

Implementing the bus provisions of the Transport (Scotland) Act 2019 - Scottish Government Consultation

Briefing 21-41

September 2021

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland. For information only to England, Northern Ireland and Wales

Key Issues:

The Scottish Government released a consultation on implementing the bus provisions of the Transport (Scotland) Act 2019. The consultation contains questions on local authority run services and improvement partnership plans that may be of interest for APSE members to respond to.

You can view the full consultation paper [here](#). [Click here](#) to submit your response.

1.0 Background

The Scottish Government has released a consultation to help shape the regulations and support the guidance for implementing the bus provisions contained in [Part 3 of the Transport \(Scotland\) Act 2019](#). This includes but is not limited to: bus services improvement partnership plans and schemes to implement them, route service standards and reporting requirements. An extract from the Act below explains both the ability of local transport authorities to provide services and put into place bus services improvement partnership plans.

Extract from Part 3 - Bus Services

Transport (Scotland) Act 2019

Chapter A1

2A Provision of bus services etc. by local transport authorities

(1) A local transport authority may provide a service for the carriage of passengers by road using vehicles that require a PSV operator's licence to do so.

(2) The local transport authority must be satisfied that the provision of such a service will contribute to the implementation of their relevant general policies.

Chapter 1

3A Bus services improvement partnership plans

(1) A local transport authority may, if they consider it appropriate to do so, make a bus services improvement partnership plan (a "partnership plan") in relation to the whole or part of their area.

(2) A partnership plan is a plan that—

(a) specifies the area and the period to which the plan relates,

(b) sets out for the area—

(i) an analysis of the local services,

(ii) policies relating to the local services,

(iii) objectives to be met within the period as regards the quality and effectiveness of the local services provided,

(c) describes how the partnership scheme (or schemes) to be made at the same time as the partnership plan (see section 3B) is intended to assist in implementing the policies and meeting the objectives, and

(d) describes the intended effect of any such scheme (or schemes) on areas which are adjacent to the plan's area.

(3) A partnership plan must also—

(a) describe the proposals for obtaining the views of users of local services in the area about how well the plan and the partnership scheme (or schemes) are working, and

(b) specify how the plan is to be reviewed and the dates by which reviews are to be completed.

(4) To make a partnership plan a local transport authority must comply with Part 1 of schedule A1.

The role of buses is of importance in the Government's plans for tackling climate change, which is covered in their Climate Change Plan and second National Transport Strategy in the transition towards net zero by 2045. They have already made progress towards this with:

- £500m for bus priority infrastructure and zero emission buses
- £50m of funding awarded towards 272 battery electric zero emission buses

The Government believes that by combining funding with an improved regulatory framework, that local transport authorities, operators and partners will be able to significantly improve service quality and efficiency, while reducing congestion and meeting climate change targets. An improved bus network will also play an important part in the recovery from the damage suffered to the public transport network as a result of the COVID-19 pandemic.

The Government notes that buses work best as a local service when they are tailored to meet the needs and circumstances of the local area, and that by implementing the provisions of the Transport (Scotland) Act 2019, services can be made more available, accessible and affordable for all. A one size fits all approach is unlikely to be appropriate, and the solutions could range from running services themselves, franchising, use of an arm's length external organisation, working in partnership as part of Bus Service Improvement Partnerships and more. In Scotland currently only one such council-run bus service exists (Lothian Buses Limited).

2.0 Consultation

The [consultation](#) is quite wide-ranging with 31 pages of questions, under the following headings:

1. Local Authority run services
2. Bus Service Improvement Partnership plans and schemes
3. Bus Service Improvement Partnerships procedures
4. Bus Service Improvement Partnerships variation and revocation
5. Bus Service Improvement Partnerships notices
6. Bus Service Improvement Partnerships facilities and measures
7. Bus Service Improvement Partnerships exempt services
8. Bus Service Improvement Partnerships qualifying local services and qualifying time
9. Bus Service Improvement Partnerships voting mechanism
10. Bus Service Improvement Partnerships multi-operator travel cards

11. Bus Service Improvement Partnerships reviews and reports
12. Bus Service Improvement Partnerships provision of information
13. Bus Service Improvement Partnerships accessibility of services
14. Bus Service Improvement Partnerships guidance
15. Local Services Franchises
16. Local Services Franchises Guidance
17. Local Service Franchises provision of information
18. Local Services Franchises auditor guidance
19. Local Services Franchise guidance for local transport authorities
20. Local Services Franchise Independent Panel
21. Information relating to services
22. Information relating to services - information operators must provide
23. Information relating to services - extent of permissible disclosure
24. Information relating to services - further provision and consultation
25. Impact assessments

3.0 APSE Comment

APSE encourages our members to respond to this consultation to ensure that the Scottish Government takes into consideration the views of local authorities in the shaping of regulations and supporting guidance. APSE believes that the quality and provision of local bus services will be important in meeting local and national climate change targets, and that locally run and those subject to Bus Service Improvement Partnerships have the potential to have a lot of positive impact in our communities. Many of APSE's members in Scotland have already been at the forefront of converting their fleets to more climate friendly fuels (which have also provided other savings and efficiencies) and are well positioned to be actively involved in improving local bus services. APSE also believes that it is important that councils are able to provide services to meet the needs of their communities where existing services are failing to do so. APSE welcomes discussions on how local authorities can develop their own services where required to bridge any gaps in the market.

Our APSE Scotland Transport and Mechanical advisory group is an active discussion forum where our member officers, managers and councillors share best practice and discuss service issues. Attendance is free for APSE members. Please [click here](#) to keep up to date on our latest APSE Scotland Transport and Mechanical advisory group meetings. There is also a national Vehicle Maintenance and Transport advisory group; more information on this can be found [here](#).

Reminder: APSE has set up a COVID-19 Information Hub to deal with frontline service issues

as they arise, ensuring greater resilience and learning between each other during this difficult time. You can access this hub by [clicking here](#) and you can also join our WhatsApp Support Network by [clicking here](#).

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