

# Local Bus Service Registration in Hertfordshire (Bus Service Registration Regulation)



## Guidance for Operators

### Effective from 1<sup>st</sup> August 2021

Hertfordshire County Council (HCC) is using the powers provided through the Bus Services Act 2017 to become the Bus Service Registration Authority for Hertfordshire, by virtue of the Intalink Enhanced Partnership (IEP) created in April 2020. These powers relate to the regulation and approval of bus service registration applications (new services, variations and cancellations) associated with the Office of the Traffic Commissioner (OTC).

This move reflects the close collaborative working between HCC as the local transport authority and our local bus operators as has been established through the Intalink Enhanced Partnership, and allows the authority and administration of the changes within the Hertfordshire bus network to be more self-contained. It also allows the application processes to be more streamlined as, for those services running purely in Hertfordshire, the Traffic Commissioner is no longer involved.

The Intalink Enhanced Partnership stands for the raising and maintaining of standards of bus service provision across the county, and going hand-in-hand with this position is the power to ultimately cancel a bus service registration where the operator consistently fails to comply with the IEP requirements, a power not currently available to the Traffic Commissioner (though this would be an action of last resort).

In setting out the requirements, processes and procedures we have taken reference from DfT's document

*"Guidance on the Registration of local bus services in an Enhanced Partnership Area"*

We are not the Traffic Commissioner therefore we describe the function as "Bus Service Registration Regulation" (BSRR) for Hertfordshire with the Council acting as the "Bus Service Registration Authority" (BSRA).

This applies only to bus services that operate wholly within the Enhanced Partnership area ie. the geographical area of the county of Hertfordshire. The OTC remains the registration authority for services which operate cross-boundary\*, although the registration application process for such services is nonetheless modified from the national process, as explained below.

\* Services that cross the Greater London boundary (ie. into TfL area) but no other local authority areas are the exception, in that HCC will be the responsible registration authority for that part of the service operating within Hertfordshire.

The IEP Plan and Scheme April 2020 places obligations on both the county council and bus operators working within the Enhanced Partnership area. These are defined and described in the IEP Plan and Scheme document. The obligations on bus operators apply to “Qualifying Services” under the IEP Plan. A Qualifying Bus Service is defined as a registered local bus service with one or more stopping place(s) within the geographical area of the Enhanced Partnership, with the exception of:

- Any schools or works registered local bus service not eligible for Bus Service Operators Grant
- Any cross-boundary registered local bus service with less than 10% of its registered mileage within the Enhanced Partnership area, based on normal weekly mileage
- Any services operated under Section 22 of the 1985 Act
- Any registered local bus service which is an excursion or tour

## **Processes and documents for bus operators making bus service registration applications**

The DfT guidance indicates that for consistency and to avoid confusion for operators, registration application forms should be based on those currently used by the OTC. We have therefore produced our own versions of:

- PSV350 (Application to Register a Standard Bus Service) – our ref **H.PSV350**(Herts)
- PSV350A (Supplementary Form for short notice applications) ) – our ref **H.PSV350A**(Herts)
- PSV355 (Application to Change or Cancel) ) – our ref **H.PSV355**(Herts)

The Local Authority Notification form will still be used but has been modified and will be used differently with the dual purpose of a) determining who is the appropriate registration authority (HCC or OTC - see below), then b) if to be the OTC then HCC in its Local Transport Authority role would complete and return as per the national practice. This is the now the “Pre-Registration Notification” form **H.LAN.EP**(Herts).

In addition, to accommodate the provisions of the IEP, the form **H.PSV350EP**(Herts) is introduced which is to be used as an appendix to the main document for operators to declare that the service will meet the specific requirements of the Enhanced Partnership scheme, where appropriate.

These documents available for download from the Intalink website at **[www.intalink.org.uk/registrations-operators](http://www.intalink.org.uk/registrations-operators)**.

The processes for submitting registration applications varies according to whether

- a) HCC or OTC is the appropriate registration authority and
- b) whether or not the service is a Qualifying Service as defined in the IEP Plan.

There are therefore four alternative scenarios. In order to determine which scenario applies, operators must first send us the new version of the LA Notification **H.LAN.EP**(Herts) which will enable us to establish:

- A. *Service wholly in-county; service is a Qualifying Bus Service*  
Registration documents will need to be sent to HCC as the Bus Service Registration Authority, complete with form **H.PSV350EP**(Herts)
- B. *Service wholly in-county; service is not a Qualifying Bus Service*  
Registration documents will need to be sent to HCC as the Bus Service Registration Authority, form **H.PSV350EP**(Herts) not required
- C. *Service cross-border; service is a Qualifying Bus Service*  
Registration documents will need to be sent to Office of the Traffic Commissioner, complete with form **H.PSV350EP**(Herts)
- D. *Service cross-border; service is not a Qualifying Bus Service*  
Registration documents will need to be sent to Office of the Traffic Commissioner, form **H.PSV350EP**(Herts) not required

Therefore, for each registration application:

1. You should send us the Pre-Registration Notification form **H.LAN.EP**(Herts) where you will declare which one of the above scenarios applies
2. HCC as the Bus Service Registration Authority reviews and confirms
3. HCC as the Bus Service Registration Authority will advise you through returning the LA Notification form

Then, for Scenarios A and B:

1. You send us the application document(s)
2. We will review the details received, query details with you if necessary, and if all is in order then formally accept the registration. Under Scenario A, we will check you have declared the EP requirements will be met on form **H.PSV350EP**(Herts), if not we will refuse the application.
3. Appropriate confirmation letter is sent to you
4. The application is published under Register of Applications on the Intalink website at **[www.intalink.org.uk/registrations](http://www.intalink.org.uk/registrations)** (ie. equivalent to the DfT's "Notices & Proceedings").

For Scenarios C and D, you send the registration documentation and fee to the OTC in the usual way, but under Scenario C must include the form **H.PSV350EP**(Herts).

All documentation can be sent electronically to HCC using the email address:  
**[registration@hertfordshire.gov.uk](mailto:registration@hertfordshire.gov.uk)**

## Notice Periods

Notice periods for registration applications to be submitted to HCC will mirror those set nationally by DfT/OTC. Currently:

- Normal notice period: 42 days\*
  - Section 22 services: 28 days\*
  - For Christmas/New Year, Easter and public holiday variations: 21 days
- \* To which should be added the 28 day period for local authority notification (14 days for Section 22 services).

## Short-notice applications

Short-notice applications will be considered in the same manner as would the OTC, which is as defined under Regulation 7(2) of The Public Service Vehicles (Registration of Local Services) Regulations 1986.

## Registration References

The guidance requires us to maintain the existing system of referencing. We will therefore adopt the following system:

- Licence No/**HN**xxx for new services registered after BSRR is established. To be a numeric sequence following on from the latest serial number used by the OTC for each operator/licence, with Variation number starting at 0.
- Licence No/**HV**xxx for services first registered before BSRR is established and we are therefore dealing with applications to vary. We will use the existing Traffic Commissioner Serial number but with the addition of “HV” in the number to identify HCC as the registration authority responsible, with the Variation number to be a numeric sequence following on from the latest number used by the OTC.

## Fees & Payment

For parity fees will be kept aligned to those paid to the OTC. Currently these are:

- Local bus service - £60
- Community bus service - £13

Collection of payments due will be through quarterly invoice, in arrears.

## “Notices”

Details of registrations applications received will be published regularly on the Intalink website at [www.intalink.org.uk/registrations](http://www.intalink.org.uk/registrations), in similar fashion to the Traffic Commissioner’s “Notices & Proceedings”

## Variations to the Above

HCC will mirror any variations made to the bus service registration processes and notice periods by the DfT/OTC when circumstances demand, eg. as have been applied during the Covid pandemic.

July 2021