



## Transport (Scotland) Bill – Call for Evidence by Scottish Parliament Rural Economy and Connectivity Committee – SPT response

**Date of meeting** 28 September 2018

**Date of report** 20 September 2018

### Report by Senior Director

#### 1. Object of report

To recommend approval of SPT's draft response to the Scottish Parliament Rural Economy and Connectivity Committee's Call for Evidence into the Transport (Scotland) Bill. The draft response is attached at Appendix 1 and the closing date for responses is 28 September 2018.

#### 2. Background

- 2.1 Further to the report to the Partnership in June<sup>1</sup> on the contents of the Transport (Scotland) Bill, the Rural Economy and Connectivity Committee has been appointed the lead Scottish Parliament committee for scrutiny of the proposed Bill. This means the Bill has entered Stage 1 of the Parliamentary Bill process, and the Committee's Call for Evidence is the first phase of that<sup>2</sup>. It is worth highlighting that the opportunities for engagement with Transport Scotland and other stakeholders in the development of the Bill have been very good, and indeed there continue to be meetings on specific parts of the Bill e.g. bus, smartcard ticketing.
- 2.2 SPT's draft response at Appendix 1 was considered by the Strategy and Programmes Committee at its meeting on 7 September 2018 and comments from that meeting have been taken into account in the draft response. However, given the importance of the Transport (Scotland) Bill, SPT's draft response has been remitted to the Partnership for discussion and approval.

#### 3. Outline of proposals

SPT's draft response is attached at Appendix 1. The key points of the response are:

##### 3.1 General comments

SPT welcomes, in principle, the Bill, but in some ways it could be regarded as a missed opportunity to assist in stimulating the Scottish transport market, and in particular with regard to bus. While recognising that there is no single action to address the serious issues facing bus, the Bill as it stands seems unlikely to create the

<sup>1</sup> [http://www.spt.co.uk/documents/latest/rtp220618\\_agenda5.pdf](http://www.spt.co.uk/documents/latest/rtp220618_agenda5.pdf)

<sup>2</sup> See section 3.4 of the above report for more detail on the Parliamentary Bill process or visit <http://www.parliament.scot/parliamentarybusiness/Bills/99986.aspx>

right conditions for the step-change required in the west of Scotland bus market to arrest decline and deliver growth. Without some changes to the Bill (e.g. in relation to information required from operators for Bus Service Improvement Partnerships (BSIPs), and franchises) and strong complementary support and significant capital and revenue funding, key Bill provisions may be limited in their impact on delivering the objectives of the Bill.

Decision-making powers in relation to the bus elements of the Bill also appear to be weighted against democratically elected and publicly accountable bodies; for franchising, for example, an unelected 'panel' is being proposed as having the final decision. The role of the transport authority, in the west of Scotland, SPT, must be strengthened within the Bill to ensure public interest and democratic accountability is at the core of choices made.

Notwithstanding the concerns highlighted in our response, SPT remains supportive of the principles of the Bill and will continue to work with the Scottish Government and other stakeholders to seek improvements to the Bill. Furthermore, should it become an Act, SPT will explore every opportunity afforded by the new legislation in regard to improving the transport network for the people and communities of the west of Scotland.

### 3.2 Low Emission Zones (LEZ)

The LEZ provisions appear sufficiently robust to deliver the change required provided any further regulations or guidance are detailed enough to provide clarity on the requirements and commitments of partners, an integrated approach is taken, complementary measures are delivered, and more fundamentally, an appropriate level of funding is made available by the Government to enable delivery.

### 3.3 Bus Service Improvement Partnerships (BSIPs)

The principle of BSIPs is welcome, and indeed provided transport authorities such as SPT are given the power to specify the information required from operators in developing a BSIP, they may present a good opportunity for genuine progress. We have some concerns over how they will work in practice, specifically in relation to making the provisions for setting standards work and giving greater recognition of the publicly accountable, democratically-elected transport authority in the BSIP development process, but are guided that much work on the practicalities of BSIPs will be dealt with through guidance, regulations and secondary legislation. The emphasis on BSIPs being binding, long-term commitments to improvement is very much welcomed, as is the fact that BSIP signatories will be held to account and subject to censure if they fail to deliver on those commitments.

### 3.4 Franchising

Without question, franchising has the potential to deliver transformational change in the west of Scotland bus market. In comparison with Quality Contracts, there is much to be welcomed in the Bill's provisions for franchising, such as a more progressive approach to demonstrating the need for such an intervention. Further, and similar to BSIPs, transport authorities such as SPT must be given the power to obtain detailed information from operators in developing a franchise. However, issues such as the final decision being proposed to be placed in the hands of an appointed, unelected panel add significant risk to an already delicate and potentially costly process.

### 3.5 Municipally-Owned Bus Companies

SPT supports the principle of these provisions; if a public body can prove it can run services more effectively and efficiently than the private sector, there should be legislative provision available to enable it to do so. However, by restricting the scope of municipally-owned bus companies to services that are 'socially necessary', this significantly restricts such a company's viability (as such services are, by definition, loss-making) and thereby reduces its attractiveness as a proposition. Were there to be greater flexibility given in the type of services such a company could run, then this would be a more attractive proposition and SPT would welcome consideration of such a change in the Bill.

### 3.6 Information

SPT supports the principle of 'open data' and the provisions within the Bill, provided they are of sufficient detail and there are opportunities to censure those who do not comply with the information provisions within the Bill. As noted earlier, we would further suggest that stakeholders such as SPT should take the lead in specifying the information required from operators. Our response is attached at Appendix 1, and we have attached to that a list of the type of information required from operators (at Appendix 1a of our response) which we believe would be essential in developing a BSIP or franchise.

### 3.7 Smart ticketing

SPT welcomes the provisions in the Bill in relation to smart ticketing, for example, in relation to the proposals for a national advisory board (which SPT will be part of) and its role in advising the Minister to direct a transport authority to utilise existing legislation to progress ticketing matters, specifically that in relation to ticketing arrangements and schemes in the Transport (Scotland) Act 2001.

### 3.8 Responsible parking

SPT welcomes the principle of this as there will be benefits for some societal groups, but are concerned that the impacts of these provisions on local authority resources will be significant, and that there could be unintended negative impacts on certain public service vehicles (emergency vehicles, buses, including demand responsive services like SPT's MyBus) which can, for example, only currently gain access around a housing estate due to road space created by cars being parked on pavements.

### 3.9 Road works

SPT is supportive of the provisions in relation to Road Works.

### 3.10 Regional Transport Partnerships Finance

SPT very much welcomes and supports the provisions in relation to RTP finance. This will allow RTPs to more effectively manage finance in the short term, while planning for longer term.

## 4. Further information

SPT gave evidence in relation to the Bill to the Scottish Parliament's Rural Economy and Connectivity Committee at its meeting on 19 September 2018, and feedback on this will be provided at this Partnership meeting. In addition, we have been asked to host a meeting on the Bill with the Committee at our offices in Glasgow on 26 October 2018. This is another

great opportunity to influence the future of the Bill. Officers will continue to liaise with Transport Scotland and other partners in development of the Bill and will update the Partnership as progress is made.

## 5. Conclusion

It is thirteen years since the last Transport Act in Scotland. The 2005 Act created RTPs like SPT and there has been significant change economically, socially and environmentally since then, and across the transport sector. The significance of the new Transport (Scotland) Bill should therefore not be underestimated. We are supportive of the Bill but believe there needs to be some changes to it to make it more effective, and these will be the focus of the evidence we provide to the Rural Economy and Connectivity Committee at the session on 26 October.

## 6. Partnership action

The Partnership is recommended to:

- Note this report; and
- Approve the draft response at Appendix 1.

## 7. Consequences

Policy consequences	<i>The Bill will have significant implications for transport policy in Scotland, including the developing RTS.</i>
Legal consequences	<i>None at present.</i>
Financial consequences	<i>None at present, but potentially significant depending on whether elements of the Bill are taken forward.</i>
Personnel consequences	<i>None at present.</i>
Equalities consequences	<i>None at present.</i>
Risk consequences	<i>None at present.</i>

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