



Office of the
Traffic Commissioner

THE REGISTRATION OF FLEXIBLY ROUTED LOCAL BUS SERVICES

GUIDANCE FOR OPERATORS

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Introduction

1. This guide explains the rules on registering a flexibly routed local bus service and claiming Bus Service Operators' Grant on them, under the legislation¹ that came into force on 23 February 2004. This document should be read in conjunction with the [Local Bus Service Registration – Guide for Operators \(PSV353A\)](#). New operators will need to apply for a Public Service Vehicle Operator's Licence from the relevant Traffic Commissioner², or, in the case of non-profit making bodies, a permit issued under Section 22 of the Transport Act 1985³. Public Service Vehicles must display an operator's disc in the window of each vehicle.

2. The previous registration regulations allowed an element of flexibility in the provision of local bus services. Where, because of the nature of a proposed bus service, it was not possible to provide route and timetable information, operators could submit alternative particulars that provided 'a complete description' of the proposed service⁴. The regulation changes introducing flexible registrations remove this provision. Any new services with a flexible element must register as a flexible registration.

3. Like a conventional registered service, a flexible service uses Public Service Vehicles (PSVs) to carry passengers at separate fares over short distances. In order to qualify and register as a flexible service, each passenger must be able to leave the bus within 24.15kms (15 miles) (measured in a straight line) from the place at which they were picked up. However, unlike a conventional registration, operators of flexible services are not required to register a fixed route or timetable. Instead, individual passengers must pre-book their journey with the operator (see paragraph 14-15 below) and the route and timings will vary according to those passengers' needs. Operators must also keep records of each booking taken, and their on-the-road performance in providing the service (see paragraphs 20-22 below). Operators can also specify a geographical area of operation within which they can provide fully flexible services (see paragraph 10 below).

What is a flexible service?

4. The Regulations specifying what service particulars must be registered impose different requirements according to whether the service in question is a "standard service" (ie a conventional registered local service) or a "flexible service". A flexible service is defined as one:

- which serves one or more local communities or neighbourhoods within a specified geographical area
- which is so flexible that it is not practicable to identify in advance all the roads to be used at any given time (NB: there may be fixed sections of the route but the vast majority of the journey is flexibly routed)

¹ The titles of the legislation are listed in paragraph 47 below

² See 'Public Service Vehicle Operator Licensing – Guide for Operators (PSV437) for details

³ See 'Passenger Transport Provided by Voluntary Groups under the Section 19 or 22 Permit System – Guide for Operators (PSV385) for more details

⁴ See paragraph 12 of the Schedule to the 1986 registration regulations

- which is provided primarily to carry passengers who have booked in advance and whose collective requirements determine the route of each journey even though that other persons may also be travelling
- where separate fares are paid of the general public, and
- where separate fares are paid which do not vary according to the number of passengers carried on the journey

Other local bus services are 'standard' (ie. conventional) services. The elements of a flexible service are explained in more detail below.

Requirement to charge separate fares on flexible services

5. Please note that each individual fare on a flexibly registered service must be a '*payment ... which [is] not subject to variation according to the number of passengers carried on the journey*'. This is the way fares are normally structured on a conventional local bus service. Each passenger pays the same fare for the same journey, regardless of how many other passengers are either already on or boarding the bus at the time the journey is made.

6. In practice, this means that a flexible service cannot levy a single hire charge. Such a situation could arise where the total charge for any given journey is exactly the same regardless of the number of people being carried. For example, a vehicle picks up three passengers all travelling to the same destination and charges them £4 each; but if only two passengers had wished to travel the charge would be £6 each; and one passenger pays £12. This is the way fares are structured on private hire vehicles (minicabs). **Such a fare structure is not permitted on flexibly routed local services.**

7. In addition, all the seats on a flexibly routed local service (or as many as can reasonably be filled on any journey) must be "*available for use by the general public*". This is to avoid unreasonable or artificial limitations on the number of passengers. An extreme example of this would be a 'no sharing' policy except where the passengers are travelling as a group. **This is NOT permitted on flexibly routed local services.** The provisions in paragraphs 6 and 7 ensure that a flexible bus service is distinct from private hire.

Registering a flexible service

8. A flexible registration shares many of the particulars that need to be provided for a standard (conventional) bus service. These are:

- the name of the operator of the service and details of their operator licence or permit
- the date on which the service will start operating
- the service name or number
- the times during the year when the service will be provided

9. However, while a flexible service, like a standard (conventional) registration, “*may have fixed sections of route, [it] is, in the entirety of its operation so flexible that it is not practicable to identify in advance*” a route and timetable. Instead, the operator defines as part of the registration:

(a) a geographical area of flexible operation (with or without details of any fixed part of the route) and/ or

(b) fixed stops

10. A geographical area of operation is a specified area within which the flexible service operates. The example at Figure A in Appendix C shows an area of operation that serves a small town. Although the area can be of any size, it can only serve one or more *local communities* or *neighbourhoods*. For example, an area of operation covering, say, the large part of a county could not be said to fall within this definition. However, an area encompassing a town or a number of adjacent rural villages would. Passengers can be picked up and set down anywhere within the area of operation, in response to a pre-booking (a so-called ‘many to many’ journey).

11. In addition to providing ‘many to many’ journeys in an area of operation, the buses can also serve fixed stops. This would allow, for example, a vehicle to pick up individual passengers from a location within the area of flexible operation (perhaps their home) and take them to a single, fixed destination (a so called ‘many to one’ journey). An example would be a minibus that picks up passengers from any location in a group of villages (covered by the area of flexible operation) and takes them to a fixed stop (which may or may not be timetabled) in an adjacent town. The service itself could of course have a number of fixed destinations. The service could also operate in the other direction (say, to provide return journeys), with passengers picked up from fixed stops outside the area of flexible operation and taken to different destinations inside it, on demand (a ‘one to many’ journey). See example at Figure B in Appendix C.

12. A more complex arrangement could involve specifying a number of areas of operation and a number of fixed stops, creating a network. See example at Figure C in Appendix C.

13. Whilst it is possible to take bookings where any two consecutive stopping places are more than 15 miles apart, that part of the journey would not fall within the definition of a registered local service. The record-keeping requirements outlined in paragraphs 20-22 below do not apply, nor are such services subject to enforcement by the Traffic Commissioner. However, those journeys cannot claim Bus Service Operators Grant (BSOG) – see paragraphs 34-44 below.

Pre-booking

14. A feature of a flexible service is that it is “*provided primarily for the purpose of carrying passengers who have booked in advance*”. Instead of providing a timetable showing individual buses stopping at particular stops, operators take pre-bookings from passengers for individual journeys (either with the operator itself or via an intermediary – eg an agent or call-centre) before travelling. There is no minimum pre-booking period – that is an operational matter for the operator. However, passengers cannot book with the driver or via a booking centre when the vehicle is present (see the second question in

Appendix A). However, ad hoc passengers may be carried in certain circumstances (see below).

15. Operators are not under any obligation to carry every passenger that inquires about a booking. There may be instances where the operator could not meet the travel demands of particular individuals – eg because the time and places where the person wished to travel could not be accommodated (although there may be scope to negotiate alternative times). The registration requirements would only apply where the operator accepted a particular booking.

Ad hoc passengers

16. Note that flexible services are provided wholly or principally for passengers who have pre-booked. So, while a clear majority of passengers must have pre-booked, room may be made for some who have not. However, ad hoc passengers that have not pre-booked cannot alter the existing route of the vehicle to suit their journey. So, for example, they may travel on a flexible service in the following circumstances:

- between fixed stops that are timetabled
- where they are carried as extra passengers accompanying other passengers who have pre-booked, for those passengers' entire journey. However there must be: (a) sufficient room on the vehicle taking into account all the pre-bookings for that journey; and (b) doing so would not move the journey times of existing pre-booked passengers outside the maximum 20-minute time window (see following paragraph)

Time windows

17. As explained above, operators of registered flexible services have the freedom to agree pick up and arrival times individually with each passenger during pre-booking, taking into account other pick-ups and traffic conditions. However, once the operator accepts a booking, the vehicle **MUST** arrive at each individual passenger pick-up and destination within a maximum 20-minute time window. The time window may be either a period specified by the operator (ie the vehicle will arrive at a particular stop between 10:00 and 10:20am) or be specified by reference to the pick-up time requested by the passenger (ie not more than 10 minutes before or 10 minutes after the agreed pick-up time).

18. For example, an individual booking scheduled to pick up a passenger from, say, his home at 10am and drop him off at the shopping centre at 10:30am, must arrive at the passenger's home no earlier than 9:50am and no later than 10:10am. Likewise, the operator must specify that the vehicle will reach its destination during a 20-minute period or less (ie that, in the above example, it will reach the shopping centre between 10:20am and 10:40am. Of course, it is important that all passengers are ready to travel when the vehicle arrives, to ensure that it is not late picking up subsequent passengers sharing the vehicle.

19. The Traffic Commissioner does have the discretion to grant a time window greater than 20 minutes in exceptional circumstances. However, s/he must believe there is a good case for doing so.

Record keeping

20. In the absence of a fixed route and timetable, the Commissioner must have some other means of determining whether an individual operator is providing the service outlined in the registration. Therefore, operators are required to keep a record of each booking taken and their on-the-road performance in satisfying it. Such details (accessible either in paper or electronic form) should comprise the following for each booking taken:

- name and contact details that would enable the Traffic Commissioner to subsequently contact each passenger that used the service⁵ (contact details can comprise address, telephone number, email address etc);
- the date of the journey;
- the agreed time and place where the passenger was picked up and set down;
- the actual time the vehicle arrived to pick them up and reached their destination.

21. Records must be kept for period of at least 12 calendar months from the date the journey was made (the Commissioner has the discretion to extend the record-keeping period for individual operators). In practice, the operator, a call-centre or a local authority (eg. in the case of a subsidised service) can keep this data. The operator must also make it available to the Traffic Commissioner (or his/her representatives) on request. It is the operator's responsibility to ensure that this data is complete for the full twelve-month period (or longer at the direction of the Commissioner). The Commissioner can take disciplinary action against an operator if it is incomplete.

22. Keeping details of individual passengers does have data protection implications. It is for individual operators to ensure they meet the relevant requirements of the Data Protection Act 1998 – including registering as ‘data controllers’⁶.

Display and publication of service information

23. The fare structure is key to ensuring that individual fares (see paragraphs 5-6 above) are charged on flexible services. Operators are therefore required to display fares (whether in tabular form or otherwise) in a prominent position inside each vehicle providing a flexible service, which is both clearly legible to passengers and enables them to easily see the fare for their journey.

24. Each bus must also display in a position clearly legible from the outside of each vehicle the name of the service.

25. It is also important that prospective passengers are fully aware of how flexible services operate before they make a booking. Therefore, operators are required to include the following details in any passenger information (whether in written or electronic form):

- a statement that it is a flexible bus service and that

⁵ See fifth question in Appendix A for guidance on block bookings.

⁶ Further information on the Data Protection Act is available at <http://www.dataprotection.gov.uk> or by telephoning 01625 545745.

- (a) passengers must book in advance (except in the circumstances outlined in paragraph 16 above)
 - (b) all the seats on the vehicle are available for pre-booking (ie there can be no exclusive hire), which will determine its route
 - (c) passengers making individual bookings may travel together on the same vehicle
- the arrangements for pre-booking
 - the times when a booking may be made (eg 8am – 10pm, Monday to Friday, 52 weeks a year)
 - a description or map of the area of flexible operation
 - details of any fixed stopping places, with timetable information for any that are timetabled
 - whether the operator intends to meet the travel demands of every prospective passenger, and if not what arrangements (if any) will be made where a person's travel demands cannot be met
 - information about fares so that each prospective passenger can easily work out the fare for their intended journey
 - the time window that will apply (up to a maximum of 20 minutes)

Cross-boundary services

- *Into Scotland*

26. At present, flexible services can only operate in England and Wales. If a flexible service is planned to extend across the Scottish border, the operator will have to register that section in accordance with the regulations in force in Scotland. The Scottish Traffic Area Office will be able to advise.

- *Into London*

27. A service crossing the Greater London boundary also requires a [London Service Permit](#) from Transport for London (TfL). You should submit your registration application at the same time as an application to TfL for a Permit. The registration will not be granted until grant of the Permit by TfL – this normally requires twelve weeks.

Between Traffic Areas

28. The service is registered in the traffic area where the largest part of the registered area of operation is situated, or where there are the greatest number of fixed stops.

Other registration issues

Notice requirements

29. As with conventional registrations, flexible registrations are subject to the usual 56-day notice period for registering, changing or cancelling a service. However, at the Traffic Commissioner's discretion, a reduced notice period can apply in the cases listed in Part 3 of the main [Guide to Local Bus Service Registration \(PSV353A\)](#). No notice period is required in the following circumstances:

- to vary a registration to comply with a traffic regulation condition
- to change the operator's address
- where the service crosses the Greater London boundary and requires a London Service Permit

Fees

30. The fee for registering, varying or cancelling a flexible registration is the same as a conventional registration. However, no fee is payable in the following circumstances:

- to make changes to comply with a traffic regulation condition or other provision prohibiting or restricting traffic
- to record or change the operator's address
- where the service crosses the Greater London boundary and an application for a London Service Permit is made at the same time, with the service not starting before the permit is granted

Existing Services: Transitional Provisions

31. There are transitional arrangements for existing services that have a flexible element that were registered before the introduction of flexible registrations on 23 February 2004. Such services may continue to operate under their existing registration **until the operator wishes to make a change to the service that would need a formal variation of the registration.**

32. At that point, they are required to amend the service registration to ensure that it complies with the new requirements. It is sufficient to apply for a variation of the existing registration but it may be more convenient to re-register the services under the new arrangements (the fee being the same in either case). The particulars of that application could of course incorporate the variation change you wished to make to the old service. Upon acceptance of the fresh application by the Commissioner, the usual notice period applies, with the existing registration still in force until the notice period expires. This ensures a seamless transition between the two services. The existing registration is also cancelled upon expiry of the notice period, so the operator does not have to simultaneously submit a new registration application and notification of the cancellation of the old one.

Exceptions from the requirement to amend registered particulars or re-register existing local services as flexible services

33. The re-registration requirements in paragraph 32 above do not apply in the following cases (where, because of the nature of the application, either no notice is currently required or the Traffic Commissioner may agree to a short notice period):

- to change a service to replace one which the operator (or another operator) has stopped or intends to stop running
- to change or cancel a service not available, or only available on a very limited basis, to the general public
- to change a service in response to a request from a traffic authority or the police on road safety or traffic grounds – you must give evidence of this request
- to change a service for a period of less than 21 days to cope with the additional demands of a special occasion or event (eg flower show etc) – you must give details of the occasion or event concerned
- to change a service for a period of 14 days or less in response to a local public holiday or holiday which is widely observed in the area – you must give details of the holiday
- to change a service timetable, either:
 - (a) no more than 10 minutes earlier or later than the times registered or
 - (b) to match the service with altered connecting rail, ferry or air service – you must give details of the connecting service concerned
- to make changes to a bus substitution service
- if none of the above apply, and there are circumstances which the operator could not have reasonably foreseen which prevented you from giving the full 56 days' notice to cancel or change the service – you must give a full explanation of the circumstances

Bus Service Operators' Grant

34. All claimants for Bus Service Operators Grant (BSOG) are required to maintain and keep accurate records to fully support the figures entered on the claim form.

35. Section 1 of the claim form is designed to record all mileage operated on eligible services. In order to be able to do this all vehicles used on those services must have a functioning mileage/kilometre measuring device (vehicles of course normally have an odometer fitted within the speedometer of the vehicle).

36. This will enable the claimant to record the opening and closing mileage/kilometre reading on each eligible journey or route undertaken. Resulting from this, accurate mileage/kilometre figures for each eligible journey can be accumulated. Needless to say, if an odometer fails to record properly then urgent steps must be taken to rectify the fault.
37. A record must exist in order to prove that the service operated. This is usually achieved by using driver or vehicle logsheets. Please note that all records must be retained and available for at least 12 months after the claim form was submitted to the Department for Transport.
38. At the end of the claim period the actual mileage's/kilometres for each eligible service must be accumulated by registration and entered on Section 3 of the claim form. The figures for each registration claimed are added up and the total figure transferred to Section 1 of the claim form.
39. Section 2 of the claim form is used in order to obtain an accurate fuel consumption of the vehicle(s). The resulting consumption rate is used to determine the grant due. Records must therefore be kept of both total kilometres run and total fuel issued.
40. The total vehicle kilometre figure must incorporate every turn of the wheel undertaken by the vehicle(s) whether run on local services or not. Assuming that there are no problems with the measuring equipment, it will be a simple matter of taking the mileage readings at the beginning of the claim period from that recorded at the end of the claim period for each of the vehicles. Generally, the total vehicle mileage/kilometre figure can be extracted from the driver or vehicle logsheets, but where this is not possible it is recommended that regular mileage readings are recorded throughout the claim period.
41. The fuel figure should include the total amount of fuel issued to the vehicle(s) over exactly the same period from which total vehicle mileage has been derived. Records must be maintained to show actual fuel issues, details of which will normally be available through individual vehicle issues from a fuel tank on site, or receipts obtained from the point of sale. Calculation must not be based on a perceived consumption factor.
42. More generally, sections of route that were previously ineligible because they contained boarding or alighting restrictions or sections of route served only at the request of passengers already on board may now be eligible for BSOG. If so, mileage on those sections can now be included as part of your claim under the eligible mileage category in Sections 1 and 3.
43. Please note though that eligible mileage on flexibly routed local bus services should not be included on the estimated claim form ([PSV310](#)). Eligible mileage on these services should only be included on the certified claim form ([PSV311](#)). This is because of the difficulty in accurately predicting in advance the eligible mileage done by a service which only runs on demand.
44. You are also reminded that BSOG is only available on local bus services. Therefore, BSOG should only be claimed where stops, measured in a straight line, are less than 15 miles or less apart. For example, on a flexible service where only two people are carried, one person wants to travel 8 miles and the other wants to go 20 miles, then you should only claim BSOG for the 8 mile journey. The remainder of the journey does not meet the definition of a local service as the only person left on the bus booked the service for a 20 mile journey. Of course, if another passenger boarded the bus at the 8-mile stop

and travelled to the 20-mile stop (a journey of 12 miles), that part of the journey would be eligible for BSOG.

Legislation

45. The legislation covering the registration and claiming of BSOG on local bus services is as follows:

Local Bus Service Registration

- The Public Service Vehicles (Registration of Local Services) Regulations 1986 (SI 1986/1671) (as amended);
- The Public Service Vehicles (Registration of Local Services) (Amendment) (England and Wales) Regulations 2004 (SI 2004/10);

Bus Service Operators' Grant

- The Bus Service Operators Grant (England) Regulations 2002 (SI 1015/2002)
- The Bus Service Operators Grant (Amendment) (England) Regulations 2003 (SI 1036/2003).
- The Bus Service Operators Grant (Wales) Regulations 2002 (SI 2022/2002)
- The Bus Service Operators Grant (Amendment) (England) Regulations 2004 (SI 2004/9).

Appendix A

FREQUENTLY ASKED QUESTIONS

Q Does a ‘many to one’ service providing return journeys require separate registration as a ‘one to many’ service?

A No. A service providing return journeys can operate under a single registration.

Q Can a vehicle operating a flexible service ply for hire?

A No. All passengers must pre-book (however, see paragraph 16 above). It is possible for the vehicle to receive bookings after it has left the depot. However, taking bookings at the roadside (whether directly with the driver, or via the booking line whilst the vehicle is present at the roadside) is not permitted. Such arrangements would infringe Hackney Carriage (taxi) law.

Q Can I operate a hail and ride service?

A A hail and ride service can only operate on fixed sections of route between fixed stops that are timetabled. Elements of the service that are flexible (ie operating freely inside a geographical area of flexible operation) cannot be hailed from the roadside. That would infringe Hackney Carriage (taxi) law.

Q Can I undertake journeys longer than 15 miles in length?

A You can accept bookings for journeys that have boarding and alighting points more than 15 miles apart. However, such journeys are not ‘local services’⁷ and the record keeping requirements outlined in paragraphs 20-22 above do not apply to those bookings. See paragraphs 36-46 above for guidance on how BSOG applies to vehicles carrying a mixture of passengers making local and non-local journeys.

Q How does the record keeping requirement work for block bookings?

A The rules require operators to keep details of how each passenger may be contacted. Operators must therefore ensure that contact details for all passengers can be obtained from the person making a block booking.

Q Will the new rules have any impact on existing registered local bus services?

A Yes. See paragraph 31-33 above.

⁷ See the definition of ‘local service’ in paragraph 3 above.

Appendix B

How to register the particulars of your local bus service

- To register you must give the details of the service you will be running, using the correct application form ([PSV529](#)) or the Central Licensing Office.
- If you wish to start your service in less than 56 days, you have to be eligible to do so under one of the cases given in Part 3 of the main Guide to Local Bus Service Registration⁸. You must also fill in and attach form [PSV350A](#).
- If you are also applying to run a service, which operates in London, you will need a London Service Permit from TfL. (see paragraph 27 above)
- If you wish to change or cancel a registration, you should use form [PSV355](#). In some cases, you will need to send a new application form with this
- Because the forms will be photocopied, please use black ink to fill them in
- When you have filled in the form, send it to the Central Licensing Office

HOW TO FILL IN THE FORM

Signing the form

The form must be signed by any person authorised to take responsibility for registering local bus services on behalf of the operator (eg. the owner, partner, director or transport manager). Please give your position in the business.

Question 1-4

If you are the co-ordinator for the service provided by more than one operator please give all their:

- names
- addresses and
- PSV operators' licence numbers

If you operate the service from more than one Traffic Area, give your PSV operator's licence numbers for each Traffic Area.

If you hold a community bus permit(s), you should put that number down.

Question 6

- your service must have a service number (eg 19, 29a) or a service name (eg 'Anytown Flexibus')

⁸ See paragraph 1 above.

Question 8

- please give the days of the year and times of day that the service will operate

Question 9

There is a blank **service description sheet** at the back of the form, which you should photocopy if you need extra sheets.

- you are reminded that whilst there is no limit on the size of the geographical area of operation, it can only serve one or more *local communities* or *neighbourhoods*. See paragraph 10 of the guidance

Question 10

- please note that 'recognised bus stops' are signed stops and established unmarked stops (eg 'outside the Bull Inn')
- if the service stops at one of a group of stops that are close together there is no need to give details of all of them. You may count grouped stops as one stop

Question 12

- answer 'Yes' to this question if there is a need for any new bus stops for your service
- if you answer 'Yes', you should discuss your service with the police and the local authority as soon as possible, to make sure there will not be problems for road safety or traffic conditions

Question 16

- you are reminded that a hail and ride service is only permissible along fixed sections of route between stops that are timetabled

Question 19

- if your service provides journeys mainly within a geographical area of flexible operation, apply to the Traffic Area where the greater part of your area of operation lies. If it mainly serves fixed stops, apply to the Traffic Area in which the largest number of fixed stops lie. You only have to apply to one Traffic Area Office

Question 20

- this is the method passengers use to contact the operator to make bookings – for example by telephone, fax, website/ e-mail or postal address. It would also be helpful if you could provide the actual addresses, telephone numbers or web/ e-mail addresses that will be used
- operators must also give details of how the times and locations of pick-up and drop-off points will be agreed between the operator and individual passengers (eg. by

negotiation over the telephone, with the operator using a computerised scheduling package)

Question 22

- give full details of the booking arrangements and conditions. For example any minimum loadings for services to run (ie. a minimum number of bookings for a particular pick up time or journey)
- for unaccepted bookings, arrangements could include, for example, a 'ring-back' service where passengers whose bookings could not be accommodated were subsequently contacted if a booking slot became available

Question 23

- time-windows can be no greater than 20 minutes. You must apply to the Traffic Commissioner for permission to operate a larger time window

Question 24

This is voluntary information. If using vehicles with more than 16 passenger seats in a geographical area of flexible operation, you are advised to discuss the proposed service with the police and local authority in advance of registration, to make sure there will not be problems for road safety or traffic.

Appendix C
Examples of service types
Figure A – Many-to-Many Service

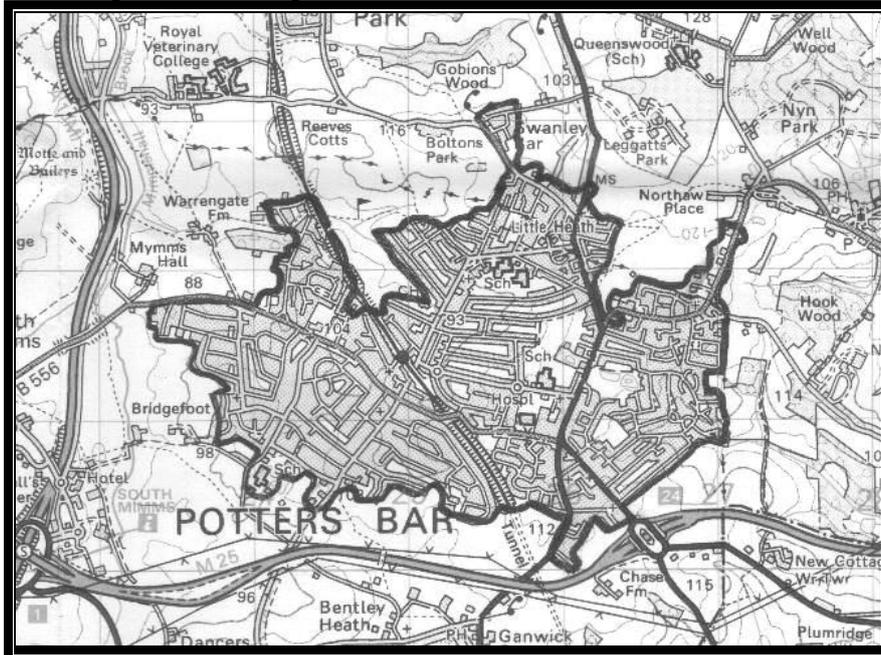
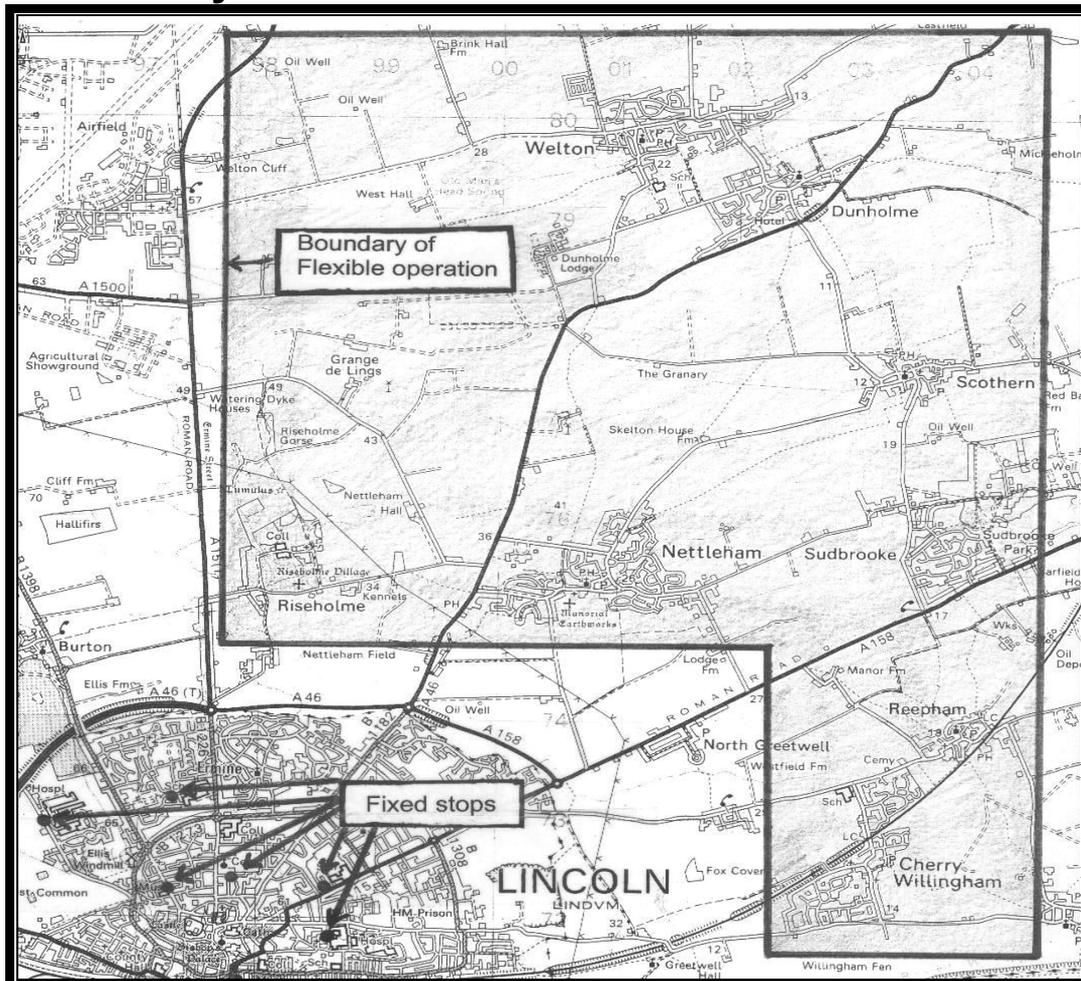


Figure B – Many-to-One service



NB. Stops are outside schools, hospitals etc.

Figure C – Flexible Network

