

Note before reading the *Guidelines for the Licensing of Public Bus Passenger Services*

Section 16 of the Road Traffic Act 2002 (below) commenced with effect from 01 February 2013. Section 16 transferred the responsibilities for the location of bus stops from An Garda Síochána to the Local Authorities.

As a result, from 01 February 2013 the National Transport Authority will only accept stop approvals on a public road from the relevant Local Authority.

Road Traffic Act 2002

Section 16

16.—(1) The following section is substituted for section 85 of the Principal Act:

“85.—(1) A road authority may, by notice in writing, direct, in respect of a route upon which buses are operated, that specified points shall be stopping places at which persons may board or descend from buses or that specified places shall be used as stands for buses.

(2) A road authority may by notice in writing amend or revoke a direction given, or amendment made, by it under this section.

(3) A person operating or proposing to operate a bus service may apply to the road authority in whose functional area the service is being or will be operated for a direction under this section and the authority may, if it so thinks fit, after consultation with the person, give a direction specifying such points for stopping places, and places for stands, for buses as it considers appropriate.

(4) A notice under this section may direct that—

(a) one or more of the stopping places specified in the notice shall be used only for boarding buses or, as the case may be, only for descending from buses, or

(b) one or more of the stopping places so specified, or one or more of the stands so specified, shall be used only by buses providing a service or services operated by a specified person or by specified persons.

(5) A notice under this section—

(a) shall be given or sent by post to the person who is operating the bus service to which it relates, and

(b) shall specify the date on which it comes into operation,

and the notice shall come into operation on the date so specified.

(6) A certificate purporting to be signed by an officer of a road authority and stating that a notice under this section in specified terms was in force on a specified day or during a specified period shall, without proof of the signature of the person purporting to sign the certificate or that he or she was such an officer, be evidence in any legal proceedings until the contrary is shown that a notice under this section in the specified terms was given or sent by post to the person named in it and that it was in force on the specified day or during the specified period.

(7) In this section—

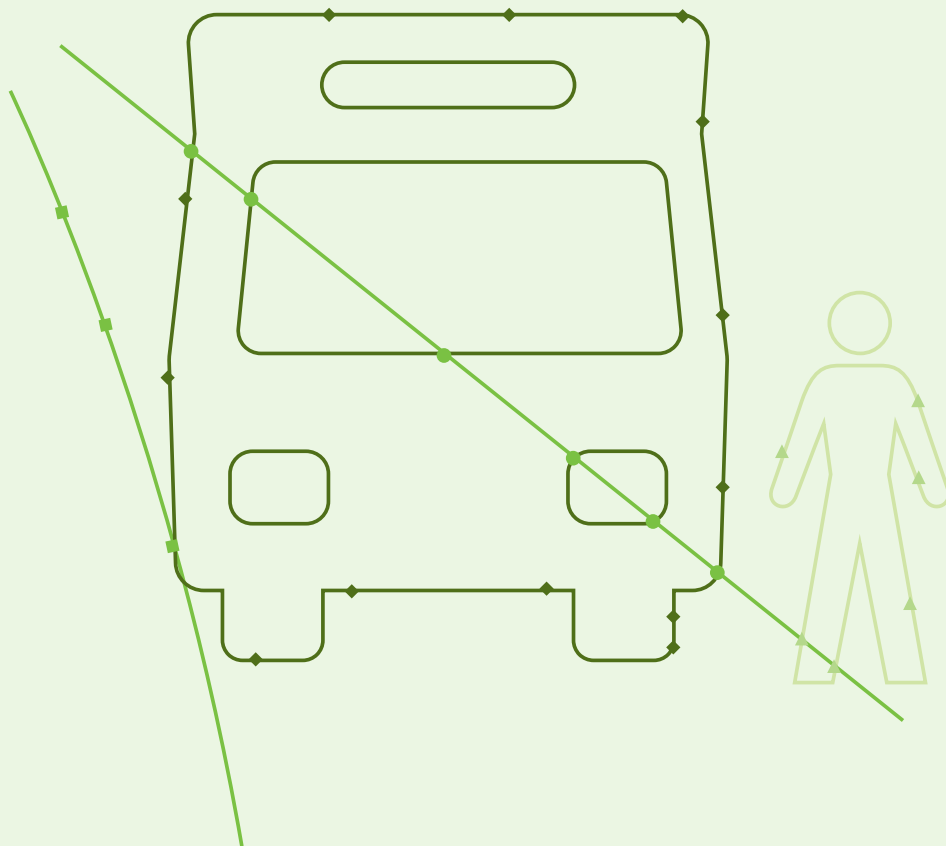
‘bus’ means omnibus;

‘road authority’ has the meaning assigned to it by the [Roads Act, 1993](#) .”

(2) Directions under section 85 of the Principal Act in force immediately before the commencement of this section shall continue in force after such commencement as if given under section 85 (as inserted by this Act) of the Principal Act and may be amended or revoked accordingly.

GUIDELINES FOR THE LICENSING OF PUBLIC BUS PASSENGER SERVICES

NOVEMBER 2010



Foreword

The Public Transport Regulation Act 2009 provides the basis for an efficient and effective licensing system for commercial public bus passenger services in Ireland. Key legislation and framework documents referred to in these guidelines can be found on the National Transport Authority's website **www.nationaltransport.ie**.

It is envisaged that these guidelines will make the application and decision process clearer and easier for applicants by providing advice and guidance to potential licence applicants about the processes and principles of the commercial public bus licensing system operated by the National Transport Authority.

Commercial bus passenger services are key part of public transport services in Ireland and accordingly play a crucial role in the provision of public transport in the State. The principles outlined in this document will provide the basis for weighing up applications to ensure that the Authority delivers on its objective of ensuring the provision of high quality, efficient, reliable and effective public transport services. Licence applications will, of course, have to be considered on a case-by-case basis.

The Authority intends to continue to develop its relationship with the industry as a whole and welcomes ongoing conversation and information sharing with the sector, and individual licence holders, regarding existing licences and potential applications. The Authority believes active participation in this dialogue by all will ensure better integration, and the provision of high quality effective services for public transport users.

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1. Services requiring a bus licence

A public bus passenger service is defined in the Public Transport Regulation Act 2009 (PTR Act 2009) as a service where:

- each journey is open to use by any members of the public;
- a charge or charges are paid in respect of each passenger; and
- except where the Authority otherwise determines:
 - the service is provided on a regular and scheduled basis, and
 - carriage is provided for passengers between specified terminal points or along a specified route or otherwise in accordance with a published timetable.

All public bus passenger services require a bus licence as per the PTR Act 2009 except for:

- those provided **solely** for the carriage of children to or from school;
- services that are subject to a public services contract entered into under section 48 of the DTA Act 2008;
- international services (authorised under EU Regulations);
- private-hire services where a bus is hired on behalf of a group for a fee that is determined independent of the number of passengers carried.

Licence categories

As provided for by section 8 of the PTR Act 2009 the Authority may specify both the categories of licences and the validity periods for those categories.

Bus licensing categories reflect the requirements of different geographical areas or specific services, (e.g. tours, one-off services, rural areas). Similarly different categories of licences may necessitate different periods of validity. All licences, unless otherwise stated below, will be valid for 3 years. It is also important that the system be sufficiently flexible to accommodate new types of service as they emerge.

Accordingly the following categories and validity periods will be applied:

- a. Event or venue specific licences:** This category will apply in respect of the provision of services to specific events such as concerts, race meetings, and festivals. The Authority undertakes to process such requests as quickly as possible, using email where possible.

Licences under this category will not be renewable and all future applications will be considered without any entitlements arising from previous licences held for a particular event.

At the time of licence application for this type of service the applicant may provide a list of events at a specific venue that they intend to provide over the next 12 months.

Licences in this category will be granted for the period of the event or for 12 months for a venue with a number of events. The Authority reserves the right to seek information on the events to be served at a venue.

- b. Regular service licences:** This category provides for the regular carriage of passengers on a predetermined route with predetermined pickup/set down points. Services of this nature could include:

- *Interurban services:* - services linking major towns and cities. Such services may be further categorised as follows:
 - *Express services* – with no intermediate stops or limited intermediate stops at major towns or cities on the route (e.g. Cork-Limerick-Galway);
 - *Multi-stop services* – with numerous intermediate stops between the terminal points.
- *Commuter services:* – services to centres of employment or education (not a bus service solely for carrying children to or from school), which are provided to match the travel patterns of commuters i.e. services to the destination are provided predominantly in the peak travel periods. For example in the case of urban centres this could be services which arrive between 7 a.m. and 10 a.m. with return travel in the evening peak between 4 p.m. and 7 p.m.
- *Rural services:* - services linking two or more small towns, villages, or rural areas.
- *Urban /suburban services:* - includes the majority of services that operate within urban and suburban areas.

All licences in this category will be granted for 3 years. Licences can be for an all-year round service or for seasonal services e.g. summer months or academic terms.

- c. **Temporary services:** This is a special category of licence to be made available to facilitate the deployment of bus services in exceptional circumstances.
- d. **Demand Responsive services:** Circumstances may arise where services are warranted that have optional routes that reflect specific demands. An example of this would be a service that addresses the specific needs of particular people living in relatively remote locations. This type of service is normally provided for passengers who have booked in advance.

Licences under this category will have a validity period of 1 year and will be renewable under the terms of section 16 of the PTR Act 2009.

- e. **Specific targeted services (including tours, social event such as nightclubs, bingo etc):** - This category will be applied in respect of operations which provide dedicated services specific to groups such as tourists or social event attendees. There are two categories of specific targeted services:

- city or regional hop-on hop-off tourist services;
- services for people attending specific social events, which may serve one destination or may include intermediate stops.

Licences under this category will have a validity period of 3 years.

IMPORTANT NOTE

In the event that a service does not fall precisely within one of the categories described above, a licence should be applied for under the categories that most closely match the predominant features of the service. The Authority will designate the category or categories based on the information provided.

2. Treatment of existing public bus passenger services

The treatment of existing public bus passenger services is explicitly set out in the Public Transport Regulation Act 2009. Existing licences granted under the Road Transport Act 1932 shall continue in force until a date to be determined by the Authority which cannot be longer than 2 years after the day of the next anniversary of the date of the grant or most recent renewal of the licence under the Road Transport Act 1932.

Services provided by Bus Éireann and Dublin Bus prior to the commencement of section 20 of the PTR Act 2009, and which are not subject to a Public Service Obligation contracts, will continue to operate until the Authority grants a licence in respect of these services. Such licences will be granted within 2 years of commencement of section 20 of PTR Act 2009 on a temporary basis for a maximum of one year only. All temporary licences granted as per this section can only be renewed in accordance with the provisions of the PTR Act 2009 and the procedures outlined in these guidelines.

3. Transitional arrangements for licences under the Road Transport Act 1932

An application for a licence made under the Act of 1932 before its repeal shall be considered under the 1932 Act by the Authority and any reference in the Act of 1932 to the Minister in respect of the application shall be read as a reference to the Authority.

Any licence granted following such consideration is deemed to be a licence granted under Part 2 of the PTR Act 2009 and will remain in force for not be more than 2 years after the next anniversary of granting the licence under the Road Transport Act of 1932.

Any renewal of such a licence must be sought under the PTR Act 2009 and in accordance with the procedures outlined in these guidelines.

4. Applying for a bus passenger services licence

Any person may make an application for a licence to operate a public bus passenger service subject to satisfying the following:

- he or she has the capacity to obtain the necessary financial and other resources required to provide the service;
- he or she has complied with national and international legislation on road transport;
- he or she holds a current tax clearance certificate issued in accordance with section 1095 of the Taxes Consolidation Act 1997; and
- he or she holds a current Road Passenger Transport Operator Licence (RPTOL) or Community Licence or provides information of a sub-contracting arrangement with an RPTOL holder.

Applications are not confined to bus operators who hold a valid RPTOL or Community Licence (page 27). If an applicant does not hold either of these operator licences, they must receive approval from the Authority to sub-contract the service provision to a holder of a valid RPTOL or Community Licence prior to the grant of a licence.

Making a valid application¹

In order for an application to be registered as valid the following documentation must also be included:

- a completed official licence application form specifying the nature of the proposed service, fares, stopping places, timetable, estimated capacity of vehicles to be used, details of the accessibility status of vehicles proposed for the service;
- a detailed timetable for the proposed service: this should include a departure and arrival time for each pick-up and set-down point along the route on the outward and return journeys. Each set down point should be clearly named and identified along the proposed route on an Ordnance Survey Ireland map to a scale 1:20,000 for urban and suburban area and 1:50,000 for all other areas or on a web-based geographical file. Applicants should note that the Authority considers that each departure is served by one bus only unless otherwise stated; and
- where application fees are required, all relevant fees must be received before an application is registered (Section 13 Fees).

Incomplete applications

An application will not be deemed to be valid if the required documentation is not provided in full or to the required standard e.g. an Ordnance Survey Ireland map to appropriate scale clearly showing all stopping places or a web-based geographical location file. In the case of an incomplete application the Authority will notify the applicant of the reason for the application being determined to be incomplete and will allow the applicant a period (generally 7 days but this may be extended at the discretion of the Authority) to resubmit a complete application. If the required information is not provided by the date specified, the Authority will deem the application closed.

Premature applications

Applications for services on new roads, road layouts etc will be considered no earlier than 6 months before the opening of the road. It is up to the applicant to furnish written official confirmation of the completion date of the road from the relevant road authority. Applications submitted more than 6 months before the timetabled opening of the road will be returned to the applicant.

1 The Authority is exploring the option of online applications

5. Consideration of a licence application

In considering an application for the grant of a licence the Authority will have regard to its statutory objectives and will seek to achieve:

- the development of an integrated transport system which contributes to environmental sustainability and social cohesion and promotes economic progress,
- the provision of a well-functioning, attractive, integrated and safe public transport system for all users,
- improved access to the transport system and, in particular, to public passenger transport services by persons with disabilities,
- increased use of the public transport system,
- regulated competition in the provision of licensed bus passenger services in the public interest,
- the objectives set out in section 9 of the Taxi Regulation Act 2003,
- increase recourse to cycling and walking as a means of transport, and
- value for money.

With regard to the objectives set out above and in line with the provisions of the PTR Act 2009 the Authority will for all licence applications, regardless of category, take into account the *demand* or *potential demand* in the entire market or segments of it, that exists for the public bus passenger service to which the application refers. In considering *demand* or *potential demand* the Authority will consider the needs of public transport users and the services already being provided by any existing public bus passenger services on or in the vicinity of the route to be served by the proposed public bus passenger service. Applications will be considered on their individual merits and on a case by case basis to ensure the needs of public transport users are placed at the centre of the licensing decision process.

Section 10 of the PTR Act 2009 establishes a structure for the consideration by the Authority of licence applications. A copy of section 10 can be found in Appendix a2. This section identifies 11 factors that the Authority shall take into account, as appropriate, when examining applications:

- the need to provide a well-functioning, attractive, competitive, integrated and safe public transport system of services and networks for all users,
- the need for the preservation of good order and safety on public roads,

- the impact a proposed public bus passenger service would have on public passenger transport services that are subject to a public transport services contract under Part 3, Chapter 2 of the DTA Act 2008 on or in the vicinity of the proposed route,
- the contribution the proposed public bus passenger service would have in achieving an increase in the availability of public transport services for the public,
- the National Spatial Strategy,
- the Sustainable Travel and Transport Action Plan for Ireland,
- relevant Regional Planning Guidelines under Chapter 3 of Part 2 of the Planning and Development Act of 2000,
- Transport 21 or any subsequent capital investment framework for transport published by the Minister or Government,
- demographic, economic and social trends,
- national and regional tourism strategies and plans, and
- local authority development plans.

With regard to the factors listed at (i)-(iv), *demand* and *potential demand* are concepts that vary according to the type of service proposed and the needs of public transport users. As stated earlier, existing public transport services will be taken into account in the consideration of any licence application presented to the Authority and the needs of the public transport user will be paramount in this consideration. It is in the applicant's interest to present a factually based case to the Authority supporting and outlining how a proposed service could add value for public transport users and serve the demand identified and estimated by the applicant.

As a general guide, the Authority will consider, in no particular order of importance, the following in determining *demand* or *potential demand*:

- studies available to the Authority relating to existing or proposed transport demand and/or development that would impact on transport demand;
- the presence of existing public transport services;
- the extent to which the routes of existing public transport services mirror the proposed service;
- the frequency and schedule of the existing transport services – in particular where they are relevant to the frequency and schedule of the proposed public bus passenger service;

- relevant national or regional policies and plans; and
- how comprehensively existing services satisfy the entire market or market segments.

In considering these matters the Authority may seek information from the applicant or any other party as it deems appropriate.

In this context the Authority is required to look at how a service might increase the availability of public transport services. Convenient public transport is essential to support national targets for sustainable travel and for achieving modal shift from cars to public transport.

In order for the Authority to meet its high level objectives, (e.g. the provision of a well-functioning, attractive, integrated and safe public transport system which delivers value for money) the Authority is required to have regard to the potential impact of licensed services on services contracted by the Authority to meet a Public Service Obligation. The Authority will balance the need to ensure that transport services that it has contracted for, and for which public subsidies are paid, are allowed to operate in an efficient and effective manner. Commercial licence applications will be considered in light of all services provided and the vital role subsidised services play in the provision of an efficient, reliable and effective public transport system. In some cases the overall public transport offering may be enhanced through the licensing of a commercial service notwithstanding that it has an impact on a subsidised service. In other cases the impact on a subsidised service may be so severe that it would, in the overall, be in the consumers' interests not to license a service.

Integrating services and meeting demand

Mechanisms may be used, in the public interest, to ensure the greatest availability and selection of a wide range and spread of services to the travelling public and to ensure safety and public order. The Authority will seek to facilitate the sharing of transport infrastructure where possible (e.g. bus stop, bus stand, bus or railway station) and will at all times have the needs of public transport users at the centre of its decisions.

In the interest of public transport users and having taken account of market demand the Authority will, when appropriate, endeavour to ensure that, licensed services are separated in time from other services along the route or in the neighbourhood/vicinity of the route, whether those other services are licensed or are Public Service Obligation services.

This will create an integrated system of services that will support the long-term availability and spread of services for public transport users. Indicative time separations are set out below:

→ Interurban services:

Express services 30 minute time separation from other express services

Multi-stop services 30 minutes from other multi-stop services

→ Commuter services 15 minutes time separation

→ Rural services 30 minute time separation

→ Urban /suburban 5 minutes time separation

The time separations set out above are **not mandatory**. Each case will be examined on its own merits and the Authority may choose not to use time separations when they are not considered necessary for achieving the Authority's objectives as outlined in the DTA Act 2008 and the PTR Act 2009.

An example of circumstances when the operation of separation times would not be in the public interest could be periods of peak demand, such as, Friday and Sunday evenings, Monday morning and bank holiday weekends. Such cases will be considered on individual merits and separation of times may be adjusted in order to serve the interests of public transport users.

It is acknowledged by the Authority that time separations may be inappropriate to apply when long distance services converge over part of a route shared with local services or in city areas where different suburban services converge on main arteries within a city centre.

In line with the objectives outlined in the PTR Act 2009 the Authority may reject all or part of an application if the proposed service could result in head-to-head competition with an existing licence holder, jeopardising the preservation of good order and safety on public roads.

As already indicated, it is in the applicant's interest to present a factually based case to the Authority. If an applicant believes that the indicative separations should not apply to their proposed service the applicant should provide any supporting evidence it may have for this assertion.

Concurrent licence applications

The Authority may simultaneously consider two or more applications for the same route or potentially overlapping routes up until the making of a provisional offer for grant of a licence.

As with all applications the Authority will consider concurrent applications from the perspective of public transport users. The Authority's consideration will be in the context of, and supported by, applicable policy, transport requirements, and the relevant statutory criteria.

As provided for by the Public Transport Regulation Act 2009 and the Dublin Transport Authority Act 2008 the Authority may distinguish between two similar applications with regard to each proposal's ability to provide a service that is:

- well-functioning – *e.g. reliable;*
- attractive – *e.g. proposed fleet, frequency, amenities provided, customer service standards;*
- competitive – *e.g. fare levels;*
- integrated – *e.g. with other services, ticketing;*
- safe - *e.g. vehicle safety features;*
- value for money – *e.g. savings/cost neutral impact the State subsidies; and*
- understanding and adherence to relevant policy documents as outlined in section 10 of PTR Act 2009 – *e.g. National Spatial Strategy, Regional Planning Guidelines etc.*

This range of criteria provides applicants with an opportunity to submit innovative licence applications that respond to public transport users' needs and assist the Authority in meeting its objective of delivering effective public transport services.

6. Licence decision

The Authority may offer or refuse all or part of a licence application. In the case of temporary services and event or venue specific services the decision will take the form of grant or refusal of a licence. Conditions may be attached to all licences and to amendments to licences.

For standard regular services and demand responsive services a decision may take the form of a provisional licence offer or a refusal.

Provisional Licence offer - standard regular services, demand responsive services and specific targeted services

Once a decision is made to offer a licence the Authority will issue a letter to the applicant setting out the decision and any conditions or restrictions attached to the licence. This letter is indicative and not legally binding.

A provisional offer to the applicant will set out:

- the details of the service in respect of which it proposes to grant the licence;
- the conditions it proposes to apply to the operation of the licence;
- the documents required before a licence grant can be made;
- the licence fee that must be paid prior to the grant of the licence;
- the period within which the applicant must respond in writing to the provisional offer to indicate acceptance of the offer.

If the applicant **intends to accept the provisional licence offer** they must submit the following to the Authority within 42 days / 6 weeks before the licence can issue:

- copy of Community Licence(s) or Road Passenger Transport Operator Licence(s) which includes all buses proposed for use on the proposed service;
- copy of valid insurance for the provision of the licensed service(s);
- copy of Public Service Vehicle (PSV) licence(s) for all vehicles;
- copy of approval from the Gardaí or landowner (in the case of private property) for the proposed bus stops en route;
- the appropriate fee for the licence(s);

- details confirming the capacity of vehicles to be used;
- details confirming the accessibility status of vehicles proposed for the service;
- details of any subcontracting arrangements proposed;
- details of the livery of the proposed buses for use on the service; and
- any other relevant information requested to assist the application.

Where an applicant does not comply with the requirements set out above by the specified deadline, the provisional offer will cease to have effect, and the Authority will inform the applicant that the application will receive no further consideration.

An applicant may request an extension of the final date for submission of documentation (e.g. delays in obtaining approval from An Garda Síochána). Such a request must be made prior to the final date for submission and may be approved in full, approved with modifications, or refused by the Authority.

IMPORTANT NOTE

The applicant may, within 21 days of receipt of the provisional offer, appeal the offer to the Authority. Such appeal will be dealt with in accordance with the appeal process set out in section 16 - Appeals.

Grant of a licence - standard regular services, demand responsive services and specific targeted services

If the applicant meets the requirements of (i)-(x) within the specified period, the licence will be issued. If the applicant fails to meet the requirements within the 42 days / 6 weeks specified above the licence application will be terminated.

Where the Authority grants a licence under the PTR Act 2009, it will specify, in addition to the conditions, the route, the commencement and completion points, any stopping places on the route, and where appropriate both the frequency and scheduling of the service.

The holder must comply with the terms and conditions specified in a licence, and failure to do so will constitute an offence under the PTR Act 2009.

Grant of a licence – event specific services and temporary services

Once a decision is made to grant a licence the Authority will communicate the decision to the applicant and set out the decision and any conditions attached to the licence. This communication is indicative and not legally binding until the applicant has complied with the requirements below.

The grant of a licence for event or venue specific services and temporary services will set out:

- the details of the service in respect of which the licence is being granted;
- the conditions attached to the operation of the licence;
- the documents that must be submitted to the Authority;
- that the applicant must respond in writing confirming that they accept the licence.

If the applicant **intends to accept the licence** offered they must confirm the following to the Authority:

- that Community Licence or Road Passenger Transport Operator Licence for all buses proposed for use on the proposed service are in place,
- copy of valid insurance for the provision of the licensed service(s),
- PSV licences for all vehicles are in place,
- confirmation that the proposed bus stops en route have Garda or land owner approval, and
- the capacity of vehicles, subcontracting arrangements proposed, the accessibility standards of vehicles to be used, and the livery of the proposed buses are the same as indicated in the original application.

If necessary, to facilitate applications of this nature, email or fax confirmation of the above items will be sufficient to allow the licence to be granted with immediate effect, however, the applicant must submit copies of the required items to the Authority as soon as possible.

If the applicant fails to comply with the requirements above the grant of a licence will be withdrawn.

The licence holder must comply with all terms and conditions specified in a licence, failure to do so will constitute an offence under the PTR Act 2009.

Licence conditions

As provided for by section 13 of the PTR Act 2009, and as previously stated, conditions may be associated with a licence granted. Conditions will be used to ensure quality public transport is delivered to customers and may include conditions regarding cleanliness, timetabling, integration etc. An indicative list is provided in Appendix a4. This list is not definitive and the Authority may impose other conditions when granting a licence.

While the Authority may use conditions to effect integration it will only seek to apply conditions where they are practicable.

All licences will have a number of standard conditions including, but not limited to:

- All operators, including subcontractors, shall comply with employment and health & safety law.
- All operators, including subcontractors, shall maintain records to demonstrate compliance with the terms and conditions of the licence granted.
- All operators and/or subcontractors used in the provision of the service shall comply fully with the licence and conditions.
- A requirement to inform the Authority of changes to fares.
- All operators, including subcontractors, must notify the Authority of the commencement of the licensed service within 5 days of its commencement.

It is in the licence holder's interests to maintain good records such as, but not limited to, drivers logs, tachographs, service intervals, etc.. Such records may be called upon as part of the enforcement process. The Authority may choose at any time to introduce a standardised information reporting template for licence holders.

Deadline for introduction of services

In the interest of public transport users services listed in a bus licence may be commenced at any time following the grant of the licence. However, services **must** commence within 4 months of the date on which the Authority granted the licence.

The period in which event or venue specific services and temporary services must commence will be specified in the licence.

The Authority may at the request of the licence holder and on the basis of valid reasons extend the 4 months timeframe for commencement of public bus passenger services.

The licence holder must provide written confirmation to the Authority of commencement of the public bus passenger services within the 4 months timeframe for commencement.

As specified in the PTR Act 2009, where a licence holder fails to comply with the requirement set out above, or if the Authority becomes aware of the fact that a public bus passenger service has not been commenced within the 4 month timeframe, the Authority will notify the licence holder that the licence will be revoked in 14 days unless the licence holder provides proof of the commencement of the service before that date. If no proof is forthcoming within 14 days, the licence will be revoked.

Refusal of a licence application

The Authority can refuse in full or in part to grant or amend a licence. Once a decision is made to refuse, the Authority will issue a letter to the applicant setting out the decision and explaining the basis for the refusal of services applied for.

The applicant will be given 21 days from the date of notice refusing or part refusing the application to appeal the decision by letter, e-mail or fax to the Authority.

If the Authority's decision is appealed it will be reviewed in accordance with the appeal procedures set out in section 16 of these Guidelines.

Refusal of renewal of a licence

If the Authority refuses an application for renewal of a licence the licence holder must notify passengers that the service will not continue. The Authority bears no responsibility for any outstanding liabilities to passengers in the form of prepaid tickets or other such advance payments that may have been received by the licence holder / operator. Any such responsibilities are the responsibility of the licence holder / operator.

Decisions may be appealed as per section 16 of these Guidelines.

Permissible auxiliary services

Unless otherwise stated in the licence, a reference to a departure as provided for by a bus licence is a reference to the departure of a single bus. However, auxiliary departures are permissible where the licence holder determines on any given day that there is additional demand for the deployment of such departures, which **could not have been reasonably anticipated**.

An auxiliary service departure on a licensed route departs as close to the timetabled departure as safe and operationally possible, serves all or some points of the route and terminates on that route. The auxiliary departure is deployed for the purposes of accommodating unanticipated additional demand for a scheduled departure on that route.

The approval of the Authority is not required in respect of the deployment of an auxiliary departure that operates for not more than 3 weeks, consecutively or otherwise, within a period of not more than 3 months from the first deployment of the auxiliary services. Auxiliary departures, as described above, are only permissible if the licence holder informs the Authority of the operation of the departure within 5 working days of the first operation of the auxiliary departure and that the departure otherwise complies with the licence.

Any non-scheduled departure on a route that is referred to in any schedule or timetable published or displayed in any format by the licence holder or any other operator which provides services on a subcontracting basis to the licence holder in respect of the route in question cannot be regarded as being an auxiliary departure.

In the interest of the Authority providing efficient and effective public transport, where the licence holder wishes to deploy additional departures, beyond the scope outlined above, it must apply to the Authority for an amendment of their licence as per section 6 of these Guidelines.

Permissible temporary alterations

Temporary alterations in services at the request of the Gardai, Local Authorities or the emergency services will not require an amendment of the licence. Other temporary alterations will be permitted also to allow for road works or unanticipated changes to infrastructure. In such cases the licence holder must endeavour, to the best of his or her ability, to notify the Authority in advance of the temporary alteration, suspension or reduction of services. It is important that prior notice be given to the passengers and if possible the Authority. If it is not possible for the licence holder to give prior notice to the Authority they should endeavour to inform the Authority as soon as is practicable.

If the Authority considers that the licence holder has not endeavoured to notify amendment of a licence or a temporary alteration, the Authority may confirm such in writing to the licence holder and may remove the discretion for temporary alterations from the licence holder. If the licence holder continues to alter services following notification from the Authority the route licence may be revoked.

Permissible suspensions

Licence holders may apply at any time for a temporary suspension of service. Applications must be notified in writing to the Authority explaining the basis for suspension, the duration of suspension and providing an undertaking to inform the public of the suspension. The Authority will decide on the validity of the requested suspension.

A licence holder who suspends a public bus passenger service without obtaining prior Authority approval may be deemed to have committed an offence and may have their licence revoked. If the Authority grants a temporary suspension of a service the expiry date of the bus licence remains unchanged.

Amendment (permanent) of a licence

Licence holders may apply at any time for an amendment to the terms and conditions of a licence. Applications must be made on the official licence application form. Such applications for amendments will be treated administratively as licence applications and as such will be subject to consideration as already outlined at section 5 *Consideration of a Licence Application*. The Authority may determine that licence amendments that materially increase or decrease services represent a new licence application rather than an amendment and such applications will require payment of the appropriate fee.

An application for a licence amendment will not be considered unless the applicant establishes to the satisfaction of the Authority that he or she has the capacity to obtain the necessary financial and other resources required to provide the amended service.

A licence holder who alters a public bus passenger service without obtaining prior Authority approval is deemed to have committed an offence.

Unless otherwise stated, it should be noted that the Authority considers that each departure time on a licence is for the operation of one bus. The Authority must be informed if additional buses are to be used on a regular basis to cater for demand on any departures and the necessary licence amendment sought.

Service alterations associated with licence amendments should be introduced as soon as possible and no later than 4 months from the date of grant of the amendment to the licence. The licence holder must provide written confirmation to the Authority of introduction of the amended services within the 4 month timeframe for commencement of amended services. Failure to provide written confirmation will cause the authorisation to operate the service to lapse.

7. Licence renewal

Applications for renewal of a licence will be considered with regard to:

- any concurrent applications;
- the degree to which the public bus passenger service has been provided having regard to the terms and conditions of the licence; and
- the provisions of sections 10 to 13 of the PTR Act 2009 which are outlined in section 5 of these Guidelines *Consideration of a licence application*.

Applications for renewal of a licence must be made using the official licence application form and should be submitted to the Authority at least 42 days / 6 weeks before the expiry date on the licence.

The Authority will contact the licence holder at least 56 days / 8 weeks prior to the expiry date of their licence to inform him or her of the requirement to submit an official licence application form. However, it is still the responsibility of each licence holder to ensure that applications for renewal of a licence operated by him or her are made before their current licence expires.

The official licence application form must be accompanied by:

- confirmation that the service to be renewed is identical to the service currently licensed;
- evidence of the operation of the service e.g. a published timetable, up-to-date website, letter from An Garda Síochána;
- copy of the current Road Passenger Transport Operators Licence(s) (RPTOL) or Community Licence(s);
- appropriate fee; and
- a completed compliance form (template available from the Authority or the Authority's website), which will confirm that the licence holder has complied with all the conditions attached to the licence.

If an application for a renewal is not made in full compliance with the above requirements, the Authority will notify the licence holder of a final date for receipt of the completed renewal application. The Authority will not consider the application for renewal if the full application is not received on or before that date and the licence will lapse on the expiry date.

As per section 16(3) of the PTR Act 2009 the Authority may refuse to renew a licence if there have been repeated minor breaches, one or more serious breaches of the conditions of the licence, or if the licence holder has been convicted of an offence related to the provision of bus services under the PTR Act 2009 or other relevant legislation.

Applicants for renewal of a licence must also have at all times:

- valid PSV licence(s);
- copy of valid insurance for the provision of the licensed service(s),

A licence renewal commences immediately upon the expiration of the current licence and continues in force for the period of validity specified by the Authority.

The Authority will notify an applicant seeking renewal of a licence in writing if it intends not to renew the licence and the reasons for refusing to renew the licence.

If the licence application for renewal is not granted the licence holder must notify passengers that the service will not continue. The Authority bears no responsibility for any outstanding liabilities to passengers in the form of prepaid tickets or other such advance payments that may have been received by the licence holder / operator. Any such responsibilities are the responsibility of the licence holder / operator.

If the refusal is appealed it will be reviewed in accordance with the appeal procedures set out in section 16 of these Guidelines.

8. Transfer of licence

The PTR Act 2009 provides for licence transfer. For a transfer to occur the person to whom it is proposed to transfer a licence must apply to the Authority for a transfer of ownership using the appropriate application form.

Subject to the payment of the appropriate fee, the Authority may:

- examine any submission made to it by or on behalf of the applicant;
- seek the submission of information from the applicant or any other party, including any local authority (within the meaning of the Local Government Act 2001) in whose functional area the proposed public bus passenger service will operate; or
- examine any other matter that it deems to be relevant to the public interest in the consideration of an application.

An application for transfer of a licence shall not be considered unless the applicant establishes to the satisfaction of the Authority that:

- he or she has or has the capacity to obtain the necessary financial and other resources required to provide the proposed public bus passenger service;
- he or she has complied with national and international legislation on road transport; and
- he or she holds a current tax clearance certificate issued under section 1095 (inserted by section 127 of the Finance Act 2002) of the Taxes Consolidation Act 1997.

Death of licence holder

In the event of the death of a licence holder, his or her personal representative may carry on the public bus passenger service to which the licence relates under that licence until the expiry of the licence. The personal representative of a licence holder may apply for the renewal of the licence (as outlined in these Guidelines) and shall on the renewal of the licence be the licence holder.

A licence shall not be transferred to another person unless in accordance with the criteria outlined in this section. Where the Authority becomes aware of the transfer of a licence other than as is provided for in this section it shall revoke the licence with immediate effect.

9. Indicative timescale for processing applications

The Authority will process applications in accordance with these Guidelines. The Authority will aim to provide a user-friendly service, which will be easy for existing and potential licence holders to access.

The Authority will endeavour to keep applicants informed of the progress of their applications. In general, applications will

be acknowledged within 14 days of receipt and applicants will be informed if there are any potential obstacles to their application at that time. Applications become validated from the date of the Authority's letter to the applicant informing them that there are no obstacles to processing their application. Indicative timescales for validated applications are as outlined below.

Indicative timescales:

	Provisional licence offer/ Refusal of licence	Grant of licence/ refusal	Renewal of licence	Amendment of licence	Transfer of licence
Event or venue specific licences	→	24 hours - 1 week	Not applicable	Not applicable	Not applicable
Temporary services	→	24-48 hours	Not applicable	Not applicable	Not applicable
Regular service	8 weeks	2 weeks	6 weeks	4 weeks	4 weeks
Demand responsive services	8 weeks	2 weeks	6 weeks	4 weeks	4 weeks
Specific targeted services	4 weeks	2 weeks	4 weeks	4 weeks	4 weeks

These timescales are for guidance purposes only, are indicative, dependent on the applicant providing all information requested in a timely manner and the complexity of the application with regard to section 10 of the PTR Act 2009.

10. Monitoring and enforcement of licences

The Authority's enforcement policy will focus in particular on ensuring compliance with licence conditions. Licensed operators must comply fully with the terms and conditions of their licences. In particular, licensed operators will be expected to operate all of the services specified in their licences and to operate them in accordance with the specified timetable and any conditions attached to the licence.

The Authority may monitor any public bus services to ensure compliance with the PTR Act 2009 and with the terms and conditions of individual licences. The Authority will investigate any written complaints received in relation to the operation of licensed services.

In the event that the Authority requires evidence of

compliance, such evidence shall be forwarded or otherwise presented to the Authority in accordance with any schedule devised by the Authority. The Authority may choose at any time to introduce a standardised information reporting template for licence holders.

Where breaches of licensing terms are identified, appropriate action, including written warnings seeking remedy of non-compliance, prosecution or revocation of the licence in question, may be considered.

11. Revocation of a licence

The Authority may revoke a licence:

- where a licence holder requests that a licence be revoked;
- where the Authority is satisfied that the public bus passenger service in respect of which the licence was granted is not being provided in full;
- where a licence holder fails to provide confirmation to the Authority of the commencement of a public bus passenger service within the period set out;
- where the Authority becomes aware of the transfer of a licence other than as is provided for in the PTR Act 2009; or
- following a conviction of a licence holder for an offence under the PTR Act 2009.

Where the Authority proposes to revoke a licence it will give 14 days' notice of its intention to a licence holder and will invite the licence holder in question to make written submissions for consideration before making a final determination on the revocation of the licence.

If the Authority determines that the licence should be revoked, it will advise the holder in writing that the revocation will have effect 14 days following the date of the letter.

The Authority will from time to time publish details of the offences in respect of which it may revoke a licence.

As soon as the licence holder is informed of the Authority's intention to revoke his or her licence the licence holder must notify passengers of the date services will cease and the grounds for the licence being revoked. If a licence is revoked the Authority bears no responsibility for any outstanding liabilities to passengers in the form of prepaid tickets or other such advance payments. Any such responsibilities are the responsibility of the licence holder.

Revocation of a Road Passenger Transport Operator's Licence (RPTOL)

Where a Road Passenger Transport Operator's Licence (RPTOL) is revoked or withdrawn under

- an act of an institution of the European Communities in relation to road passenger transport;
- an Act of the Oireachtas in relation to road passenger transport; or
- any regulation made under section 3 of the European Communities Act 1972 giving effect to an act of an institution of the European Communities in relation to road passenger transport.

A licence granted to the person or their subcontractor who held the RPTOL concerned is automatically revoked subject to the provisions outlined below.

A person who continues to provide a public bus passenger service in respect of which a RPTOL has been revoked is deemed to have committed an offence under the Act.

If a licence holder has contracted with the holder of an RPTOL for the operation of a service, and if the RPTOL of the contractor is revoked the Authority must be informed immediately. The licence holder may not provide the service until an alternative RPTOL holder is engaged. The Authority may temporarily suspend a licence to allow for the engagement of a new RPTOL compliant operator but any such engagement may only be undertaken with the prior consent of the Authority.

12. Complaints procedure

Complaints received relating to licensed passenger services, unlicensed passenger services or other matters arising in the context of the licensing of passenger road services will be investigated by the Authority with assistance where necessary from An Garda Síochána or other relevant bodies.

Complaints should be forwarded by fax, email or in writing to the Authority (contact details in section 17).

Before any action is taken in relation to the findings of the factual assessment, the relevant parties will be given an opportunity to make written submissions on all factual matters that are likely to influence the decision.

A final decision will only be made after consideration of the relevant factual matters and any submissions of the relevant parties.

A report of the final assessment by the Authority will be forwarded to the relevant parties.

13. Fees - application and licence fees

The appropriate fee must accompany the application being made:

In the case of licences for event or venue services and for temporary services, the licence fee is combined with the application fee to facilitate faster issuing of this type of licence.

No licence will be granted unless the full licence fee is received.

Fees are non refundable.

The Authority will seek to review fee levels on an ongoing basis, cognisant of both the impact on market supply and increased licensing efficiencies.

	APPLICATION	LICENCE ISSUE	AVERAGE ANNUAL COST	RENEWAL
	A	B	(A+B)/X years	
APPLICATIONS				
REGULAR SERVICES (3 YEARS)	€50	€250	€100	€300
DEMAND RESPONSIVE (1 YEAR)	€50		€50	
EVENT OR VENUE SPECIFIC SERVICES	€50 Application fee includes cost of licence issue			
SPECIFIC TARGETED SERVICES (3 YEARS)	€50	€50	€33	€100
TEMPORARY	€50 Application fee includes cost of licence issue			
TRANSFER OF LICENCE	€50			
AMENDMENT OF LICENCE	€50			

14. Fines

A person who commits an offence relating to Part 2 of the PTR Act 2009 is liable on conviction to a fine of up to €5,000.

15. Confidentiality and Freedom of Information

All information supplied to the Authority is subject to the Freedom of Information Act, 1997, as amended.

Applicants should consider if any of the information supplied as part of an application should not be disclosed because of its commercial sensitivity. If this is the case, applicants should, when providing the information, identify the commercially sensitive information and specify the

reasons for its sensitivity. In compliance with the FOI Acts the Authority will consult with the applicant about sensitive information before making a decision on any Freedom of Information request received.

It should be noted that issued licences are public documents.

16. Appeals

The Authority will endeavour to ensure the operation of fair procedures and right of appeal in the administration of the public bus passenger licensing system.

The holder of a licence which is revoked, or an applicant for the grant, amendment, renewal or transfer of a licence may appeal to the Authority in writing against a decision or any specific part of a decision taken by the Authority within 21 days of the date of notice of that decision.

For an appeal to be considered the appellant must set out the grounds for the appeal.

The Chief Executive Officer of the Authority will appoint an officer of the Authority, of a rank that is the same or higher than the deciding officer who made the decision that is being appealed, to be an independent appeals officer to consider and decide on the appeal. The appeals officer will review the decision in its entirety.

The appeals officer may seek information from the appellant or a third party.

The decision of the appeals officer and the reasons for making that decision shall be notified in writing to the appellant within 42 days / 6 weeks of receipt of all relevant documentation.

The decision of the appeals officer is final and conclusive unless the decision is appealed to the Circuit Court.

Appeals to the Circuit Court

The appellant may, within 14 days after the date of the notification of the decision of the appeals officer, appeal to the judge of the Circuit Court in whose Circuit the appellant resides or principally carries out his or her business.

Where an appellant appeals to the judge of the Circuit Court the appellant must at the same time notify the Authority in writing of that appeal and the decision of the appeals officer is suspended until the outcome of the appeal to the Circuit Court or the appeal is withdrawn.

IMPORTANT NOTE

In the interest of public transport users and the development of an integrated transport system it should be noted that while awaiting the outcome of an appeal of a licence decision to the Circuit Court the Authority may grant a licence for a temporary period for a service along the same or similar route being appealed. The applicant for the temporary licensed service will be made aware of the appeal being made to the Circuit Court and the possibility that their licence may be revoked and awarded to the original applicant.

17. Contacting the National Transport Authority

Email: buslicensing@nationaltransport.ie

Website: www.nationaltransport.ie

Telephone: + 353 (0)1 604 1589 / 879 8300

APPENDICES

A1: Road Transport Operators Licences / Community licences

Information on Road Passenger Transport Operator's Licences (RPTOL), or Community Licences is available from: -

Road Transport Operator Licensing Unit
Department of Transport
Clonfert House
Bride Street
Loughrea
Co. Galway

telephone: LoCall 1890-443311 or 01-6707444
website: www.transport.ie

A2: General provisions for the consideration of applications for grant of licences

(Set out in section 10 of the Public transport regulation Act 2009)

10.

- (1) In considering an application for the grant of a licence the Authority, having regard to the general objectives established under section 10 of the Act of 2008—
- (a) shall take account of the demand or potential demand that exists for the public bus passenger services to which the application refers having regard to the needs of consumers and any existing public bus passenger services on or in the vicinity of the route to be served by the proposed public bus passenger services, and
- (b) save where the application is in respect of a category of licence where the Authority deems it not to be appropriate, shall take account of any or all of the following:
- (i) the need to provide a well-functioning, attractive, competitive, integrated and safe public transport system of services and networks for all users,
 - (ii) the need for the preservation of good order and safety on public roads,
 - (iii) the impact a proposed public bus passenger service would have on public passenger transport services that are subject to a public transport services contract under Part 3, Chapter 2 of the Act of 2008 on or in the vicinity of the proposed route,
 - (iv) the contribution the proposed public bus passenger service would have in achieving an increase in the availability of public transport services for the public,
 - (v) the National Spatial Strategy,
 - (vi) the Sustainable Travel and Transport Action Plan for Ireland,
 - (vii) relevant Regional Planning Guidelines under Chapter III of Part II of the Act of 2000,
 - (viii) Transport 21 or any subsequent capital investment framework for transport published by the Minister or Government,
 - (ix) demographic, economic and social trends,
 - (x) national and regional tourism strategies and plans, and
 - (xi) local authority development plans.

- (2) For the purpose of considering an application for the grant of a licence, the Authority may—
- (a) examine any submission made to it by or on behalf of the applicant,
 - (b) seek the submission of information from the applicant or any other party, including any local authority (within the meaning of the Local Government Act 2001) in whose functional area the proposed public bus passenger service will operate, or
 - (c) examine any other matter that it deems to be relevant to the public interest in the consideration of an application.
- (3) An application for the grant of a licence shall not be considered unless the applicant establishes to the satisfaction of the Authority that—
- (a) he or she has or has the capacity to obtain the necessary financial and other resources required to provide the proposed public bus passenger service,
 - (b) he or she has complied with national and international legislation on road transport, and
 - (c) he or she holds a current tax clearance certificate issued under section 1095 (inserted by section 127 of the Finance Act 2002) of the Taxes Consolidation Act 1997.
- (4) The Authority may provide guidance to applicants in relation to the consideration of applications under this section in guidelines made under section 23 .
- (5) Where, following its consideration of an application, the Authority determines that the public bus passenger service to which the application relates is warranted, and the applicant establishes compliance with subsection (3) to the satisfaction of the Authority, the Authority shall grant a licence.
- (6) Where the Authority decides not to grant a licence, it shall inform the applicant setting out the reasons for that decision.

A3: Attachment of conditions to licences

(Set out in section 13 of the Public Transport regulation Act 2009)

13.

- (1) When granting, amending or renewing a licence, the Authority may apply conditions to the licence in respect of the operation of the public bus passenger service to which it relates.
- (2) Notwithstanding the generality of subsection (1), the Authority may impose conditions that relate to—

 - a. compliance by the applicant or licence holder at all times with the requirements of section 10(3),
 - b. the scheduling and frequency of bus services, including variations of such frequencies on different days or at different periods of each day,
 - c. the route to be taken by the service,
 - d. the stopping places on the route for the service, including conditions relating to access to or egress from the service at specified points,
 - e. the commencement and completion points of the service,
 - f. the ticketing for services, including where appropriate, the integration of ticketing with other transport services provided by the applicant or other public transport service operators,
 - g. the provision of ticket dispensing machines or other ticketing, including integrated ticketing, equipment,
 - h. the minimum number of vehicles that must be kept available for deployment in the provision of the service, and
 - i. the minimum accessibility standards and emission standards for pollutants and noise to be complied with by vehicles deployed in the provision of the service.
- (3) The Authority may require that a timetable for a public bus passenger service be provided by the applicant and that such timetable be displayed for the information of the public at places and in such a manner as it determines.
- (4) Save where the Authority deems it not to be appropriate, the Authority shall require that a licence, or a document displaying details of a licence in a format it has approved, must be displayed in the vehicle being used to provide a public bus passenger service and may set out the locations and method for that display.
- (5) The Authority may publish the timetable of any public bus passenger service in respect of which a licence has been granted in any format using any means, including electronic, that it sees fit.
- (6) The Authority may establish different and separate conditions in relation to different categories of public bus passenger services.
- (7) A licence holder or a person acting on behalf of a licence holder who in the provision of a public bus passenger service does not comply with a condition applied to a licence commits an offence.

A4: Sample licence conditions

The following is a list of indicative licence conditions that may be imposed.

The list is not exhaustive and other conditions may be imposed by the Authority in any licence grant:

- Compliance by operator and/or subcontractor with employment and health & safety law
- Maintenance by operator and/or subcontractor of records demonstrating compliance with the terms and conditions of the licence granted
- Compliance by operator and/or subcontractor with the licence and all associated conditions
- All operators and/or subcontractors, must confirm to the Authority the commencement of the licensed service within 5 days of its commencement
- All operators and/or subcontractors, must notify the Authority 5 days before the intended commencement of the licensed
- All operators must inform the Authority, in advance, of changes to fare levels
- Use of bus stops and stands
- Availability of tickets
- Timetables – display, location etc
- Cleanliness
- Real Time Passenger Information
- Compliance with journey planning tools
- Branding/livery
- Participation in Free Travel and other publicly funded schemes
- Integration
- Training of drivers/staff
- Integrated ticketing
- Accessibility of services
- Compliance with sectoral policy documents such as National Spatial Strategy, Smarter Travel etc
- Irish Language usage
- Emissions standards

The Authority may choose to add or amend this list in accordance with its powers under the PTR Act 2009.

