



Transport (Scotland) Bill - Update

Committee Strategy and Programmes

Date of meeting 10 May 2019

Date of report 5 April 2019

Report by Senior Director

1. Object of report

The object of this report is to update the Committee on the current status of and next steps for the Transport (Scotland) Bill.

2. Background

Members will recall¹ that the Scottish Government is currently seeking to progress a new Transport (Scotland) Bill through the Scottish Parliament. SPT liaised with Transport Scotland (TS) and other stakeholders in the development of the Bill, and has provided views to the Scottish Parliament Rural Economy and Connectivity (REC) Committee – which is leading on scrutiny of the Bill – as it goes through due parliamentary process².

3. Update

- 3.1 On 7 March 2019, the REC Committee published its 'Stage 1 Report on the Transport (Scotland) Bill'³. In the report, the Committee noted both positive attributes and various concerns about the provisions of the Bill, many of which were in line with SPT's view; for example, concerns in relation to the role of the independent 'panel' in the decision-making process for a bus franchise. The report also raised concerns about suggestions that proposals for a 'Workplace Parking Levy' would come forward at Stage 2, believing that may not allow for the appropriate level of scrutiny of such a potentially important provision. In addition, and as well as there being several positive references to Regional Transport Partnerships throughout the report, the REC Committee noted their support for the Bill's proposals in relation to RTP finance.
- 3.2 At a strategic level, it is worth highlighting a key concern from stakeholders noted by the REC Committee in their report, that the Bill as proposed may in all likelihood not do enough to address the significant decline in bus patronage in Scotland. Given this, concern over the future decline of bus patronage will continue to be a key factor in shaping the views of those with an interest in the development of the Bill through its next stages.
- 3.3 The REC Committee requested that the Scottish Government respond to issues raised in its Stage 1 report prior to the Bill progressing to Stage 2. However, despite these

¹ http://www.spt.co.uk/documents/latest/S&P07092018_Agenda7.pdf

² Information on stages of a Bill in the Scottish Parliament: <https://www.parliament.scot/visitandlearn/Education/18641.aspx>

³ <https://sp-bpr-en-prod-cdnep.azureedge.net/published/REC/2019/3/7/Stage-1-Report-on-the-Transport--Scotland--Bill/RECS052019R4.pdf>

issues, the report concluded that the REC Committee “supports the general principles of the Bill and recommends to the [Scottish] Parliament that they be agreed to”.

3.4 On 1 April 2019, the Cabinet Secretary for Transport, Infrastructure and Connectivity responded on behalf of the Scottish Government⁴ to the Chair of the REC Committee in relation to points raised in their Stage 1 report. The Scottish Government’s response is naturally detailed and wide-ranging given the scope of the Bill, but it is worth highlighting some of their responses in relation to issues which have particular resonance in the west of Scotland:

- *Decline in bus patronage* – The Scottish Government note and acknowledge the points made in regard to this, and believe that Bus Service Improvement Partnerships “present the opportunity for genuine partnership working between local transport authorities and bus operators” to improve services in their area;
- *Low Emission Zones* – The Scottish Government note and acknowledge the points raised by the Committee and will continue to work with stakeholders in the development of the LEZ proposals as the Bill develops;
- *Bus Service Improvement Partnerships* – The Scottish Government propose to address many of the issues raised by the Committee through guidance and regulation;
- *Franchising* – The Scottish Government believes that the elements proposed for the franchise process in relation to, for example, the ‘independent panel’ are appropriate and necessary in ensuring robust decisions are made which are in the public interest;
- *Smart Ticketing* – The Scottish Government believes that one single national smart ticket covering all modes and operators is not achievable within the current regulatory framework, which there are no plans to change;
- *Municipally-Operated Bus Companies* – The Scottish Government will give further consideration to requests that local authorities be given scope to operate services beyond those which solely serve an unmet social need; and
- *‘Workplace Parking Levy’* – The Scottish Government agrees that evidence from stakeholders should be taken prior to any decision being taken on whether to progress on this proposal, and will work with the Committee to create a timetable for Stage 2 which accommodates this.

3.5 On 4 April 2019, the Scottish Parliament held the Stage 1 debate⁵ on the Transport (Scotland) Bill. Despite differences of opinion on particular elements of the Bill, including how best to arrest the decline in bus patronage, there was overall broad support for the Bill and subsequently the Parliament approved its general principles, allowing it to progress to Stage 2.

3.6 According to the regulations regarding Bill process, the Scottish Government must now allow for at least 12 ‘sitting’ days of the Scottish Parliament between Stages 1 and 2 of the Bill. The Parliamentary Bureau⁶, which guides the programme of business of the Parliament, will decide which Committee (or Committees) should lead Stage 2 of the Bill. Stage 2 could be dealt with by one meeting of the Committee(s) or it could take several meetings over a number of weeks. Given such issues as how to accommodate any proposal for a Workplace Parking Levy into the Bill, it is likely that the Stage 2 process may take some weeks, but this remains to be seen.

⁴ Scottish Government response to the REC Ctte Stage 1 Report:

https://www.parliament.scot/S5_Rural/General%20Documents/20190401_Cab_Sec_TIC_-_Transport_Bill_S1_report_response.pdf

⁵ Scottish Parliament Official Report of the debate: <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=12040&i=108977>

⁶ Information on the Parliamentary Bureau: <https://www.parliament.scot/parliamentarybusiness/parliamentary-bureau.aspx>

- 3.7 In addition, at Stage 2, any member of the Scottish Parliament may lodge an amendment to the Bill. The lead Committee(s) will then consider and adopt or dispose of these amendments as appropriate. The Committee(s) may also, dependent on timescales and should they see fit, take further evidence from interested parties on the provisions of the Bill. Again, given the relatively significant changes that such a proposal as the Workplace Parking Levy may bring, it is possible that the appointed Committee(s) will wish to do this.
- 3.8 While there is no official requirement for the Stage 2 Committee(s) to prepare a final report, it is open to them to do so. The key output, however, is the “Bill (As Amended)” which will be published the day after Stage 2 ends. The Bill will then enter the final stage of the process, Stage 3, at the end of which Parliament will vote to approve or reject the Bill becoming legislation.

4. Conclusions

SPT has long advocated for improvements to the framework for transport in Scotland and in some ways the Transport (Scotland) Bill is the culmination of that work. The Stage 1 report by the REC Committee on the whole very much reflected SPT’s views, and similarly we welcome the broadly positive response by the Scottish Government to the Stage 1 report. SPT is liaising with Transport Scotland and others to influence the further development of the Bill, and officers will continue to keep the Committee apprised of progress as the Bill process continues.

5. Committee action

The Committee is recommended to note the contents of this report.

6. Consequences

Policy consequences	<i>SPT’s views are in line with the current Regional Transport Strategy.</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>None at present.</i>
Risk consequences	<i>None at present.</i>

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