



## Transport (Scotland) Bill – Update

**Date of meeting** 22 June 2018

**Date of report** 11 June 2018

### Report by Senior Director

#### 1. Object of report

The object of this report is to update the Partnership on the provisions of the recently published Transport (Scotland) Bill.

#### 2. Background

Members will recall<sup>1</sup> SPT's responses to Scottish Government consultations in late 2017 on various transport-related issues including the future framework for delivery of bus services, Low Emission Zones (LEZs), smart ticketing, road works, "free" bus travel, and the financial regulations applicable to Regional Transport Partnerships (RTPs) like SPT. On 11 June 2018, at SPT's Buchanan Bus Station, Humza Yousaf MSP, the Minister for Transport and the Islands launched the new Transport (Scotland) Bill<sup>2</sup> which covers how the Scottish Government intends to address various issues through legislation. In line with Scottish Parliament process, as a Scottish Government Bill, the Bill was formally introduced by Derek Mackay MSP, Cabinet Secretary for Finance and the Constitution.

#### 3. Outline of proposals

3.1 Transport Scotland state that the new Bill is intended to "help make Scotland's transport network cleaner, smarter and more accessible than ever before", and that it will seek to deliver a framework that can "tackle current and future challenges, while delivering a more responsive and sustainable transport system for everyone in Scotland".

3.2 The Bill focuses on:

- Bus Services
- Parking
- LEZs
- Road Works
- Smart Ticketing
- RTPs
- Scottish Canals Board

<sup>1</sup> See [http://www.spt.co.uk/documents/latest/sp241117\\_Agenda7.pdf](http://www.spt.co.uk/documents/latest/sp241117_Agenda7.pdf)

<sup>2</sup> The Bill and related documentation:

<http://www.parliament.scot/parliamentarybusiness/Bills/108683.aspx>

3.3 The key provisions of the Bill, as stated by Transport Scotland, are noted below. Initial SPT comments on each of the Bill's provisions are noted under each section:

#### 3.3.1 Bus Services:

- Powers to create new Bus Service Improvement Partnerships (BSIP). These would replace current legislative provision to create Statutory Quality Partnerships (SQPs) and are intended to provide a stronger framework for partnership working than SQPs;
- Powers to introduce Franchising of a local bus network. This would replace current legislative provision to create Quality Contracts, and are designed to enable a simpler but still rigorous route to create a bus franchise in a defined area;
- New/extended powers for local transport authorities (LTA) to provide bus services to meet social needs. This would, in essence, allow an LTA to create its own 'bus company' but only for those services deemed socially necessary, thereby avoiding any potential conflict with the commercial bus sector;
- Powers to require bus operators to make more information available to the public on services, including routes, timetables and fares. This would ensure current and potential passengers as are as fully informed as they can be in their decision-making about a trip (through better information on travel planning apps, for example, or Real Time Passenger Information); and,
- Powers to require operators varying or withdrawing services to provide more information to local transport authorities. This provision enables LTAs to be more informed about reasons for a service withdrawal, and at a more strategic level, encourage greater competition between bus operators.

#### 3.3.2 Parking:

- Providing local authorities with powers to enforce the national ban on pavement parking;
- The ability for local authorities to promote exemptions from the national ban, but they will be required to meet strict criteria;
- The Bill provides exceptions to certain vehicles if they are involved in emergencies or delivering goods;
- Detailed standards and guidance will be produced for local authorities to deliver a consistent approach in how they enforce the new parking restrictions;
- Providing local authorities with powers to share services with other councils to enforce the new restrictions; and
- Requiring local authorities to keep accounts in relation to the money they receive from the enforcement of the new restrictions.

#### 3.3.3 Low Emission Zones:

- Providing local authorities with powers to create, enforce, operate or revoke a low emission zone in their area and to design the shape, size and vehicle scope of their low emission zone;
- The setting of specified emission standard by the Scottish Ministers by regulations;
- The setting of grace-periods to allow those wishing to drive within the low emission zone an opportunity to upgrade their vehicle to a less polluting model (either by replacing it or having it modified) before penalty charges begin to be applied;
- The ability for local authorities to promote permanent and/or time-limited exemptions from the requirements of a low emission zone, where certain requirements are met to strict criteria; these exemptions will be set by the Scottish Ministers by regulations;
- Enable Scottish Ministers to specify by regulations the amount of the penalty charge, with the ability to specify different levels of penalty charge depending on, for example, the class of vehicle, the emission standard of the non-compliant vehicle, or whether there are repeated contraventions;
- How contravention of the low emission zone standards would be handled. If contraventions occurred on the same day, in the same zone, using the same vehicle, and provided that the person who is liable to pay the penalty in respect of the vehicle is also the same in respect of the infractions, only one penalty per day would be payable;
- Detailed regulations and guidance will be produced for local authorities to deliver a consistent approach in how they enforce the new low emission zone requirements;
- Setting out the rules which will apply to penalty charge notices, such as the form they take, the time allowed for payment, internal review of a notice and/or appeal of the notice to an external adjudicator;
- Providing local authorities with powers to create, operate and revoke low emission zones with other councils; and
- Requiring local authorities to utilise the money they receive from the enforcement of the new restrictions for ring-fenced purposes, particularly to facilitate the achievement of the low emission zone scheme objectives.

#### 3.3.4 Road Works:

- Clarification on the legal status of the Scottish Road Works Commissioner (SRWC);
- Compliance notices with enforcement consequences for those who fail to take the required steps;
- Non-compliance with a Compliance Notice will be an offence, which will mean that the SRWC will become a specialist reporting agency, and be able to submit reports to the Procurator Fiscal;
- An inspection function for the Scottish Road Works Commissioner with associated enforcement powers and new offences including for obstruction;

- A requirement for reinstatement quality plans (to establish that organisation have the necessary processes and competence to execute road works to the required standards);
- Requirements to notify actual starts and works closed within specified timescales to improve the accuracy of information relating to road works on the Scottish Road Works Register; and
- A requirement to place details of all utility apparatus onto the Scottish Road Works Register.

#### 3.3.5 Smart ticketing:

- Extending existing ticketing arrangements and schemes to include connecting rail and ferry services;
- Giving Scottish Ministers the power to set a national technological standard for smart ticketing;
- Setting up the National Smart Ticketing Advisory Board;
- Provide a guide for a consistent approach for smart ticketing arrangements and schemes, and clearer processes for them;
- The requirement for local transport authorities to produce annual reports on ticketing arrangements and schemes to evaluate and adapt for best practices; and
- Giving Scottish Ministers the power to direct a local transport authority to make or vary a ticketing scheme.

#### 3.3.6 Regional Transport Partnerships:

- Make it easier for RTPs to manage their year-end finances by enabling them to hold a balance of funds. The proposal supports more effective and robust financial management of RTP revenue and capital resources, including the creation of specific reserve funds which are desirable for operational risk management.

#### 3.3.7 Scottish Canals Board:

- Enable Scottish Ministers to vary the size of the Board of Scottish Canals in order to ensure that it has the skills needed to oversee the varied work of the organisation, thereby strengthen its capacity to support economic regeneration.

3.4 With regard to next steps, the Bill now enters Stage 1<sup>3</sup> of parliamentary process where it is allocated to a Scottish Parliament committee to undertake an inquiry and report on the Bill and its contents. The Scottish Parliament will then debate the Bill, and should its general principles be agreed to, it will then enter Stage 2. At this stage, the Committee will undertake detailed consideration of the Bill and amend it as necessary. The Bill then moves to the Scottish Parliament for Stage 3 where it is given further detailed consideration and amended as necessary. The Bill will then be subject to a Scottish Parliament debate on passing it; if successful it will be given Royal Assent and become an Act of the Scottish Parliament. It is difficult to gauge exactly how long the full Bill process takes, but

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<sup>3</sup> Further information on the legislative process for a Bill:  
<http://www.parliament.scot/parliamentarybusiness/Bills/99986.aspx>

provided it is not subject to substantial challenge and change, the process can be completed in one year.

#### 4. Conclusion

- 4.1 This is the first new transport-focused parliamentary Bill in Scotland for 13 years and it is a hugely important step forward for the future of Scottish transport. There is much to be welcomed in the Bill, and indeed many changes advocated by SPT over recent years have been adopted. Officers will continue to review the proposed provisions of the Bill and will prepare a report for a future Committee advising of the potential impacts of the Bill in the west of Scotland.
- 4.2 SPT officers have been liaising with Transport Scotland officers for some time on the provisions of the Bill and will continue to seek to engage with relevant stakeholders in relation to its provisions and to influence the final form of the Bill. Officers will keep the Partnership updated on the Bill as it progresses through the Scottish Parliament.

#### 5. Partnership action

The Partnership is recommended to note this report.

#### 6. Consequences

Policy consequences	<i>The Bill will have a significant impact on the future of transport policy in Scotland.</i>
Legal consequences	<i>The Bill, subject to due process, will become legislation and may have future consequences for SPT and partners.</i>
Financial consequences	<i>The Bill will positively impact on SPT's ability to hold funds over a number of years. The other provisions of the Bill may have financial impacts for SPT but these cannot be quantified at the current time.</i>
Equalities consequences	<i>The provisions of the Bill will have impacts on equalities groups but these cannot be quantified at the current time.</i>
Risk consequences	<i>None at present.</i>

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