

# PE2116/J: Accelerate the implementation of bus franchising powers

SPT written submission<sup>1</sup>, 10 January 2025

## Background

SPT is the Regional Transport Partnership (RTP) and Public Transport Authority for the west of Scotland, with an area comprising twelve local authorities and a population of 2.14m people. SPT plays a key role in coordinating the public transport network across our area and we work closely with our constituent councils, operators and others to seek to ensure that people across Strathclyde have access to facilities and activities including healthcare, employment, education, leisure, shopping, and visiting family and friends. SPT also acts to encourage more sustainable travel through our programme of investment in a range of initiatives across all modes of transport, and, on a revenue basis, supports socially necessary bus services across the west of Scotland, including the MyBus demand responsive transport service. Further information on SPT and the services we provide is available at [www.spt.co.uk](http://www.spt.co.uk).

SPT is currently preparing the Strathclyde Regional Bus Strategy (SRBS) and as part of this process has been reviewing the Bus Powers contained in the Transport (Scotland) Act 2019. The development of a Strathclyde Regional Bus Strategy has its foundations in SPT's A Call To Action: The Regional Transport Strategy (RTS) for the west of Scotland (2023 – 2038). The RTS recognises and promotes the importance of bus in our region and to that end, the need for the development of the SRBS was identified in light of the issues facing bus, and the potential opportunities available through the Transport (Scotland) Act 2019.

In 2024, [we undertook a public consultation seeking views on which recommended options should be considered further as part of the SRBS](#). Following an analysis of the SRBS consultation responses, SPT's Partnership Board approved the following recommendations to be reflected in the draft SRBS:

- Business As Usual and Voluntary Partnerships should be ruled out as a means to deliver a better bus network as more radical intervention is required.
- SPT should commence work on franchising, in line with the requirements of the Transport (Scotland) Act 2019.
- SPT will consider developing business case(s) for small-scale municipal bus company(ies) aimed at providing socially necessary services in parts of the region where private operators are currently very limited.
- SPT, and our partners, should progress with the necessary transition arrangements appropriate (e.g. time-limited, voluntary partnerships or other agreements aimed at improving the bus network) to provide a structured basis

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<sup>1</sup> Please note this response is to be considered at SPT's Strategy and Programmes Committee on 21 February 2025 and should be treated as draft until then.

for private and public sector collaboration in attempting to arrest further passenger decline and stabilise the bus network in the pre-franchising period.

SPT is currently finalising the draft SRBS, which will be presented to SPT's Strategy and Programmes Committee in February 2025, at which approval to undertake a 12-week public consultation over March-May 2025 will be sought. The final SRBS will be presented to the SPT Partnership Board for approval in September 2025.

### **SPT comments on the Petition:**

- Point raised in petition: "Introducing, without delay, the regulations and statutory guidance required to give bus franchising powers full effect"

SPT comments: SPT is keen to see the Regulations and Guidance associated with the Act complete and published in full particularly given that we are currently undertaking the work noted above to develop the SRBS which may result in utilisation of the Act's Bus Powers. Transport Scotland (TS) has advised that it intends to publish guidance on both franchising and bus service improvement partnerships in Spring 2025. TS has also advised that it is working on a final set of Regulations for franchising, covering the process from transitioning into and out of a franchise, which includes extending the registration period for changes to bus services. This would complete the necessary Regulations and Guidance associated with the Bus Powers in the Transport (Scotland) 2019 Act.

SPT has engaged with Transport Scotland and Association of Transport Coordinating Officers (ATCO) through a Working Group to support the preparation of the Transport (Scotland) Act 2019 Regulations and Guidance and we welcome the opportunity Transport Scotland has provided to gather and reflect feedback by key partners as the process has developed. We would note that our responses to the points raised in the Public Petition do not commit SPT to a particular course of action in relation to the Bus Powers in the Act.

During this period however, SPT would welcome consideration of any improvements which may be identified following the issue of the Better Buses Bill applicable in England and Wales which is seeking to address learnings from early adopters of Bus Reform work.

- Point raised in petition: "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"

SPT comments: [SPT expressed concerns about the panel in its response to the consultation undertaken by Transport Scotland on the Act's Bus Powers in 2021](#). As a matter of public record, these concerns remain.

However, at this advanced stage in the development of the Act's Regulations and approaching publication of the finalised Guidance, we acknowledge this process is now firmly enshrined in law.

Notwithstanding the concerns previously raised by SPT, the change as proposed by the Petitioner would, by necessity, require development by the Scottish Government

of an alternative proposal, consultation and, more fundamentally, further amendment of the Act. While Scotland remains an exception in the UK by retaining such a panel process, it is also evident that any change may result in further significant delay and introduce additional or new risks to any local transport authority such as SPT considering taking forward a franchising framework at this time.

Given the above, should the Scottish Parliament move to amend these provisions, SPT would seek assurances from the Scottish Government that any change can be made timeously and without delay. SPT would be concerned by any amendments that further delay the issue of regulations and guidance given the length of time to date. Specifically, we would seek assurance that any change would not materially impact on the timeline required to undertake a Franchise Assessment nor introduce additional risks to any authority considering Franchising as a means of improving bus networks for the travelling public in Scotland.

- Point raised in petition: Providing additional funding to help support RTPs in preparing franchising frameworks and assisting them with initial set-up costs once frameworks are approved.

SPT comment: SPT firmly believes that the appropriate funding is made available by the Scottish Government / Transport Scotland to ensure that Local Transport Authorities intending to review and potentially take forward the Bus Powers contained in the Transport (Scotland) Act can do so effectively. Planning, developing and implementing significant reform plans, including ensuring compliance with Scottish Government due processes, require a substantial commitment of resources and expertise to ensure that any proposals emerging are robust in meeting the complex requirements of the legislation, including in terms of appropriate communication, engagement, consultation and business case development and to support any set up costs associated with a preferred approach. To date no additional or specific resources have been made available to SPT at this time, and this has been identified as a key risk to the successful delivery of the bus reform agenda.