



SPT Review of Provisions of the Transport (Scotland) Act 2019

Date of meeting 6 March 2020

Date of report 31 January 2020

Report by Chief Executive

1. Object of report

The object of this report is to:

- Inform the Partnership of the outcomes of a review by SPT of the provisions of the Transport (Scotland) Act 2019; and
- Recommend the Partnership approve the proposed actions noted in the table at Appendix 1 arising as a result of the review.

2. Background

Further to earlier reports¹, members will be aware that the Transport (Scotland) Bill received Royal Assent in December 2019, and thereafter became the Transport (Scotland) Act 2019. The scope and provisions of the Act are wide-ranging and, to ascertain the potential opportunities it affords for SPT and partners to improve the transport network for the people and communities of the west of Scotland, SPT has undertaken a review of its provisions to identify potential actions arising from the Act.

3. Outline of proposals

The table at Appendix 1 notes the proposed actions arising from the review. The key points to note are:

- The new RTS will continue to be developed in alignment with the new NTS, published on 5 February, which is given statutory status via the Act;
- The provisions for Low Emission Zones (LEZs) (including new or amended LEZs), the provision of bus services by local transport authorities; Bus Service Improvement Partnerships (BSIPs), local service franchises, and Workplace Parking levies (WPL) will be considered as the RTS develops in relation to assisting with its delivery; and
- Work will continue on a range of initiatives which cover themes within the Act (e.g. ticketing, bus information, bus partnerships), and opportunities arising from the Act in each regard will continue to be monitored and explored as necessary.

¹ Report to Strategy and Programmes Committee, November 2019:
http://www.spt.co.uk/documents/latest/SP221119_Agenda8.pdf

4. Conclusion

- 4.1 While commencement orders, guidance, regulations and any secondary legislation are awaited for elements of the Act, the review has shown that it could potentially facilitate various opportunities for SPT and partners to deliver positive change in the transport network of the west of Scotland. It is worth highlighting however, that there remain a range of factors which could require to be overcome in order to deliver the provisions of the Act in a manner which is workable and achieves the change desired.
- 4.2 The challenges our society faces in terms of, for example, dealing with the climate emergency and delivering inclusive economic growth, are significant. This further emphasises the need for the new RTS to be a bold and ambitious plan for the future, which sets the west of Scotland on a progressive path for future growth as a modern, successful, sustainable place. The new Act could facilitate some of that boldness and ambition, but that in turn will require strength, leadership and the resource to see it through. Officers will continue to seek to identify and explore potential opportunities from the Act and keep the Partnership updated as matters progress.

5. Partnership action

The Partnership is recommended to:

- Note this report; and
- Approve the proposed actions noted in the table at Appendix 1.

6. Consequences

Policy consequences	<i>The provisions of the Act could assist in delivery of the new RTS.</i>
Legal consequences	<i>None at present.</i>
Financial consequences	<i>None at present.</i>
Personnel consequences	<i>None at present.</i>
Equalities consequences	<i>The needs of equality groups will need to be taken into account in implementing any of the provisions of the Act.</i>
Risk consequences	<i>None at present.</i>

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Appendix 1

Strathclyde Partnership for Transport Transport (Scotland) Act 2019 – Review February 2020

Note: The Transport (Scotland) Act 2019 is available at: <http://www.legislation.gov.uk/asp/2019/17/contents/enacted>

Provision	Detail of Provision	SPT comments	Proposed Actions
National Transport Strategy (NTS)	Makes NTS a statutory document, and places duties on Scottish Ministers in relation to consultation, review, reporting progress and importantly, what they must 'have regard to' (including human rights, health and well-being, inclusive growth, rural communities and climate change targets). New NTS published 5 February 2020.	<p>Strengthens status of NTS, but at the same time places responsibilities on Scottish Ministers (e.g. what they must 'have regard to'). This in turn likely to lead to greater pressure across transport sector to deliver change required.</p> <p>Essential therefore that new RTS in development takes account of NTS.</p> <p>NTS likely also to have greater influence over other sectors (land-use planning, economic development) in future due to statutory status.</p>	<ul style="list-style-type: none">• Continue close working with Transport Scotland to ensure good alignment between NTS and RTS.• Continue to work with partners in other sectors to ensure strong regional, strategic transport influence in line with new RTS.
Low Emission Zones (LEZs)	Establishment, modification, effect, operation and enforcement of Low Emission Zones.	Significant implications in terms of reducing emissions, achieving statutory targets, and most importantly, impact on public health. No provisions in relation to delivery of complementary public transport measures, which are considered essential in its delivery. LEZ already in place but will impact on future iterations	<ul style="list-style-type: none">• New LEZ(s) and/or Glasgow LEZ modification/strengthening could be considered as mechanism in helping to deliver new RTS.• Continue to work closely with Glasgow City Council and other partners to support LEZ complementary sustainable transport policies and infrastructure.• Work with GCC and other local authority partners and operators to maximise regional benefit of LEZ(s) in relation to local bus fleet quality and encouraging wider modal shift.

<p>Provision of bus services by local transport authorities</p>	<p>Facilitates an authority such as SPT or a council being able to provide local bus services (potentially directly, or through a company) provided it contributes to the implementation of their general policies.</p>	<p>A potentially useful tool should it be required (e.g. should a major operator cease to operate suddenly). High level of aspiration in this regard, but reality of costs (capital and revenue) and legal considerations will be key factors.</p>	<ul style="list-style-type: none"> • Mechanism (at corridor, area, local, and/or regional level) could be considered as part of development process for new RTS, if it is required to help delivery. • Market kept under ongoing review and mechanism could be utilised as necessary in future should circumstances (including financial, competition regulations, and legal) allow. • Continue discussions with councils as part of wider dialogue on improving bus across west of Scotland.
<p>Bus services improvement partnerships (BSIPs)</p>	<p>Facilitates the creation of a statutory partnership between a relevant authority (or authorities) and operator(s) to improve bus services in a specified area(s).</p>	<p>This provision could prove to facilitate significant intervention(s) in driving forward positive change in bus at corridor, area, local and regional levels. Guidance on implementation awaited; however SPT had previously raised concerns about workability of BSIP development process.</p>	<ul style="list-style-type: none"> • Mechanism (at corridor, area, local, and / or regional level) could be further considered as part of development process for new RTS, if it is required to help delivery. • In advance of above, continue working through established voluntary forums (such as Glasgow Bus Partnership), and through ongoing dialogue with councils and operators, with a specific focus on securing a significant allocation from the £500m Bus Partnerships fund announced by Scottish Government through their Programme for Government. • Work with TS and other partners to ensure development process for BSIP is workable.
<p>Local services franchises</p>	<p>Facilitates the creation of a franchise for local bus services by an authority (or authorities) such as SPT or council(s) in a specified area(s).</p>	<p>A potentially useful tool should a corridor, local area, and/or region require it. Significant concerns remain about workability of development process and affordability (initial and long term, both capital and revenue)</p>	<ul style="list-style-type: none"> • Mechanism (at corridor, area, local, and / or regional level) could be further considered as part of development process for new RTS, if it is required to help delivery. • Work with TS and other partners to ensure development process for franchises is workable.

Bus service information	Places requirement on various bodies to provide a range of information they are responsible for in relation to bus services, in order to provide better information to the travelling public, and when varying or cancelling a service.	A potentially positive provision which could assist in strategic and network planning and improved information for passengers.	<ul style="list-style-type: none"> Continue dialogue with TS, operators and other partners to ensure processes and procedures in relation to this provision are workable.
Ticketing arrangements and schemes	Various provisions relating to ticketing arrangements and schemes, technological standards, the establishment of a National Smart Ticketing Advisory Board (NSTAB), and ministerial direction in relation to ticketing.	These provisions could potentially significantly change various aspects of ticketing – particularly smart ticketing – and the schemes/arrangements and mechanisms by which ticketing products become available to the travelling public.	<ul style="list-style-type: none"> The responsibility for how the majority of these provisions will work in practice rests with Transport Scotland. Further details and guidance are awaited on how matters are to progress and this will be kept under review. Continue working through and with TS, Nevis Technologies and other partners in further development of ticketing products and smart ticketing.
Workplace parking levy	Facilitates a local authority (or authorities) creating a requirement to have a licence to provide parking at workplaces, and to charge for that licence based on the number of spaces available.	This provision has the potential to deliver significant change in relation to parking and potentially therein levels of private car traffic, and in relation to increasing funding for sustainable transport measures. Has been viewed as a major success in Nottingham, the only UK city to have introduced it so far.	<ul style="list-style-type: none"> Mechanism (at corridor, area, local, or regional level) could be considered if required to help deliver new RTS. Continue dialogue with TS, councils and other partners in regard to the processes, procedures and funding which may be required to develop and deliver a workplace parking levy scheme, including feeding into Glasgow City Council's Local Workplace Parking Levy study.
Regional Transport Partnerships: finance	Provisions relating to the ability of RTPs to hold financial reserves.	SPT long advocated for this technical change which will greatly assist in improving financial planning for future years.	<ul style="list-style-type: none"> SPT updated reserves policy presented to Strategy and Programmes Committee in February 2020.
Parking prohibitions	Provisions relate to reducing 'double parking' and 'pavement parking', and local authorities ability to utilise exemption orders in this regard.	Parking offences such as those considered as part of this provision can cause significant difficulties for other pavement and road users, particularly those from vulnerable groups. However, buses in some areas can only navigate smaller streets due to cars being parked on pavements.	<ul style="list-style-type: none"> Continue dialogue with TS and councils in relation to this provision to ascertain impact on wider transport network including bus services.
Travel Concession	Relates to National Concessionary	Could generate more income for	<ul style="list-style-type: none"> Continue dialogue with Transport

Schemes: Application to Community Transport	Travel Scheme cards being able to be used on Community Transport services. Scottish Ministers are to produce a report on feasibility of this within one year of Royal Assent of Act.	Community Transport providers, but may face opposition from local bus service operators.	Scotland, Community Transport providers and others in relation to this provision.
Road works	Various provisions in relation to the status and function of the Scottish Road Works Commissioner.	Road works remain a significant issue for bus services across the west of Scotland as regards delay, congestion and cost therein.	<ul style="list-style-type: none"> • Continue dialogue with Transport Scotland and other partners in regard to this provision and more widely, in relation to reducing the negative impacts of road works on the transport network, particularly buses.
Health boards: Community transport and Non-emergency patient transport	Places responsibility on Health Boards to work with Community Transport providers, and in the delivery of community benefits.	These provisions facilitate improved joint working between these providers and others, including Community Transport operators funded by SPT, and is a potentially positive step forward.	<ul style="list-style-type: none"> • Continue dialogue with Health Boards and Community Transport providers to improve service delivery where possible.