

RURAL ECONOMY AND CONNECTIVITY COMMITTEE

TRANSPORT (SCOTLAND) BILL

SUBMISSION FROM NORTH AYRSHIRE COUNCIL

Low Emission Zones

The Bill would grant Scottish Ministers the power to approve all LEZs and to set national rules for their operation. Do you support or oppose these proposals? Please choose the option which most closely matches your opinion.

Proposal	Strongly support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No opinion
Scottish Ministers must approve all LEZ proposals		X				
Scottish Ministers' will have the power to specify certain types of vehicle that will be exempt from any LEZ scheme, e.g. emergency service vehicles		X				
Scottish Ministers' will be able to order a Council to review a LEZ and direct it to implement changes following that review		X				

The Bill would grant Councils the power to set the rules governing the operation of individual LEZs. Do you support or oppose these proposals? Please choose the option which most closely matches your opinion.

Proposal	Strongly support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No opinion
Councils must specify a grace period of between 2 and 6 years for residents (1 -4 years for non-	X					

residents) following the introduction of a LEZ, during which penalties will not be levied						
Councils will be able to suspend a LEZ for an event, held in or near the zone, that it considers to be of national importance	X					
Councils can grant exemptions from LEZ requirements for individual vehicles, or types of vehicle (up to one year)	X					

How might the LEZ proposals in the Bill be improved? Please summarise any suggested improvements that you would like to see made in the box below:

Not applicable, North Ayrshire Council is broadly supportive of the proposals in relation to Low Emission Zones (LEZ). It should be noted that there are no Air Quality Management Areas (AQMA) within North Ayrshire. It is vital that Councils are provided with the financial ability to implement an LEZ. It is noted that Transport Scotland is currently offering funding to those developing LEZ.

Buses

Part 2 of the Bill provides local transport authorities with powers to improve local bus service provision through statutory partnership working with bus operators, the creation of local bus service franchises and the ability to operate services themselves - where these are not in competition with commercially operated services.

Part 2 gives Scottish Ministers powers to make regulations setting out what service and timetable information bus operators must make available to passengers and local transport authorities. The Bill would provide Councils with the following powers, aimed at improving local bus services. Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

Proposal	Strongly support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No opinion
Provide bus service(s) where				X		

no commercial service is provided						
Work in a formal partnership with commercial operators to improve services				X		
Specify all aspects of local bus services, which will be provided by commercial operators following a tendering exercise				X		

The Bill would require bus operators to share information on routes, timetables and actual running times with third parties - to make it easier for passengers to know when their bus will arrive and how much it will cost.

How best could your Council or bus operator improve the ways it provides timetable and route information? (Please put the following options in an order were 1 is your favourite idea and 5 is your least favourite)

Please see comments below	Bus Operator Website
Please see comments below	Bus Operator All
Please see comments below	Bus Stop Real-time displays
Please see comments below	Bus Stop paper timetables
Please see comments below	Paper timetables

Each of the above options are relevant to providing timetable and route information for bus users. The priorities may vary from area to area and between users therefore there is no one priority which fits all circumstances. Real-time displays whilst beneficial to the user require an on-going financial and resource commitment by the Local Authority. The installation of these at every / the majority of bus stops may not be financially viable or sustainable in the long term.

Do you think the proposed changes to bus regulation in the Bill could be improved? If so, could you briefly summarise the changes you would like to see made in the box below:

The Transport (Scotland) Bill at first glance offers a greater flexibility in regulating the bus network, offering opportunities for public ownership, and improvements in

partnership working for North Ayrshire. On closer analysis however, it includes a number of key restrictions, which if not removed from the Bill, will not provide the regulatory power to make the necessary change and subsequently will have no impact on bus services for our communities. These include:

- Stating that Local Authorities can only address options for public ownership where there are evidence of “unmet needs” which are not commercially viable;
- Restricting the services that can be delivered to local services rather than all passenger transport services; and
- Restricting the powers to Councils who are not part of Passenger Transport Area (PTA). North Ayrshire are currently part of a PTA.

In short, it would not provide any new regulatory powers to North Ayrshire.

The Strathclyde and Glasgow area, which includes North Ayrshire, has seen the highest drop in bus patronage across Scotland as a result of a reduction in passenger numbers of 49 million between 2005/06 and 2015/16. The size of the network has also reduced by 24 million kilometres during this period.

We would support the removal of both these restrictions (Section 28 sub section 2) to allow Councils to be able to make lasting change through full regulatory powers. These changes would allow North Ayrshire the opportunity to ensure that our local public transport systems are more attractive, accessible, integrated, safe and sustainable. It would address the growing empirical evidence that many of our rural communities are experiencing service cutbacks and in some areas are without any public transport option at all. This would also allow North Ayrshire the opportunity to take a more proactive and holistic approach, putting the needs of all our communities at the centre of service provision design, decision making and delivery.

In contrast, if these two restrictions remain, it would suggest that the Transport Bill favours and supports the option of a fully de-regulated model which subsequently maintains the status quo. This would make little or no impact on our declining patronage, service cutbacks, and would not address the issue that many of our rural communities are unable to access crucial services and in some cases are without a public transport option at all. North Ayrshire calls for the Committee to ask for policies for the bus network to be re-regulated.

Our rural areas and our relatively dispersed population in parts of North Ayrshire are directly being affected and are currently being underserved by the current commercial bus services. It supports the view that many of our aging population are not connecting to crucial Health Care Services they need. With an aging population this issue will have a direct negative effect on our elderly communities.

North Ayrshire, welcomed the introduction of Bus Services Improvement Partnerships (BSIP) and the implementation of subsequent schemes which would underpin future improvement plans. We welcomed the opportunity to work with a range of commercial operators, stakeholders and importantly welcomed the opportunity to engage with our rural communities in how we can increase patronage, and meet their needs. However, on closer analysis the burden of any additional investment in infrastructure would fall to the Council to make and this would place significant financial pressures which we would not at this time be able to support.

Furthermore, there are restrictions which have been added at Schedule A1, Section 5 which restrict any potential plan from progressing or even being consulted on if objections are received from any of our commercial operators. In short, this restriction would negate any opportunity for North Ayrshire to engage with or lead, support and progress any action for improvements. Again, leaving our communities at the receiving

end of commercial operators. Similarly, this restriction favours the commercial operators and allows them to resist any progression for changing the current situation.

In short, the Bill does not in its current form offer any opportunity for North Ayrshire to have any impact on supporting bus services or making lasting change. There are no new legislative powers, and as a member of the SPT PTA our only route for change is to try and influence decisions which affect our rural communities through our representation on the PTA Board. However, as seen from our declining patronage figures and our independent research that our rural communities are frequently experiencing isolation and unable to access crucial services. We therefore ask for a full review or at the minimum ask the committee to ensure those restrictions which detailed above are removed from the Bill.

Smart Ticketing

Part 3 of the Bill would create a national technological standard for smart ticketing and provide local transport authorities with further powers for smart ticketing arrangements and schemes.

Smart ticketing is the name given to a system where an entitlement to travel (or ticket) is stored electronically rather than being printed on a paper ticket. Most smart ticketing schemes store payment and ticket data on a smartcard, such as London's Oyster card.

Proposal	Strongly support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No opinion
National technological standard for smart ticketing			X			
National Smart Ticketing Advisory Board			X			
Requirement for local authorities to produce annual reports on use of ticketing powers			X			
Power for Scottish Ministers to direct local authorities to implement ticketing schemes				X		

What are the reason(s) behind your answers above?

ITSO currently provides a UK standard for smart ticketing and is widely used in Scotland. This is used for the Concessionary Travel Scheme, Scotrail and Strathclyde Partnership for Travel's Bramble card. The proposal for a single governance group is

not required. ITSO provides a sufficient standard, guidance and governance to a control smart ticketing scheme. Transport Scotland is currently represented on the ITSO Board. The creation of a separate governance group could require a substantial level of input from operators which may not be deliverable. The provision of powers to Scottish Ministers to direct local authorities to implement ticketing schemes is not required as Local Authorities currently have the power to do so. This appears to be excessive and moving towards more centralised control. This could create additional burdens on local authorities if they were directed to implement a scheme and did not have available budget or resource to do so.

Pavement parking and double parking

Part 4 of the Bill would prohibit double parking and parking on the pavement, subject to a number of exemptions.

Do you support or oppose the proposed prohibitions on:

Proposal	Support	Oppose
Pavement Parking	X Subject to comments detailed below	See comments below
Double Parking	X Subject to comments detailed below	See comments below

What are the reason(s) behind your answers above?

North Ayrshire Council is broadly supportive of the proposals however it is of the opinion that the responsibility for the enforcement of this should not lie with Local Authorities who have not taken up the Decriminalised Parking Enforcement (DPE) powers. This responsibility should therefore lie with the Traffic Authority which in these cases would be Police Scotland. Whilst supportive of the restriction of double parking the Council has reservations about the potential implications for existing and older residential streets. This may result in a substantial number of requests for exemptions or the provision of additional parking. This would have substantial resource implications for all Local Authorities at a time where budgets are substantially constrained and decreasing. North Ayrshire Council is opposed to the responsibility for enforcement resting with Councils on this basis.

Specific comments on the Bill are as follows:

- Section 47(6) of the Bill is intended to address loading and unloading for business purposes. This is however unclear and may result in a loop hole for drivers wishing to pop into a shop who are not legitimately “in the course of business”.
- Section 43(3) of the Bill only allows for an exemption order to apply at all times. It would be beneficial to make provision to enable exemptions to apply at specific times to enable pavement parking during these periods.

The Bill proposes a number of exemptions to the prohibition on pavement parking and double parking. These are:

- Emergency service vehicles responding to an incident
- Vehicles used in undertaking road works
- Bin lorries
- Postal service vehicles
- Vehicles used by medical practitioners responding to an incident
- Vehicles being used for deliveries
- Vehicles in a parking place
- Vehicles parked at the direction of a police officer
- Vehicles parked for the purpose of saving a life/similar emergency
- Vehicle parked to provide roadside assistance

It is worth noting that the Bill requires vehicles that benefit from an exemption to only use it where it is unavoidable and for the shortest time possible to complete the task in hand (with a limit of 20 minutes on vehicles being used for deliveries). Overall, do you support or oppose the proposed exemptions? Please choose the option which most closely matches your opinion.

Proposal	Strongly support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No opinion
Overall view of proposed exemptions		X				

Do you have any concerns about the proposed exemptions, or wish to see additional exemptions added? If so, please briefly summarise what change(s) you would like to see made and why you think these are necessary.

In addition to the exemptions detailed above, North Ayrshire Council believes there should be an exemption to enable the drop off and uplift of disabled persons from their home/property.

The Bill would allow local authorities to exempt any footway from the prohibition on pavement parking, as long as it has had regard to any guidance issued by Scottish Ministers. Do you support this proposal?

Support	X Subject to comments detailed below
Oppose	

What are the reason(s) behind your answer above?

This will result in significant financial and human resource implications for the Council in terms of the level of resource required to promote any exemptions. North Ayrshire Council is therefore only supportive of the ability to promote exemptions subject to the provision of an appropriate level of additional financial resource to support its delivery.

Road Works

Part 5 of the Bill would strengthen the role of the Scottish Road Works Commissioner and improve the regulation of road works. The Scottish Road Works Commissioner is an independent public official who aims to improve the planning, co-ordination and quality of road works throughout Scotland. The Commissioner monitors performance and promotes and encourages good practice across both utility companies and roads authorities. The Commissioner has powers to impose financial penalties on roads authorities who systematically fail in their duty to co-ordinate roadworks and on utility companies who systematically fail to co-operate when undertaking road works.

The Scottish Road Works Commissioner is NOT responsible for works being undertaken in roads on Scotland - which rests with local authorities, utility companies and their contractors. The Bill would give the Scottish Road Works Commissioner, and Commission staff appointed as inspectors, the power to inspect roads works, documents etc. to establish the facts in possible cases of non-compliance with road works related legislation that falls within the Commissioners remit. The Bill would grant the Commissioner, and Commission staff, new powers to investigate and take enforcement action against organisations that failed to comply with statutory road works requirements.

Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

Proposal	Strongly support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No opinion
Inspection power		X				
Power to issue compliance notices		X				
Power to issue fixed penalty notices for non-compliance		X				
Requirement to provide annual reports to Scottish Ministers on use of powers		X				

Do you have any comments or concerns about these proposed powers? If so, can you briefly summarise them below?

Not applicable, North Ayrshire Council is broadly supportive of the proposed powers.

The Bill would create place new duties/requirements on those undertaking road works on behalf of a local authority. Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

Proposal	Strongly support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No opinion
New statutory duty on local authority road works to meet fencing and lighting requirements		X				
Ministers can issue a code of practice for safety at local authority road work sites		X				
New statutory requirement for local authority road works to be supervised by a suitably qualified person		X				

Do you have any comments or concerns about these proposed powers? If so, can you briefly summarise them below?

Not applicable, North Ayrshire Council is broadly supportive of the proposed powers and already complies with their requirements.

The Bill would create place new duties/requirements on those undertaking road works. Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

Proposal	Strongly support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No opinion
New requirement for actual commencement and completion date notices to be placed in the Road Works Register within a prescribed period		X				
Anyone undertaking road works, or works to a road (except roads				X		

authorities) must have either a site specific, or general road reinstatement quality plan in place						
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Do you have any comments or concerns about these proposed powers? If so, can you briefly summarise them below?

North Ayrshire Council is supportive of the requirement for actual commencement and completion dates to be placed on the Road Works Register. The consultation "Raising Standards and Improving the Quality of Road Works in Scotland" proposed the introduction of mandatory quality plans on Utility Companies to drive improvements in reinstatements. The Proposed new legislation is also proposing to introduce this requirement on roads authorities. North Ayrshire Council is opposed to the introduction of quality plans on roads authorities as it is a matter for the local authority to determine local reinstatement requirements taking account of their Asset Management Plans and local circumstances.

Scottish Canals/Regional Transport Partnership finance

Part 6 of the Bill would give Regional Transport Partnerships more financial flexibility and allow Scottish Ministers to vary the membership and structure of the Scottish Canals Board. The Bill would allow a Regional Transport Partnership to establish:

- A capital fund
- A renewal and repair fund
- An insurance fund

Do you support or oppose these proposals?

Support	X
Oppose	

What is the reason for your answer?

North Ayrshire Council is supportive of the proposal as it will provide more financial flexibility to Strathclyde Partnership for Transport (SPT) as the Regional Transport Partnership. This will assist larger capital investment projects which cover more than one financial year. It will also provide flexibility to hold project funding beyond one financial year for example in support of the delivery of Growth or City Deal projects.

The three Ayrshire Councils are working in partnership to develop the Ayrshire Regional Economic Partnership. This involves key stakeholders including the national economic agencies joining with the three Ayrshire Councils, businesses and the third sector to develop a unified vision for the area aimed at setting a bold approach to transforming the economy. This will include SPT and will be instrumental to the delivery of the Ayrshire Growth Deal.

The Bill would expand the size of the Scottish Canals board, increasing the number of members appointed by Scottish Ministers from "between one and four" to "at least 4 but no more than 9". The aim being to allow the appointment of members with a wider range of skills and experience than at present. Do you support or oppose this proposal?

Support	X
Oppose	

What is the reason for your answer?

Whilst there are no Canals within North Ayrshire, North Ayrshire Council is supportive of the expansion of the Scottish Canals Board to broaden its skills and experience.

Anything else

Do you have any other comments about the Bill, particularly any changes you would like to see made. If so, please briefly summarise these in the box below.

The Bill as currently drafted will not deliver on the Scottish Government's aspiration to "tackle current and future challenges whilst delivering a more responsive and sustainable transport system for everyone in Scotland". Amendment is required as detailed in this response to stimulate the transport market and in particular to arrest the decline in the bus market. A number of the provisions of the Bill also place additional burdens on local authorities at a time of already reducing and heavily constrained budgets. Additional support including capital and revenue funding from the Scottish Government is essential to facilitate the delivery of these new responsibilities.

Halting the decline in patronage and improving service provision is vital to local communities, inclusive growth and supporting modal shift to sustainable travel. North Ayrshire Council has undertaken a local pilot of the Scottish Government's Inclusive Growth Diagnostic. Based on a methodology conceived by three Harvard Economists, diagnostics are increasingly used in developing countries to identify the main constraints to growth and prioritise spending actions to unlock them. The Diagnostic's main purpose is to identify constraints and opportunities for driving inclusive growth in North Ayrshire in order to prioritise actions to address them.

The Diagnostic identified transport as a barrier to inclusive growth and in particular as a limiting factor to and preventing people from accessing employment and training opportunities. The Council also undertook consultation with a range of local groups to establish if the constraints identified through the Diagnostic were considered as barriers to employment and inclusive growth by stakeholders. This identified that transport was considered a barrier for all groups. A number of contributing factors were identified including the: frequency of transport; connections between transport modes; cost; and shift patterns exacerbating transport constraints.