

PE2116/C: Accelerate the implementation of bus franchising powers

Petitioner written submission, 12 November 2024

Since our [last written evidence was submitted on 11 October 2024](#), there have been two significant debates relating to the franchising powers in the Transport Act 2019.

On 29 October 2024 [the Net Zero, Energy & Transport \(NZET\) Committee discussed the much-delayed Scottish Statutory Instrument \(SSI\)](#) relating to the Traffic Commissioner's role in appointing an 'independent panel' to approve franchising proposals – a time-consuming and unnecessary step which our petition demands is removed from the Act. Prior to the meeting, the Committee requested evidence from three organisations/individuals with expertise in this field. In their responses, [Jonathan Bray](#) and [Transport for Quality of Life \(TfQL\)](#) – who have both advised the [Welsh Government on their 'Roadmap to bus reform'](#) (which will deliver nationwide bus franchising by 2030) – raised “significant concerns” about the panel model.

Reflecting on his experience of the failed NEXUS franchising proposal in 2015¹, Bray writes that “the decision to use panels to determine the future of bus services in Scotland is anachronistic and undemocratic. It **leaves Scotland as a backwards facing outlier** on public control of franchised bus services in the UK.” TfQL highlights the impartiality of the Traffic Commissioner, writing that “they are effectively part of the existing system, and whose strategic objectives are to **minimise regulatory burden** on operators rather than to provide the best possible passenger service.” Whilst [Get Glasgow Moving points to the absurdity](#) of “any devolved government with power over nearly all aspects of its bus network actively choos[ing] to give away power over something as fundamental as the basic regulation of bus services ... to an unelected official appointed by the UK Government”.

Many of these points were raised during [the NZET Committee Meeting](#) which took oral evidence from Jim Fairlie MSP, Minister for Agriculture & Connectivity and Transport Scotland officials. Although defending the SSI, the Minister stated that he was “now acutely aware of some of the concerns that have been raised” and that the Government's position is that “we want to get franchising done, and we want it to work.” Towards the end of the debate Graham Simpson MSP was clear to put on the record that “every **committee member who has spoken today is in favour of franchising**... The message to SPT from the Parliament would be that the Parliament is in favour of franchising.” As a result of MSPs' concerns that the panel would delay the implementation of franchising, and potentially sabotage it altogether, the motion to annul the SSI was passed by 4 votes to 3.

This vote triggered [a second debate on the motion in the Chamber the following day on 30 October 2024](#), where Douglas Lumsden MSP stated that:

¹ 'Board throws out north east bus franchise plan' (2015). <https://www.lgcplus.com/politics/board-throws-out-north-east-bus-franchise-plan-03-11-2015/>

“Annulling the SSI is... about the committee process and the Parliament working as it should do, by providing the **post-legislative scrutiny** that it is meant to. The franchising process was put into legislation in good faith, but the Parliament should have the courage to accept that such a process has been tried in other parts of the country and has failed. It would be completely wrong of us to plough on regardless when we have taken evidence from people who have studied the franchising process and told us that we should simplify it.”

The [vote on the motion was tied 62-62](#) with the Presiding Officer voting in favour of the status quo.

Urgent Action is Now Necessary

[Transport Scotland has previously stated](#) that all the outstanding regulations and statutory guidance necessary for SPT to begin developing its franchising proposals will be delivered by the end of 2024 (*a five year delay* since the Act was passed). However, at the NZET Committee Meeting on 29 October, we heard that these would now be delayed even further, into the “new year”.

This shows a total lack of urgency from the Scottish Government in enabling bus franchising, which completely undermines of [their target to reduce car miles by 20% by 2030](#). At this rate there will not be a single franchised bus on Scottish soil by that date, let alone allowing time for the behaviour change that an integrated, affordable, and reliable public transport system will enable. This is what we hope our petition will turn around. We therefore propose the following course of action:

1. Publish all the remaining regulations and statutory guidance ASAP so that SPT can begin the processes set out in the Act (see [Section 13C\(1\)\(a\) to \(g\)](#)). What is clear from the evidence and debates of last month is that it will take SPT *at least two years* before it even reaches the panel approval process (stage (f)). This gives a sufficient window of opportunity to make minor – but absolutely essential – amendments to the Act.

2. Introduce a short ‘Transport (Scotland) (Amendment) Bill’ to remove the panel process and simplify the Scottish legislation in line with England’s Bus Services Act 2017, which is currently being used to rollout franchising in several city regions ([see details in our previous written evidence](#)). This must be done *before the end of the Parliament in 2026* ([we have drafted the necessary amendments here](#)).

3. Support SPT to develop its bus franchising proposals as the “trailblazer for future possibilities” in Scotland (as it was described by the Minister on 30 October 2024). [SPT estimates it needs £15 million to complete the processes set out in the Act](#), and has currently only [received 1% of this through the Community Bus Fund](#).

4. Finally, work should begin to develop new legislation to further simplify the bus franchising powers as is currently happening in England with the new [Better Buses Bill](#), which aims to get the process down from the 7.5 years it took Greater Manchester to fully implement, to as little as two years.

We accept that this larger piece of legislation may need to go into the next Parliament, but at least SPT will be able to make progress in the meantime, paving the way for other RTPs to follow.