

Retained and transferred functions of Dumfries and Galloway Council, SWestrans and the Traffic Commissioner

Dumfries and Galloway Council



- Operator of DGC Buses, which operates:
 - As a school bus service, allowed to use extra capacity before, between, and after the school bus service for carrying fare-paying passengers, similar to (but by no means as extensive as) a local bus service.
 - As a localised community transport service, where there is a social or welfare need for the service, for carrying fare-paying passengers, also similar to (but by no means as extensive as) a local bus service.

For each of these services, Dumfries and Galloway Council is exempt from the requirement to hold public service vehicle operator licences, so long as the vehicle being used belongs to the council and has the relevant permits for localised community transport where required.

- Responsible for the school bus service and for any functions related to social work. A public service vehicle operator licence or a relevant permit issued by or regulated by the Traffic Commissioner¹ may be required.
- Responsible for tendering for school bus services if the council is not operating them itself.
- Local authorities have a duty to secure public bus-service provision. However, this duty was transferred to SWestrans in 2006 and remains with SWestrans.
- Since 2024, Dumfries and Galloway Council has a new power (albeit not a duty) to provide local bus services beyond current operations, concurrently with SWestrans, provided it holds the required public service vehicle operator licences for these new services and complies with other certain dependencies and qualifications, such as aligning that service with its general transport policies and strategies.
- Dumfries and Galloway Council would need to work collaboratively with SWestrans, which is responsible for the regional transport strategy and for the delivery of local bus services generally.
- Functions exercisable concurrently by SWestrans and Dumfries and Galloway Council:
 - The power to operate a local bus service beyond current operations, subject to holding public service vehicle operator licences for these new services, contributing to the implementation of general public transport policies, local government finance controls and constraints, procurement, subsidy control and competition matters.
 - The powers for establishing and administering travel concession schemes.
 - The powers for making bus-service improvement plans.
 - The powers for administering ticketing arrangements.
 - The powers for administering the franchising of services.

SWestrans



- Responsible for any functions exercisable arising from legislation or transferred by Dumfries and Galloway Council.
- Responsible for the regional transport strategy and for the delivery of local bus services generally.
- For the avoidance of doubt, the transferred functions are:
 - The duty to secure the provision of appropriate public transport services they consider to be required for the area if demand cannot be met by commercial operators.
 - The power to provide subsidies to secure service provision.
 - The duty to prepare general policies for securing service provision and any ancillary functions.
 - The duty to “have regard to the transport needs of members of the public who are elderly or disabled” in securing service provision and preparing general policies.
 - The power to provide public bus information.
- Functions exercisable concurrently by SWestrans and Dumfries and Galloway Council:
 - The power to operate a local bus service, subject to holding public service vehicle operator licences, contributing to the implementation of general public transport policies, local government finance controls and constraints, procurement, subsidy control and competition matters.
 - The powers for establishing and administering travel concession schemes.
 - The powers for making bus service improvement plans.
 - The powers for administering ticketing arrangements.
 - The powers for administering the franchising of services.

Traffic Commissioner



- Responsible for issuing public service vehicle operator licences, required by anyone operating a local bus service, unless they hold a specific permit as a non-profit operator.
- Responsible for issuing or regulating¹ specific permits instead of public service vehicle operator licences for not-profit operators.
- Responsible for licensing, registration and enforcement in respect of public service vehicles. Registration functions include registration of specific local bus services and routes.
- In addition to its licensing, registration, and enforcement functions, the Traffic Commissioner is a statutory consultee in terms of bus service improvement plans, bus franchising, bus ticketing and the provision of public information.

¹ Permits in relation to small buses, which carry no more than 16 passengers, can be issued by specified organisations, including local authorities, where a body concerned with education, religion, social welfare, recreation or other community benefit activities is seeking the permit for transport ancillary to its main purpose(s), instead of the Traffic Commissioner. Only the Traffic Commissioner can issue any other kind of permit.