

PE2116/A: Accelerate the implementation of bus franchising powers

Scottish Government written submission, 10 September 2024

I refer to the email of 15 August on behalf of the Citizen Participation and Public Petitions Committee, regarding a new petition PE2116, submitted by Ellie Harrison, on behalf of 'Better Buses for Strathclyde', which urges the Scottish Government to improve the process for implementing the bus franchising powers contained in the Transport (Scotland) Act 2019.

The petition calls for:

- introducing, without delay, the regulations and statutory guidance required to give bus franchising powers full effect.
- amending the 2019 Act to remove the requirement for proposed franchising frameworks to be approved by a panel appointed by the traffic commissioner, instead empowering Regional Transport Partnerships (RTPs) to have the final say on approving proposals.
- providing additional funding to help support RTPs in preparing franchising frameworks and assisting them with initial set-up costs once frameworks are approved.

I have considered the issues raised by the petition with the response to the various issues set out below.

Implementation of the regulations and statutory guidance

The Scottish Government has delivered all the bus provisions within the Transport (Scotland) Act 2019 ("the 2019 Act") to enable local transport authorities to start considering all the powers available to them, including partnership working, franchising and local authority run services which sit alongside their ability to subsidise services.

The bus provisions empower local transport authorities with the flexible tools they need to improve services in their own areas. Since commencing all the bus provisions, local transport authorities across Scotland have begun exploring the powers available to them, including in the Strathclyde area.

It is important to note that bus franchising is complex and requires a suite of secondary legislation and statutory guidance to enable local transport authorities to use the provisions effectively. We have laid several substantive regulations since commencing the franchising provisions in December 2023, including the Local Services Franchise (Traffic Commissioner Notices and Panels) (Scotland) Regulations 2024 which were laid on Tuesday, 5 September 2024. The remaining regulations and statutory guidance to bring the franchising provisions into effect will be provided before the end of this year.

Removing the requirement for proposed franchising frameworks to be approved by a panel

Turning to the call to amend the 2019 Act to remove the requirement for local transport authorities to seek approval from panels convened by the Traffic Commissioner for their franchising proposals.

The approval process for franchising requires the Traffic Commissioner for Scotland to convene an independent panel to approve or reject a local transport authority's franchising proposals. This process was approved by the Scottish Parliament as part of the passage of the 2019 Act. We have no plans to revisit this legislation.

The local services franchises model puts in place a clearly structured approval procedure with the intention of making the process transparent and ensuring that franchising proposals are subject to a high level of scrutiny. The role of the independent panel is to provide an additional safeguard to ensure that the local transport authority's franchising proposals have been carefully considered, based on evidence, and follow the guidance issued by Scottish Ministers.

Providing additional funding

While the 2019 Act provides local transport authorities with a range of tools to improve bus services, it is for each authority to decide what, if any, bus provisions they want to use to improve services in their area. Regardless of which option they choose to progress, it is important, that the local transport authorities' business case for improving bus services is robust and well evidenced to support decision-making on funding.

Given the already challenging fiscal environment any future funding availability to local transport authorities will be considered as part of the annual budget setting processes and prioritisation exercises.

I hope the Committee finds the contents of this letter helpful.

Yours sincerely

**Bus, Accessibility and Active Travel
Transport Scotland**