



Office of the Traffic Commissioner

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Edward Mountain MSP,
Convener,
Net Zero, Energy and Transport Committee,
The Scottish Parliament,
Edinburgh,
EH99 1SP

(by email: netzero@parliament.scot)

21 October 2024

Dear Mr Mountain,

Local Services Franchises (Traffic Commissioner Notices and Panels) (Scotland) Regulations 2024

I refer to your letter of 9 October 2024 regarding the above-mentioned regulations. I have been asked to respond on behalf of the Senior Traffic Commissioner in his capacity as Deputy Traffic Commissioner for Scotland and whilst the post of Traffic Commissioner for Scotland is currently vacant.

As you will be aware the provision for the franchising of local bus services was set out in the Transport (Scotland) Act 2019, which amended the Transport (Scotland) Act 2001. The role of the Scottish Traffic Commissioner to convene a panel to review any franchise proposal was set out in the 2019 Act. The draft regulations create a framework for that role.

Those draft regulations provide that the Traffic Commissioner may appoint as a panel member any person that the Traffic Commissioner considers to have knowledge or experience relevant to that panel's functions. In discussion with Scottish Government, we have drawn upon our experiences with the panel formed for a Quality Contracts Scheme in England. For this reason, the Senior Traffic Commissioner is alive to the need to ensure that any panel has a breadth of skills and experiences required to provide an informed and balanced opinion. Discussions with Scottish Government have identified the need for a panel to include legal, operational and passenger expertise, which will then take evidence including from people affected by the proposal to franchise.

The draft regulations prevent a person from sitting on the panel who, in the opinion of the traffic commissioner, reasonably give rise to a concern as to whether that person could act impartially as a panel member. A person's impartiality will be assessed prior to appointment through an understanding of their background and by a process of self-declaration. If any concerns are subsequently raised, they may be removed from the panel using the powers provided in regulation 5.

You will gather that discussions have been held with Scottish Government officials, which commenced during the drafting of the regulations. We have provided advice, drawing on our experiences gained from other jurisdictions. We are due to meet in Edinburgh on 22 October 2024 to consider the administrative support to the Traffic Commissioner's statutory role. We also understand that the Scottish Government intends to issue general advice on franchising.

Work will continue to provide a clear process and instruction for when the regulations come into force.

Yours sincerely

(by email)

John Furzeland
Traffic Commissioners' Corporate Office
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