



17 October 2018

Edward Mountain MSP  
Convener  
Rural Economy and Connectivity Committee  
Scottish Parliament  
EDINBURGH  
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Dear Mr Mountain

### **REC COMMITTEE - 3 OCTOBER EVIDENCE SESSION - FOLLOW-UP INFORMATION**

I would firstly take the opportunity to thank you and the committee for the kind invitation to provide evidence on the Transport (Scotland) Bill, bus and smart ticketing sessions. As stated during the session, I would be more than happy to meet with any of the committee members who may feel there is still a need to better understand some of the issues arising from the proposals set out in the Bill. Given the broad range of subjects covered in the Bill, it is very likely we will share additional information over the coming weeks with the committee members, either by meeting with them direct or by email.

Turning to the question raised by Stewart Stevenson, MSP on what is the **Difference between Bus Quality Partnerships (currently) and Bus Services Improvement Partnerships (included in the Bill)?**, I would make the following observations:

1. I believe there was a level of agreement that a more flexible and balanced, partnership approach, as proposed in the Bill, provided an improved model, compared to the partnership models set out in the Transport (Scotland) Act 2001. The new model feels like a partnership approach and one which could achieve wider acceptance across Scotland, than its predecessors did, with only five formal QP's being introduced in Scotland, following the introduction of the aforementioned Act.
2. The new model set out in the Bill, Bus Service Improvement Partnerships (BSIP), provides an updated and improved model, where both partners have a say and work together in developing the both the BSIP plan and BSIP schemes. Only once all the parties to the plan agree to the plan, schemes and delivery can the BSIP progress. So, I see this as a clear demonstration that it is a true partnership approach, whereas the previous model did feel rather one sided.
3. BSIPs require the local transport authority to commit to action for the scheme or plan in some way (to assist operators). However, the requirement that facilities (infrastructure) must be included has been removed (as in quality partnerships) to allow local transport authorities to bring forward 'measures', for example on car parking, instead of or in conjunction with the provision of facilities.
4. BSIPs also offer an extended range of available 'service and operational standards' which can be required of operators, as compared to that in the quality partnership model.

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5. The extended range of service and operational standards are set out in Sections 3C and 3D, with the range being broader and more comprehensive to that in the quality partnership model.
6. Part 3 of inserted schedule A1 sets out the procedure for revoking partnership plans and schemes, where it appears to me that there are fewer steps to this procedure than was previously the case.
7. The proposed Bill also amends the competition test in section 37 of the 2001 Act to ensure it is applied whenever a local transport authority is considering or making or varying a partnership scheme. Also, as a further competition safeguard, the Competition and Markets Authority are mandatory consultees at a number of stages in the process of making and varying partnership plans and schemes.
8. Section 31 of the Bill makes a number of changes to the Transport Act 1985 to deal with the implications of a BSIP plan and scheme being in place on the registration of local services and the functions of the Traffic Commissioner.
9. New section 6K of the 1985 Act caters for situations where a partnerships scheme has imposed an operational service standard on a local service and a person is either applying to be registered to provide that service or to vary an existing registration that they have in respect of that service. The section requires the Traffic Commissioner to refuse such an application where the Traffic Commissioner considers the applicant is unlikely to be able to comply with the service standard in relation to the services. The Traffic Commissioner does not have any discretion in this respect.

I believe the above information highlights some of the areas where there are very real differences between the proposed BSIP model compared to those listed in Bus Quality Partnerships. I also believe that BSIPs offer the basis for a stronger partnership to be developed, with both the operators and local transport authorities working together to develop their plans and schemes to improve the services in their area and taking responsibility for their delivery. Hopefully this would help with keeping existing customers, as well as attracting much hoped for new ones.

I do think, however, that there is a blatant imbalance in the proposed model, whereby an operator who fails to meet the service standards set in the scheme could be reported to the Traffic Commissioner and be faced with the risk of losing the right to operate the said service. Rather unfairly, there is no similar threat to a local transport authority, if they should fail to deliver on their commitments. Perhaps giving the Traffic Commissioner some additional powers in this area may be worthy of consideration.

I hope the above information is helpful and I would be more than happy to amplify these points if you felt it to be necessary.

Yours sincerely

A handwritten signature in black ink, appearing to be 'G Mair', written over a white background.

**George Mair**  
**Director, Scotland**

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