

Transport (Scotland) Bill

Introduction

1. We welcome the opportunity to respond to the call for evidence on the Transport (Scotland) Bill. COSLA largely endorses the evidence provided by the Society of Chief Officers for Transportation in Scotland (SCOTS) about the Bill and its practical and financial implications for Local Government. Through working with SCOTS, we have identified parts 2 and 4 of the Bill, on bus services and parking respectively, as our key priorities and the parts of the Bill with the most significant implications for Local Authorities. This submission focuses on these parts of the Bill, although we also provide comments on Low Emission Zones and the prospect of introducing a work place parking levy.

Bus Services

- This is the first Transport Bill for some years and while the Bill is a step in the right direction it is possibly a missed opportunity to empower Local Authorities to deliver bus services
 - Local Authorities need wider power to provide bus services where current provision does not meet the needs of communities
 - A lack of resources will be a major constraining factor on Local Authorities. To maximise the chance of success the Bill needs to be supported by further capital and revenue funding.
2. We recognise that the Bill attempts to provide more powers to Local Authorities to improve local bus service provision. We therefore welcome the intent behind the Bill's proposals. The response by SCOTS provides some detailed thoughts on the proposals in the Bill and their implications for Local Authorities. We support this position. The proposals in the Bill can be viewed as a largely technical response to the challenge posed by a general decline in bus patronage. While it is unfair to suggest that the Bill proposals on their own would ever be able to reverse this decline, we are sceptical about whether the proposals will be sufficient to provide what is required – a much-needed boost to local bus services. One of the criticisms of previous legislation on bus service, is that Statutory Quality Partnerships and Statutory Quality Contracts were too complex to be easily implemented by Local Authorities. While the provision in the Bill may be an improvement, it perhaps does not represent the sea change required. SCOTS have rightly raised concern about the Bill restricting Local Authorities to providing a municipal service on routes which are not economically viable and the risk that this represents to Local Authorities. We argue that not going further than this is a missed opportunity for the Bill and that Local Authorities should have the option of providing a wider suite of services if this represents a good fit to the needs of the communities served.
 3. We have consistently argued in recent Bills (specifically the Planning and Crown Estate Bills) that we are looking to constructively argue for legislation which empowers Local Government. This Bill goes part of the way to achieving this aim, but we can see opportunities for it to go further. This should not be viewed as a threat to private bus operators and we foresee the need for a continued mixed market of private and public bus provision in Scotland. However, where there is market failure or services are not meeting the needs of communities in some other way, there needs to be a straightforward mechanism for a Local Authority or Local Authorities to provide bus services.

4. There is unlikely to be a single solution to the decline in bus patronage. To succeed, there needs to be a rounded response to the issue which utilises the full range of public policy levers. The Bill is an opportunity to develop a permissive legislative framework which empowers Local Authorities to address deficiencies in local bus services, but we also view the Bill's provisions in the round, and alongside other policies designed to encourage people out of cars and into other modes of transport. We argue that Local Authorities are ideally placed to integrate the Bill's provisions on bus services, low emission zones, and parking with the full suite of existing Local Authority responsibilities. To do this effectively Local Authorities need to be adequately resourced, which in the current financial climate remains a huge challenge. We are aware that, in terms of bus services provisions, the cost of pursuing some options has been a major deterrent to Scottish Local Authorities. There are, therefore, few existing examples in Scotland upon which to develop robust estimates on the financial implications of the Bill. As a result, the financial memorandum is not able to provide a precise estimate of the likely costs associated with this part of the Bill. Indeed, reading paragraph 62 of the financial memorandum suggests that the expectation is that existing Local Authority investment in supporting bus services could contribute to the costs of the Bill. While the Bill may provide an opportunity to invest current resources in different ways, the lack of new money – both capital and revenue – is likely to continue to be a constraining factor on Local Authorities' ambition and act as a brake on attempts to improve bus patronage.

Pavement Parking and Double Parking

- COSLA supports a ban on pavement and double parking
 - The financial memorandum may underestimate the cost implication on Local Authorities
5. COSLA supports a ban on pavement and double parking but the practical and financial implications for Local Authorities need careful consideration. We support the comments made by SCOTS on this part of the Bill.
 6. As we accept the principle of a ban on pavement and double parking our comments are restricted to the practical implication of the Bill. We can foresee a series of challenges facing Local Authorities relating to implementation and enforcement:
 - With pavement parking established practice in some areas, Local Authorities will need to carry out extensive assessments to inform possible exemption orders.
 - Where exemptions are not appropriate and pavement parking is banned, there is likely to be a knock-on effect on existing parking in the nearby area. It seems probable that Local Authorities will also need to consider how to provide more parking opportunities in areas affected by the ban.
 - There is a concern within Local Government about how the ban will be enforced. This concern is heightened within Councils that have not decriminalised parking enforcement with the responsibility for enforcement sitting with Police Scotland. The resource implications on Local Authorities may, as a result, be underestimated if significant enforcement is required.
 7. We support the view of SCOTS that the change in the law will need to be accompanied with a national campaign to inform drivers of the ban on pavement and double parking. It seems likely that given the established practice of pavement parking in some places and the likely scarcity of resources that the ban will only be successful if pavement parking is viewed by motorists as unacceptable practice. We may have to rely on self-enforcement of the ban in the first instance, much as happened for the ban on smoking in public places.

8. We accept that financial implication of provisions, such as the ban, are not easily estimated. The figures in the financial memorandum may be correct, but this relies on the underlying assumptions on which the costs are based also being correct. For example, a lot of emphasis is placed on off-the-shelf tools such as Google Maps being sufficient to streamline the assessment process. If this proves not to be the case then costs will undoubtedly rise. Moreover, given the diversity of Local Authorities in Scotland we are uncertain how applicable the case studies used in the financial memorandum will be to other Local Authorities. We do not intend to criticise the work of Transport Scotland or the Local Authorities mentioned in the financial memorandum, but merely suggest that if the ban is to be introduced, Local Authorities need to be fully funded for the total cost of implementation. Given the uncertainty we have highlighted above, this may not be fully known until after implementation of the Bill. For this reason, some type of post-implementation financial assessment of the Bill's impact on Local Government may be required, if we are to ensure that Local Authorities are fully resourced to deliver the ban.

Other Comments

Low Emission Zones

9. COSLA supports the policy intent behind the Bill's proposals on Low Emission Zones (LEZs). We are strong supporters of taking practical action to tackle greenhouse gas emissions and poor air quality. COSLA emphasised during the development of the Scottish Climate Change Plan, the importance of increasing transport's contribution to the overall emission reduction target. We argued the best way to achieve this was to consider measures to reduce traffic levels at the same time promoting a shift to ultra-low emission vehicles. The need for further action to reduce emissions from the transport sector was recently emphasised by the UK Climate Change Committee in their progress report to the Scottish Parliament published on 24 September. For these reasons, we again support SCOTS consideration of the proposals and their emphasis on ensuring that Local Authorities are adequately financially supported to develop and, at least in the early stages, operate LEZs.

Work Place Parking Levy

10. Although a power to create what is being called a work place parking levy (as operated by Nottingham City Council) is not currently part of the Bill, we are aware of the debate which has taken place on this issue and the possibility of amendments at stage 2. We have concentrated in this submission on the Bill as introduced to Parliament, but we may wish to provide additional evidence to the Committee on new proposals such as a work place parking levy. In general terms COSLA has supported discretionary powers for Local Authorities to introduce new levies and taxes and we view a work place parking levy as one option that is worth exploring. Our recent work on a Transitory Visitor Tax is a good example of what we are seeking for Local Government, but we may wish to consider a work place parking levy specifically as the Bill progresses through Parliament

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