



## Implementation of Part 3 (bus services) of the Transport (Scotland) Act 2019 – Consultation

**Committee** Operations

**Date of meeting** 20 August 2021

**Date of report** 26 July 2021

### Report by Chief Executive

#### 1. Object of report

To inform the Committee of a consultation being undertaken by Transport Scotland on the implementation of Part 3 (bus services) of the Transport (Scotland) Act 2019.

#### 2. Background

Further to earlier reports<sup>1</sup>, members will recall that the Transport (Scotland) Act 2019 (“the Act”) contained various provisions in relation to bus services. While the Act came into effect following Royal Assent in December 2019, guidance and regulations were awaited on the proposed approach for implementation of the bus provisions should any party wish to make use of them. Originally due to begin in 2020, the process for development of the guidance and regulations was impacted by the Covid-19 pandemic. However, on 14 July 2021, Transport Scotland launched a consultation on implementing the bus provisions of the Act.

#### 3. Outline of proposals

3.1 Transport Scotland has published a paper<sup>2</sup> in support of the consultation, which outlines their proposed approach to implementing the provisions of Part 3 of the Act should any party wish to do so. The provisions of the Act covered by the consultation include:

- Local transport authority bus services;
- Bus Service Improvement Partnerships (BSIPs); and
- Local Services Franchises.

3.2 Responses to the consultation have been requested by 6 October 2021. Officers are in the process of reviewing the consultation paper with a view to presenting a draft proposed response to the Partnership in September. In preparing the response, officers will undertake dialogue with councils and other partners in seeking to ensure a robust position from our region on the proposals.

<sup>1</sup> [http://www.spt.co.uk/documents/latest/SPTP060320\\_Agenda8.pdf](http://www.spt.co.uk/documents/latest/SPTP060320_Agenda8.pdf) and [http://www.spt.co.uk/documents/latest/SP221119\\_Agenda8.pdf](http://www.spt.co.uk/documents/latest/SP221119_Agenda8.pdf)

<sup>2</sup> <https://www.transport.gov.scot/media/50084/implementing-part-3-of-the-transport-scotland-act-2019-bus-services-a-consultation.pdf>

- 3.3 Initial considerations are that there is broad support in principle for the proposed process for implementing Part 3 of the Act. However, in undertaking further, more detailed review, the focus will be on ensuring that the proposals are workable in practice, give appropriate credence to the status, powers, and views of public sector partners particularly SPT and councils and lastly, and most importantly, that the proposals for implementing Part 3 of the Act facilitate optimal outcomes for the people and communities of the west of Scotland should the provisions be utilised.
- 3.4 Members will recall<sup>3</sup> from the report to the Partnership in June on the Regional Transport Strategy (RTS) that SPT, in partnership with Glasgow City Council, has commissioned a review of the bus provisions of the Act to ascertain their potential applicability in delivering any aspirations of the new RTS. This review will run concurrently with Transport Scotland's consultation, but it is anticipated that it will assist in helping to ensure a strong, constructive response to the consultation. Similarly, experience gained from SPT's recent involvement in the revitalisation of the Glasgow Bus Partnership, early discussions about partnerships in Ayrshire and Argyll and Bute, and assistance given in preparing bids for the recent Bus Partnership Fund round will prove useful in informing the response to the consultation.

#### **4. Conclusions**

- 4.1 There has been a high level of interest in the provisions of Part 3 of the Act from across the political spectrum at national, regional and local levels, from public, private and third sector stakeholders, and from interest groups. This interest has partially been driven from experience elsewhere in the UK in relation to the bus market (for example, Transport for London's approach to bus franchising, and Transport for Greater Manchester's recent proposal to implement a franchise model), but more recently has arisen from the significant impact of the Covid-19 pandemic on bus.
- 4.2 Despite the important role bus played in making sure key workers were able to access their workplaces during the pandemic, patronage levels have been hit hard, with most recent estimates being that the commercial bus sector has only recovered up to around 60% of pre-Covid levels. Without question, the support of Transport Scotland through the Covid support grant and the assistance of organisations such as SPT has helped to ensure most commercial operators have weathered the pandemic. However, the longer term continuation of that support will be more challenging and this has therefore led to wider consideration of how to potentially achieve a sustainable model for bus in the future should patronage levels continue to remain at lower levels.
- 4.3 The current situation makes the workability and practical application of the provisions of Part 3 of the Act all the more important. At present, SPT remains committed to continuing to develop partnerships with bus stakeholders in advance of the development process for the RTS being completed, while at the same time monitoring and reacting to the implications of the pandemic on bus and wider public transport. The issues noted in this report will form the basis of approach officers will take in preparing the response to the consultation which will be presented to the Partnership in September.

#### **5. Committee action**

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

#### **6. Consequences**

---

<sup>3</sup> Table 1a - [http://www.spt.co.uk/documents/latest/p180621\\_Agenda6a.pdf](http://www.spt.co.uk/documents/latest/p180621_Agenda6a.pdf)

Policy consequences	<i>A review of the bus provisions of the Act is being undertaken for the developing 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 consultation paper is seeking views on the impacts on equalities groups of the proposals for implementing Part 3 of the Act.</i>
Risk consequences	<i>None at present.</i>

**Name** Valerie Davidson  
**Title** Assistant Chief Executive

**Name** Gordon MacLennan  
**Title** Chief Executive

For further information, please contact *Bruce Kiloh, Head of Policy and Planning* at [bruce.kiloh@spt.co.uk](mailto:bruce.kiloh@spt.co.uk).