

Transport (Scotland) Bill - Update

Committee Strategy and Programmes

Date of meeting 22 November 2019

Date of report 17 October 2019

Report by Chief Executive

1. Object of report

The object of this report is to provide an initial update and commentary on key provisions of the Transport (Scotland) Bill as passed, prior to a fuller review of the Bill being undertaken over coming months.

2. Background

- 2.1 Further to earlier reports¹, the Bill has now completed Stage 3² of the parliamentary process, having been approved by the Scottish Parliament at its meeting on 10 October 2019. Royal Assent for the Bill is expected to be achieved by the end of the calendar year, when it will become statute, to be known as the Transport (Scotland) Act 2019.
- 2.2 The Bill as passed contains a wide range of provisions, many of which will be subject to further guidance and regulations. Dependent on this, and as noted in the report to the Committee in May, officers will conduct a fuller review of the opportunities presented by the new Act and present a report on this to the Partnership in March 2020.

3. Outline of proposals

- 3.1 The Bill as passed is wide ranging in scope and covers many themes. The following sections cover some key areas of interest for SPT from the Bill, and initial observations of their implications:
- 3.1.1 **National Transport Strategy (NTS):** to make the NTS a statutory document and place duties on Scottish Ministers in relation to consultation, review and reporting progress.

SPT comment: This means the NTS has statutory status, like Regional Transport Strategies (RTSs). Likely to strengthen the NTS in terms of its effects on priorities – e.g. transport’s role in addressing climate change – and influence in other spheres and levels e.g. land-use planning (including

¹ Transport (Scotland) Bill Update report to Committee in May 2019:
http://www.spt.co.uk/documents/latest/SP100519_Agenda4.pdf

² Transport (Scotland) Bill as passed at Stage 3:
[https://www.parliament.scot/S5_Bills/Transport%20\(Scotland\)%20Bill/SPBill33BS052019.pdf](https://www.parliament.scot/S5_Bills/Transport%20(Scotland)%20Bill/SPBill33BS052019.pdf)

National Planning Framework 4), economic development, Regional and Local Transport Strategies.

- 3.1.2 **Low Emission Zones (LEZs):** the establishment, modification, effect, and operation of Low Emission Zones.

SPT comment: Implications of this will be significant, although Glasgow LEZ already established. No reference to complementary measures (e.g. bus priority) which are essential to success of LEZs, and are likely to be a key area of development and delivery for SPT, operators and councils. LEZs must also include an objective relating to how it will contribute to achieving new national climate change targets.

- 3.1.3 **Provision of bus services by local transport authorities:** This provision facilitates an authority (such as SPT or a council) being able to provide local bus services (potentially directly, or through a company) provided it will contribute to the implementation of their general policies.

SPT comment: There is a high level of aspiration in some areas in regard to this, but it is important to retain pragmatic and objective view of costs/benefits/risks, including financial resources required. Discussions ongoing with councils about improving bus services. Useful to have this option, but very much needs robust appraisal.

- 3.1.4 **Bus services improvement partnerships (BSIPs):** 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).

SPT comment: Replaces Statutory Quality Partnerships from Transport (Scotland) Act 2001. Could be useful tool for SPT, operators and councils in driving forward improvements to bus, but workability of development process remains to be seen. Potential for area-based, council-based and region-wide BSIPs. SPT keen to involve public as 'partners' in BSIP(s). SPT understand that the allocation/bidding process for elements of the recently announced £500m investment in bus infrastructure and priority measures through the Programme for Government³ will be predicated on developing a BSIP(s).

- 3.1.5 **Local services franchises:** facilitating the creation of a franchise for local bus services by an authority (or authorities) in a specified area(s).

SPT comment: Replaces Statutory Quality Contracts from Transport (Scotland) Act 2001. Again, aspirations likely to be high in some areas in regard to this, but important to retain pragmatic, objective and evidence-based view through robust appraisal process. SPT has reservations about workability of proposals, specifically in regard to a proposed franchise being subject to approval by a panel appointed by the Traffic Commissioner for Scotland. Securing financial resources (both capital and revenue) required to achieve a franchise and sustain it could be significant challenge.

- 3.1.6 **Bus service information:** places requirement on various bodies to provide a range of information they are responsible for in relation to bus services, to provide better information to the travelling public, and when varying or cancelling a service.

³ See section 3.1 of this report: http://www.spt.co.uk/documents/latest/SPTP200919_Agenda10.pdf

SPT comment: These provisions could be very useful in terms of information SPT is able to request and receive from operators and others, and also how this information is utilised.

- 3.1.7 **Ticketing arrangements and schemes:** various provisions relating to ticketing arrangements and schemes, technological standards, and the establishment of a National Smart Ticketing Advisory Board (NSTAB).

SPT comment: This section needs detailed review to fully assess implications. Important for SPT to be represented on NSTAB.

- 3.1.8 **Workplace parking:** facilitates a local authority (or authorities) creating a requirement to have a license to provide parking at workplaces, and to charge employers for that license based on the number of spaces available.

SPT comment: Significant public attention given to this, likely to generate wide debate. Notwithstanding this, a potentially useful tool in managing demand for travel by private car if used in the correct way, in the right area, and revenue generated is reinvested in sustainable transport modes. Multi-authority (regional) approach could possibly be an option.

- 3.1.9 **Regional Transport Partnerships: finance:** provisions relating to the ability of RTPs to hold financial reserves.

SPT comment: This is a welcome legislative change and has long been campaigned for by SPT. This will assist significantly in terms of SPT's financial planning over future years.

- 3.2 The Bill contains further provisions on travel concession schemes and their application to community transport, pavement parking/double parking, road works, and health board emergency patient transport and community transport. These provisions and their effects will be considered as part of the wider review proposed.

4. Conclusions

- 4.1 SPT has for many years⁴, been advocating change to the bus framework in Scotland through its policies and proposals (e.g. the “Ten Point Plan for Bus”, the proposal for the Strathclyde Bus Alliance), responses to Scottish Government consultations, and representations elsewhere. Our approach to bus has always had passenger interests at its heart, and further, has sought to reflect current and evolving market conditions and external factors impacting on bus. Regrettably, the current picture for bus in the west of Scotland remains a challenging one: ongoing decline in patronage, lack of services/service withdrawals, issues for operators in dealing with LEZs, impacts of the decline in ‘high street’ shopping, and many other issues. Perhaps emblematic of these challenges is that First Group has announced plans to sell its UK bus operations. There is much, therefore, to be done in the continuing fight to arrest issues facing bus and impacts on passengers, and therefore expectations are high that the new Act will assist in helping with this.
- 4.2 While many of the Transport (Scotland) Bill’s provisions resonate with SPT’s policies over the last decade, this is the first Transport Act of the Scottish Parliament for 14 years, and its impact obviously remains to be seen. SPT continues to have reservations about the workability of elements of the Bill, but its existence can be considered a welcome step forward and signal of intent in improving bus in the west

⁴ http://www.spt.co.uk/documents/op090312_agenda8.pdf

of Scotland. The provisions for BSIPs in particular provide the potential for positive change, especially if, as is expected, they are aligned with funding from the Programme for Government. This provides an impetus to the full review of the Bill being undertaken by officers, and the opportunity for various shapes and forms of BSIPs will be considered with operators, councils and others, particularly where they could deliver positive results on a region-wide basis.

4.3 The other provisions of the Bill in relation to ticketing and demand management (workplace parking) also offer an element of hope, and again these will be fully explored including through the developing Regional Transport Strategy. Officers will bring a more detailed review of the Bill's provisions to the Partnership in March 2020, and will also outline potential ways forward on elements of the Bill.

5. Committee action

The Committee is recommended to:

- Note the contents of this report; and
- Note that a fuller review of the Bill, and consideration of next steps, will be undertaken over coming months and be presented to the Partnership in March 2020.

6. Consequences

Policy consequences	<i>The new RTS will take account of the provisions of the new Transport Act.</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>In implementing any provisions of the new Act, the needs of equalities groups will need to be taken into account.</i>
Risk consequences	<i>None at present.</i>

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