

TRANSPORT (SCOTLAND) ACT 2019

1.0 INTRODUCTION

- 1.1 This report provides a summary update on the Transport (Scotland) Act 2019 and what this is likely to mean in practise for Argyll and Bute. Currently the regulation that will support the Act has largely not been issued by Scottish Government. It is understood that Commencement Orders will not be received until the Regulation is developed. The full implications of the Act will only be fully known once the regulation is available.
- 1.2 This report provides a summary of the key sections of the Act which are considered to have the most impact on Argyll and Bute Council. This report does not provide a fully detailed report on all elements of the Transport (Scotland) Act 2019.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Members consider the content of this report.

3.0 DETAIL

- 3.1 The Scottish Parliament voted to pass the Transport (Scotland) Bill on Thursday 10 October 2019. The Bill received royal assent on 15 November 2019 and became the Transport (Scotland) Act 2019. The Act consists of 10 Parts which are:
- Part 1 – The national Transport Strategy
 - Part 2 – low emission zone scheme
 - Part 3 – Bus Services
 - Part 4 – Ticketing arrangements and schemes
 - Part 5 – Travel concession schemes: application to community transport
 - Part 6 – Parking Prohibitions
 - Part 7 – Workplace Parking
 - Part 8 – Recovery of unpaid parking charges
 - Part 9 - Roadworks
 - Part 10 – Miscellaneous and general

3.2 The Act will be supported by Regulation most of which is yet to be issued by Scottish Government.

3.3 Part 1 – The National Transport Strategy

3.3.1 This part of the Act came into effect on 15 January 2020. In essence, this requires Scottish Ministers to produce and consult on a National Transport Strategy. This strategy is to set out the vision for future transport to, from and within Scotland. Transport Scotland, on behalf of the ministers, have engaged consultants and between the Transport Scotland officials and their consultants are currently undertaking various consultation workshops.

3.4 Part 2 – Low Emission Zone Scheme

3.4.1 The Scottish Government is committed to introducing low emission zones into Scotland's four biggest cities (Glasgow, Edinburgh, Aberdeen and Dundee). This part of the Act currently has no direct impact on Argyll and Bute.

3.5 Part 3 – Bus Services

3.5.1 This part of the Act includes:

- New powers for transport authorities to provide local bus services.
- Provision to introduce bus improvement partnership plans. These are similar to advanced and enhanced partnerships in place in England.
- Authorities may also introduce franchising frameworks and franchising agreements covering their council area.
- Amendments to the Traffic (Scotland) Act 2001 to provide more powers relating to information from operators on services including requiring operators to inform authorities when varying or cancelling services.

3.6 Part 4 – Ticketing arrangements and schemes

3.6.1 This relates to a National Smart Ticketing Advisory Board to facilitate the use of technology for a national smart ticketing system.

3.7 Part 5 – Travel concession schemes: application to community transport

3.7.1 The Scottish Travel Concessionary Scheme appears to be largely unaffected by the new Act. There is a requirement for Scottish Ministers to carry out an assessment of the costs and benefits of extending the current scheme to community bus services as well as other services as Ministers see fit.

3.8 Part 6 – Parking Prohibitions

3.8.1 Dropped kerb parking prohibition: Local Authorities will be able to issue PCNs for any contraventions. This only applies to dropped kerbs (or raised

carriageways) where the layout has been made to allow a crossing point, it doesn't apply to dropped kerbs across access/driveways etc.

- 3.8.2 Pavement parking (footways and footpaths) is an area which would require a policy position for Argyll and Bute in terms of what level of enforcement and where enforcement would be carried out. It is understood there will be minimum footway widths to be maintained (probably 1.5m) which won't leave many places within Argyll and Bute where we could have footway or partial footway parking. There would be a need for an assessment to be carried out in local areas where we are aware that the prohibition may cause issues. The council would have to promote orders, provide signing and lining this may become a cost pressures. Penalty Charge Notices (PCNs) would be issued for any contraventions. Note that this is likely to be subject to regulation by Scottish Ministers for both footway assessment and the form of exemption orders.
- 3.8.3 Double Parking provides powers to enforce irresponsible parking where a vehicle is parked more than 50cm from the edge carriageway. Similar pavement parking, double parking is also subject to exceptions. PCNs would be issued for any contraventions.
- 3.8.4 Whilst full implications are still being considered, it is likely that the footway parking and double parking will have the most significant implication for our council in terms of the 2019 Act. Essentially the council will be able to issue PCNs for vehicles parked on footways and also vehicles which are double parked (double parking is expected to include vehicles that are over a set distance from the kerb therefore unnecessarily encroaching on to the carriageway as well as parking next to a vehicle already parked next to the kerb, and therefore obstructing the carriageway).
- 3.8.5 In regards to Orders, it is understood that Ministers were considering producing a stand-alone order making process which would be less complex than a "normal" TRO. It is understood that if progressed this will be within Regulations.

3.9 Part 7 – Workplace Parking

- 3.9.1 The provisions provide discretionary powers for local authorities to establish a Workplace parking Levy (WPL) scheme, a devolved revenue-raising measure which promotes local decision making and allows councils to implement initiatives that best work with the specific considerations of their area.
- 3.9.2 Such measures have the potential to encourage modal shift towards public and sustainable transport and to enhance transport infrastructure and services in local areas, to the benefit of those who do not primarily travel by car. In drafting these amendments, Scottish Government has taken an approach to ensure that WPLs are viewed in a strategic local context and in alignment with other transport initiatives.
- 3.9.3 Measures which have the potential to dis-incentivise private car use – particularly single occupancy trips – can play an important role in reducing transport emissions by promoting public transport and active travel modes,

potentially leading to reductions in traffic congestion and improving air quality.

3.9.4 This is an initiative which would need a policy position establishing. At the time of writing this report officers would not recommend introducing a WPL where there is a fragile economy and depopulation issues.

3.9.5 This provision will be more effective in urban areas, particularly large towns and cities. It may not be effective within Argyll and Bute Council are unless improvements are made to transport infrastructure, specifically public transport provision, to allow the modal shift to be made from cars to other travel types. Improvements to the cycle's network may also be worth considering in this context. The introduction of WPL may, in some cases, lead to displacement of vehicles onto public roads if parking costs are passed onto staff.

3.10 Part 8 – Recovery of unpaid parking charges

3.10.1 This section of the Act provides powers similar to that the Council has within the Decriminalised Parking Enforcement to private car park operators. The Act specifically refers to recovery of parking charges on land other than public roads and parking places not subject to control by the Secretary of State, the Scottish Ministers or a local authority. This may be the first steps towards a single framework for all car park operators (public and private).

3.11 Part 9 – Roadworks

3.11.1 Changes to Roadworks includes the mandatory requirement for road workers and supervisors to be qualified to a suitable scheme level (similar to utility companies current requirements). The detail of this is expected to become available through subsequent Regulation (possibly from the Road Works Commissioner). This has been discussed at the National Roads and Utilities Committee (RAUC) meetings, there isn't yet a clear understanding of what will actually be the defined qualification level. Depending on what it ends up being we may (or may not) have to provide additional training for our workforce.

3.11.2 Reinstatement Quality Plans are introduced under the 2019 Act. It is likely the format for these will be developed by working groups reporting to the National RAUC.

3.11.3 Within the Scottish Road Works Register (SRWR) all plant within the road corridor is recorded on a sub-system called VAULT. This include not just Public Utility services (e.g. water pipes, communications cables) but also roads assets, including street lighting, bollards signs and so on. Currently this is not mandatory, however, the 2019 Act includes a change to the New Road and Street Works Act (NRSWA) that will require both Public Utilities and Roads Authorities to maintain their asset record. The shift to mandatory requirement shouldn't introduce a resource burden as Officers currently update this at least once per quarter.

3.11.4 Codes of Practice (CoP) for safety measures will be subject to change of status under the 2019 Act. The Act provides that if a Public Utility or Roads Authority

comply with a CoP then they will be deemed to be compliant with the requirements under s60 of the Roads (Scotland) Act 1984, as amended, and, conversely, a failure to comply with the CoP will be deemed as a failure to comply with the requirements of the RSA84.

3.11.5 The Roadworks Commissioner Inspectors powers are amended under the Act, subject to regulation, providing additional powers that may be similar to that of HSE inspectors. This includes powers to enter premises, compliance notices and the issue of fixed penalty notices (by or on behalf of the Commissioner).

3.12 Part 10 – Miscellaneous and general

3.12.1 There are a number of sections within this part of the Act which make some changes to how the Scottish Canals Board is governed. The Act places duties on local health boards for non-emergency patient transport. There are also some changes to financial arrangements for Regional Transport Partnerships.

5.0 CONCLUSION

5.1 This report provides an update on the Transport (Scotland) Act 2019.

6.0 IMPLICATIONS

6.1 Policy – none known

6.2 Financial – none known

6.3 Legal – none known

6.4 HR – none known

6.5 Fairer Scotland Duty:–

6.5.1 Equalities - protected characteristics – none known

6.5.2 Socio-economic Duty – none known

6.5.3 Islands – none known

6.6 Risk – none known

6.7 Customer Service – none known

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