

RURAL ECONOMY AND CONNECTIVITY COMMITTEE

TRANSPORT (SCOTLAND) BILL

SUBMISSION FROM EAST DUNBARTONSHIRE COUNCIL

Part 1 – Low Emission Zones

The Council are broadly supportive of the implementation of further measures to encourage the use of lower polluting vehicles and broadly support the inclusion of Low Emission Zones (LEZ) within the Bill.

The Council have the following comments to make on the LEZ content within the Bill.

The Council are concerned that the level of the penalty charge will be a centrally set charge and not tailored to individual LEZs. To all practical extents the polluter should pay, therefore the charges should be set at a scale to make this a possibility. In addition, for an LEZ to be successful, the penalty for wrongly entering an LEZ has to be of a sufficient scale to act as a disincentive.

It is anticipated that, over a period of time, the successful implementation of an LEZ should result in zero breaches being recorded and therefore the level of income being generated through imposing penalty charges also being null. While in practice, the level of breaches may not be zero, it should hopefully be close to it. Therefore, to ensure that the LEZ model is workable for local authorities, a central pot of capital and revenue funding is required to assist with the costs of operating a scheme, which should hopefully be generating minimal penalty charges. The grants, as indicated in the Bill, go some way to addressing this problem, however, the requirement for local authorities to ultimately pay back the grant could potentially reduce the opportunities for local authorities to implement LEZ schemes. The grants can also be used to retro-fit existing vehicles or to buy new vehicles which meet the emission standards. However, to contribute to the wider transport policies included within the National Transport Strategy, the grants should also be available for wider transport interventions that can encourage a modal shift to more sustainable modes of travel such as public transport and active travel.

It is noted that each authority (or multiple authorities) aiming to establish an LEZ would have to operate individual back office systems for each LEZ. This could create an extremely resource intensive process. It may be more efficient for there to be a central back office system in place that can be used to manage and operate LEZs throughout the country, or by city region. It may make the establishment of LEZs more achievable for individual authorities that are operating on tight budgets.

The Council support the inclusion of grace periods in the initial stages of an LEZ. This can help ensure that everyone has fair warning of the operation of the LEZ and raises awareness of the conditions applied by the scheme. This can help deliver a more effective LEZ once the grace period is over.

The Council support the possibility of including time-limited exemptions for individuals within the scheme.

The Council support the powers given to local authorities in determining the hours of operation of an LEZ.

General comment on LEZs

It would be extremely beneficial for members of the public if there was clear explanatory guidance produced by the Scottish Government on what LEZs aim to achieve and how they operate. As well as delivering simple and concise information for the public, it would also reduce the need for individual authorities to produce their own materials which would limit the duplication of work carried out by public bodies.

While the shift to lower polluting vehicles that the LEZ may encourage is important to generating a successful outcome for any scheme, it is essential that any supporting guidance for local authorities includes a requirement for wider transport policy to be integrated into an LEZ scheme approach. This wider policy should include provisions for improved transport options within the scheme area which can promote greater use of public transport and active travel as an alternative to retro-fitting older vehicles or the purchase of lower-polluting vehicles. This integrated approach can ensure that the development of an LEZ does not have a disproportionate negative affect on those who can't afford to pay for upgrading their vehicle, while simultaneously providing an attractive sustainable transport network in the wider area affected by the LEZ.

The Council would not support a model where all Air Quality Management Areas (AQMA) become LEZs as this could lead to significant legislative processes and associated costs. Not all AQMA areas are necessarily suited to be transformed into an LEZ. LEZ's within town centre locations which have AQMAs may result in detriment for town centre businesses such as supermarkets as there would likely result in promotion of out of town retailing.

Part 2 – Bus Services

Provision of local services by local authorities

The Council support the inclusion in the legislation for local authorities to be able to directly run bus services. Bus services remain a very local service and the ability for the local authority to identify areas where the commercial market is not providing necessary bus services and be able to supply a service is a big step forward. However, this could be a fairly resource intensive exercise and would need to be utilised effectively by the respective local authority to ensure that it is a feasible and sustainable course of action. It is noted that this new piece of legislation will not be applicable to East Dunbartonshire Council or any other authority located within the Strathclyde Partnership for Transport (SPT) area. It is also a concern that this only covers local areas that the commercial market has not chosen to utilise. Therefore, more often than not, the services in these areas will not be highly profitable ventures. This may limit the viability for a local authority run bus service to

operate in the current financial climate. Consequently, this may reduce the opportunity for this new piece of legislation to be actioned.

Bus Service Improvement Partnerships

The Council broadly support the inclusion of Bus Service Improvement Partnerships (BSIP) within the Bill as this legislation can help lock in the benefits of partnership working for all parties. BSIPs have the potential to deliver more benefits to both operators and local authorities than the current statutory Quality Partnerships could. The partnership plans and schemes provide a clear framework for the operation of a BSIP. The service standards that could be included within the partnership can provide additional benefits for our residents, especially those living in our more rural communities where public transport regularly ranks poorly and is felt to be a major barrier for travel. However, the Council have concerns about the likelihood of operators agreeing to fundamental operating standards such as maximum fares.

The opportunity for operators to be included in the process for delivering partnership plans is essential and can lead to true partnership working to deliver benefits for both parties. However, the Council have concerns that the process includes opportunities for the operators to object and halt the process in creating the plans and ultimately the associated schemes. This could dramatically increase the levels of resources required to create the BSIP as well as increasing the length of the process. This could prove to render the BSIP process unworkable. Improving the levels of service for the public should be a priority in any partnership agreement, therefore the public body (the local transport authority) should have priority in legislative provisions.

Local service franchises

The Council broadly support the inclusion in the legislation for local authorities to be able to create and operate local bus services under a franchising model. While the franchising model follows a similar process to the previous Quality Contract (QC) model, the removal of the QC tests has the potential to make the franchising model deliver a more achievable outcome.

The Council agree with the majority of the process for making a franchising framework. However, the Council believe the final decision on whether to proceed with a franchising framework should lie with the transport authority concerned, having taken into account: the assessment of the proposed framework, the findings of the report from the independent auditor, and the results of the consultation carried out on the proposed framework. This information should be sufficient for a transport authority acting in the public interest to determine whether or not to proceed with any franchising framework.

Information relating to services

The Council are very supportive of the inclusion in the legislation for provision of service information when varying or cancelling a registration. This will enable local authorities to understand an operator's decision to vary or cancel a service much more clearly and also

assist in the process for new operators to bid to supply a service in the affected area. It will ensure that the local bus market is much more transparent and can shape future policy decisions for local authorities. Information about passenger numbers, journeys, fares and revenues, will inform local authorities of the opportunities and constraints that exist on the specific service routes.

In addition, the Council would support greater transparency of passenger information relating to services subsidised by transport authorities (in our case, SPT).

Part 3 – Ticketing arrangements and schemes

Making it easier to change between modes through ticketing arrangements will increase the attractiveness of public transport. However, the Council are concerned that the proposals do not go far enough to ensure that there is a true interoperable smart option for moving between services and modes.

While the Council welcome the increase in smart ticketing provision, and the introduction of a national technological standard it is a concern that this may generate a larger number of individual smart cards that cannot be used across a number of travel platforms, for a number of reasons. A better approach may be to increase the use of already existing successful arrangements such as the Bramble card used by SPT on the Subway, rail and several bus operators.

The legislation places an onus on transport authorities to work with operators on developing new ticketing arrangements. While this may improve travel arrangements for local users it may also prove to set up ‘smart boundaries’, where people are penalised for living out with a certain boundary and cannot take advantage of offers. This is highlighted through the recent Glasgow Tripper bus smart card innovation as it only serves parts of East Dunbartonshire and indeed means that those living just outside of the boundary cannot take advantage of the smart ticketing arrangements and associated pricing offers. This particularly affects our more rural communities. A more strategically integrated approach can deliver wider benefits for the public transport network in Scotland and improve the experience for current and potential public transport passengers.

In relation to reporting on ticketing arrangements, as East Dunbartonshire Council are located in the SPT area, the Council would propose that the annual report would be produced by SPT who operate a number of ticketing arrangements, including the aforementioned Bramble card and the ZoneCard.

Part 4 – Pavement parking and double parking

The Council broadly support the provisions for prohibiting pavement parking and double parking. This can have a number of accessibility benefits for pedestrians using pavements, especially those with reduced mobility and/or those with prams/buggies. The Council welcome the ability for local authorities to make exemption orders for areas where they determine the prohibition will have negative knock on effects for other road users and the local area. The Council support the inclusion of the exemption orders within the Bill.

However, the Council is concerned that for the exemption orders process to be effective, it is absolutely critical that it is simple and rapid and not resource-intensive. Failure to achieve this would mean that exemption orders would not be a feasible option for local authorities to utilise, undermining the effectiveness of this key part of the legislation. The Council would expect to be consulted and have the opportunity to make comments on any forthcoming draft regulations setting out the detailed form and procedure for exemption orders. Furthermore, any future supporting guidance which may be brought forward relating to this section of the Bill and the associated regulations clearly sets out a form and procedure for the exemption orders that is efficient, and that the process for making orders does not impose a significant and unreasonable resource burden on the Council.

The Council have concerns regarding Section 47 Subsection (6)(c) –

“the vehicle is parked for no longer than is necessary for the delivery, collection, loading or unloading and in any event for no more than a continuous period of 20 minutes.”

This appears to show that the parking prohibitions will only be enforceable for any motor vehicle after a period of 20 minutes. This adds an element of dubiety into the legislation which can have implications for enforcement. It provides a small period of time where pavement parking and double parking remains legal and therefore provides the driver of the motor vehicle with justification for doing so. Where an enforcement officer applies the legislation and imposes a penalty charge notice for contravening the prohibition they can't always be sure of how long a vehicle has been parked for. Therefore, unless the officer remains at a parked vehicle for longer than 20 minutes and visualises the infringement taking place, the driver will be able to argue their case and say that they have not remained stationary for a period of time longer than 20 minutes. This isn't a reasonable expectation for an enforcement officer and indeed represents a serious misallocation of Council resources. In addition to the enforcement issues, it fails to take action on those drivers who park their vehicles irresponsibly (either on pavement or double parking) for a short period of time, e.g. outside schools, shops and other local services. This would represent a missed opportunity to fully implement the prohibition.

The Council also have general issues surrounding the enforcement of the prohibition. With effectively every street initially part of the ban, the area for local authorities to enforce dramatically increases and this has major resource implications. In order for the prohibition to be successfully implemented and for the benefits to be recognised, there needs to be adequate assistance in place to allow for local authorities to enforce this new legislation.

Part 5 – Road Works

The Council are supportive of the provisions included within the Bill related to Road Works and the Scottish Road Works Commissioner. The ability for the SRWC to investigate and penalise those undertakers who are falling short in terms of quality of works should generate improvements in this industry and ensure that works are carried out to a higher standard, in terms of quality of work and the timescales of the work.

Part 6 – Miscellaneous and General

The Council are supportive of the provisions included within Part 6 of the Bill.