out below.

A permit may be revoked or suspended by a franchising authority in the following cases:

a) If the service no longer complies with the requirements of the Bus Services Act 2017, which provides that an authority must be satisfied that:

 • The proposed service will benefit persons making journeys on local services in the area to which the scheme relates.

 • The proposed service will not have an adverse effect on any local service that is provided under a local service contract in the area to which the scheme relates.

b) If the holder of the Service Permit has failed to comply with a condition attached to the Service Permit; and

c) If the public would be endangered if the service continued to operate (in which case the Service Permit may be revoked or suspended with immediate effect).

Where the franchising authority decides to revoke or suspend a Service Permit, it must give written notice of its decision to the holder of the Service Permit. That notice will include:

• The grounds on which the Service Permit is being revoked or suspended.

• The date on which the revocation or suspension of the Service Permit is to take effect; and

• The effect of the suspension or revocation.

Where the Service Permit is suspended, the notice must also include:

• The measures the holder of the Service Permit must take to have the suspension lifted.

• The date on which the suspension will cease to have effect if the holder of the service permit takes the measures referred to above; and

• Any arrangements for the suspension to be reviewed.

Where a Service Permit is revoked or suspended, the date on which the revocation or suspension is to take effect will be 14 days after the date on which the notice is given. If the Service Permit is being revoked or suspended on the basis that the public would be endangered if the service continued to operate however, the franchising authority may revoke or suspend the Service Permit with immediate effect (in which case the Service Permit will no longer be valid from the date notice is given by the franchising authority).

**Part 2 Service Permit Conditions**

**Introduction**

To ensure that franchising authorities can take reasonable steps to integrate services operated under service permits into the wider franchised network of services, the Transport Act 2000 allows franchising authorities to attach ‘conditions’ to service permits.

Section 123R of the Transport Act 2000 states that franchising authorities can only attach conditions that they have consulted on and included in a published notice. In addition, authorities may only attach conditions which are of a description set out by the Secretary of State in regulations.

The relevant regulations are The Franchising Schemes (Service Permits) (England) Regulations 2018 (‘the Regulations’) and the categories of conditions which a franchising authority may attach to a service permit are described below:

1. conditions about enabling tickets to be purchased or fares to be paid in particular ways – for example via contactless technology;
2. conditions requiring tickets of a specified description to be issued and accepted;
3. conditions setting out requirements as to the price to be charged for tickets that operators are obliged to accept as a condition being imposed on their service permit;
4. conditions requiring operators to offer discounted travel for specified groups and accept evidence of entitlement to such discounted travel issued by other persons operating local services or relevant local authorities;
5. conditions requiring operators to publish specified information about the local services provided by them in the franchised area and about other local services in that area;
6. conditions requiring operators to publish specified information about their fares, the fares of other persons operating local services and ticketing arrangements in the area to which the franchising scheme relates;
7. conditions requiring services under a permit to be provided in vehicles which comply with a specified standard;
8. conditions as to customer service standards;
9. conditions as to operational standards.

Franchising authorities can attach different conditions in different circumstances, or for different sorts of services.

Government guidance[[4]](#endnote-2) explains that for example, the authority may apply a ‘lighter-touch’ set of conditions to services which have a limited number of stopping places in the franchising area but may require services which operate wholly within the franchising area to comply with more stringent conditions, to ensure they integrate effectively with the network of franchised services.

Franchising authorities may attach conditions to a Service Permit at the time it is granted, or after it has been granted. If they do this, they must give the applicant notice of their reasons for doing so within a period of 14 days beginning with the date on which they grant the permit or attach the conditions to an existing permit.

A person who is granted a service permit with conditions, or a person to whose permit conditions are attached after the service permit has been granted, may appeal to the Traffic Commissioner against the attaching of the conditions, or any of them.

**2.1 The Proposed Conditions**

**Operational Standards**

* **Environmental**

Vehicles on permit services must meet, or exceed, Euro VI emission standards. **Where appropriate GMCA may require that vehicles used for services meet equivalent emission standards to those that will be met by services under local service contracts**

* **Accessibility**

All operational staff who are materially involved in the provision of the permit service shall receive disability, equality, and customer care training as part of the operator’s planned training programme for its operational staff. **This will ensure that high standards of customer care are met by operational staff, ensuring confidence in bus travel in Greater Manchester**

* **TravelSafe**

The operator of the permit service shall participate in the Travel Safe Partnership, including allowing TfGM/GMCA officers to travel on the permit service for the purposes of passenger safety and security and revenue protection. The operator may also be required to embrace additional policies and standards, such as incident reporting through the TravelSafe Incident portal and information sharing with GMCA in relation to incidents involving its staff or vehicles on the permit service upon request. **This will ensure that high standards of customer safety are met by permitted services, ensuring confidence in bus travel in Greater Manchester.**

* **Vehicles TROs and highways requirements**

Permit service operators shall comply with any requirements as to

1. The size and type of vehicles which may be used.

2. Compliance with existing Traffic Regulation Orders.

3. Compliance with any proposals to amend the highway layout or Traffic Regulation Orders.

For the avoidance of doubt, to ensure that the service fully fulfils its purpose and appropriately benefits persons making journeys on local services in the area to which the Scheme relates, GMCA may also specify clearly in the permit itself, the route, including its starting points, waiting and departure locations, times, stopping places and termini including minimum service levels, operating hours (first and last bus) and says of operation based upon the application. These would define the service to which the permit was granted, including the extent to which GMCA was happy to accept minor deviations in the service provided without a new permit being required to be granted, where GMCA had agreed to such deviations.

**GMCA expects to use these conditions to ensure that operators comply with their service permit application, in particular in respect of elements of the service specification which GMCA have relied upon in determining to grant a permit.**

* **Duplicate Vehicles**

Duplicate vehicle(s) which provide additional capacity on a permit service may only be operated over any part of the route of the permit service within Greater Manchester, with, and in accordance with, GMCA’s prior consent. **The permit will be granted on the basis of the timetable and other details provided within the permit application. Running of duplicate buses to increase capacity within a timetable slot may mean that the service breaches the statutory requirements, in particular if it leads to congestion on routes also used by local services under local service contracts. This condition will allow the operator to agree such duplicate vehicle use on a short-term basis but allow GMCA to intervene if such duplicate vehicles adversely affect other services.**

* **Service Performance & Operational Standards**

The permit service shall be provided in accordance with the principles, operating standards and statutory guidance issued by the Traffic Commissioners. Any non-compliance may be reported to the Office of the Traffic Commissioner and/or the Driver and Vehicle Standards Agency. **The permit service will need to comply with these requirements outside Greater Manchester, so this ensures consistent standards throughout the journey.**

**Passenger Information & Customer Service Conditions**

* **Passenger Information**

Permit service operators shall comply with any marketing initiatives reasonably required by GMCA, including:

a) providing required information in the appropriate way as specified by TfGM pursuant to section 139 – 141 Transport Act 2000;

b) publishing on vehicles operating the permit service notices relating to TfGM concessionary fares and up to two other passenger information or marketing notices provided by TfGM. **GMCA already has rights in respect of information provision within Greater Manchester – this condition ensures that operators under service permits do not detract from consistent provision of information across the network, which could adversely affect passengers and their confidence in the franchised bus network.**

* **Service Numbers**

Where service numbers are to be used, applicants must take account of existing service numbers to avoid situations of more than one service operating with the same number in Greater Manchester. GMCA reserves the right to allocate a different service number that the operator will be required to use as a condition of a permit. **Conditions relating to service numbers may be imposed to ensure that there is consistent service numbering within Greater Manchester and that this does not have an adverse effect on any franchised services.**

* + **Communication with passengers**

The operator will properly investigate and address customer complaints relating to the permit service to GMCA’s reasonable satisfaction and within a reasonable timescale. **This condition ensures that passengers within Greater Manchester are able to benefit from proper management of any complaints and have confidence that such complaints will be dealt with properly, whatever bus they travel on.**

**Fares & Ticketing Conditions**

* + **Fares and acceptance of TfGM tickets**

The operator shall retail and accept TfGM’s range of tickets at the same fare scale as that provided by TfGM for journeys within the Greater Manchester Boundary, unless specifically exempted from doing so, either in full or part by GMCA. Operators should note that whilst this condition may be imposed on a service, this will be subject to TfGM ensuring that operators are reimbursed appropriately for acceptance of tickets and fare scales specified by TfGM, such that they are no better and no worse off as a result of compliance with this condition.

**This condition is intended to ensure that whilst operating within Greater Manchester services do not adversely affect the local services provided under local service contracts or passengers, by ensuring that passengers can make use of common tickets. The condition will, however, be subject to ensuring that compensation/reimbursement arrangements are in place to ensure that operators are not worse off as a result of such a requirement.**

**Service Monitoring**

* + **Service Monitoring**

Authorised representatives of GMCA/TfGM shall be allowed to board vehicles operating the permit service without prior notice and require the provision of any data reasonably required for the purpose of confirming compliance with service permit conditions. **It is important that GMCA can ensure that permit conditions are complied with – this approach is consistent with the survey rights that GMCA and TfGM have previously exercised, for example to manage concessionary travel schemes.**

1. [The Franchising Schemes (Service Permits) (England) Regulations 2018 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2018/423/contents/made) [↑](#footnote-ref-1)
2. [The Bus Services Act 2017 franchising scheme guidance (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918664/bus-services-act-2017-franchising-scheme-guidance.pdf) [↑](#footnote-ref-2)
3. As defined in [The Franchising Schemes (Service Permits) (England) Regulations 2018 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2018/423/contents/made) [↑](#endnote-ref-1)
4. tps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/918664/bus-services-act-2017-franchising-scheme-guidance.pdf [↑](#endnote-ref-2)