



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Rural Economy and Connectivity Committee

**Wednesday 19 September 2018**

**Session 5**



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**RURAL ECONOMY AND CONNECTIVITY COMMITTEE**

**23<sup>rd</sup> Meeting 2018, Session 5**

**CONVENER**

\*Edward Mountain (Highlands and Islands) (Con)

**DEPUTY CONVENER**

\*Gail Ross (Caithness, Sutherland and Ross) (SNP)

**COMMITTEE MEMBERS**

\*Peter Chapman (North East Scotland) (Con)

\*John Finnie (Highlands and Islands) (Green)

\*Jamie Greene (West Scotland) (Con)

\*Richard Lyle (Uddingston and Bellshill) (SNP)

\*John Mason (Glasgow Shettleston) (SNP)

\*Mike Rumbles (North East Scotland) (LD)

\*Colin Smyth (South Scotland) (Lab)

\*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

\*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jim Grieve (South East of Scotland Transport Partnership)

Charlie Hoskins (Society of Chief Officers of Transportation in Scotland)

Bruce Kiloh (Strathclyde Partnership for Transport)

Paul Lawrence (City of Edinburgh Council)

Gordon Mackay (Society of Chief Officers of Transportation in Scotland)

David Summers (Highland Council)

**CLERK TO THE COMMITTEE**

Steve Farrell

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Rural Economy and Connectivity Committee

Wednesday 19 September 2018

*[The Convener opened the meeting in private at 08:53]*

10:30

*Meeting continued in public.*

### Transport (Scotland) Bill: Stage 1

**The Convener (Edward Mountain):** Good morning and welcome to the public part of the 23rd meeting in 2018 of the Rural Economy and Connectivity Committee. I ask people to ensure that their mobile phones are on silent. No apologies have been received.

Agenda item 2 is our second evidence-taking session on the Transport (Scotland) Bill, and we will take evidence from local authorities, regional transport partnerships and their representatives. I welcome Gordon Mackay, chair, and Charlie Hoskins, member, Society of Chief Officers of Transportation in Scotland—that is quite a mouthful; Jim Grieve, head of programmes, south east of Scotland transport partnership, or SEStran; Bruce Kiloh, head of policy and planning, Strathclyde partnership for transport; Paul Lawrence, executive director of place, City of Edinburgh Council; and David Summers, principal passenger transport officer, Highland Council.

We want to ask you a series of questions. To those of you who have not given evidence to the committee before, I should say that anyone who wants to answer a question should catch my eye and I will bring them in. I shall try to do that in a balanced way, so please do not be offended if I do not ask all of you to respond to every single question. If I were to do that, we might well run out of time. Moreover, you do not need to touch your microphone buttons—that is all worked out and done for you.

Colin Smyth will ask the first question.

**Colin Smyth (South Scotland) (Lab):** I want to kick off with buses. Currently, the bill seeks to restrict new local authority bus companies to running only non-profit-making services that, frankly, commercial companies would not touch. Is such a restriction fair, or should local authority bus companies be allowed to run all bus services?

**The Convener:** Who would like to come in on that? Charlie, you can start off.

**Charlie Hoskins (Society of Chief Officers of Transportation in Scotland):** Good morning. First, I should say that, as well as representing SCOTS, I play a senior director role in SPT, so I will be able to help with any questions that are put to my colleagues Bruce Kiloh and Gordon Mackay.

In our view, the provision is probably restrictive. At the moment, our funding for subsidised services, certainly in the west of Scotland, is of the order of £11 million per annum, which is effectively tendered to the same bus operators that run the commercial services. That is the difficulty that we face when we go back to the market in those areas.

The challenge in restricting things to socially necessary services is that, by their very nature, such services do not have major patronage numbers. Ultimately, if a service becomes quite successful, you can get a private operator coming in and saying, “Well, that looks pretty good now—let’s run a service here.” Moreover, in order to set all that up, you have to invest in depots, vehicles, people and all the processes that are involved.

The view—and certainly the view of SCOTS—is that there are some big challenges in that respect, and the committee might wish to look at whether the remit in that area of the bill should be broadened with regard to municipally owned services.

**The Convener:** I will let David Summers respond next and then come back to Paul Lawrence.

**David Summers (Highland Council):** Highland Council has to some extent supported the power to have council-owned bus companies, and we are positive about the move. However, as our members have not specifically considered the part of the bill that is the subject of your question, I can speak only personally in response.

For a directly operated council service, such a restriction is probably appropriate, but an arm’s-length company or a council-owned company should have the same commercial freedom as any other company has. For anything that is on more than a modest scale, I support having a council-owned company. It is interesting that the bill does not mention council-owned companies, although it talks about council-operated bus services. That could be clarified as the bill progresses.

**The Convener:** I will bring in Bruce Kiloh and then take Stewart Stevenson’s supplementary question before I bring in Paul Lawrence.

**Bruce Kiloh (Strathclyde Partnership for Transport):** I will amplify what Charlie Hoskins said. In discussions with Transport Scotland, we have been reassured that there will be opportunities through regulation and secondary

legislation to look at such things. When people across Scotland look at Lothian Buses, they aspire to that. The issue is the definition of what is socially necessary, which differs across Scotland. Charlie Hoskins outlined our approach, which is to subsidise bus services. We have spread the £11 million a year that we have for supporting bus services ever more thinly, and we use community transport and demand-responsive transport through our MyBus service.

People's definition of what is socially necessary in the Highlands will differ from the definition in more deprived areas of Glasgow. The bill provides an opportunity to widen the consideration of how a municipal company could operate.

**The Convener:** Stewart Stevenson wants to speak, but I will let Colin Smyth follow up that answer.

**Colin Smyth:** How has the Government ended up with introducing such a restrictive proposal in the bill? The consensus is that it is restrictive. When they gave evidence recently, Scottish Government officials said that they were in discussions about, in effect, potentially lifting the restriction. Have you discussed the issue with Transport Scotland officials and made the point about lifting the restriction?

**The Convener:** I do not want to cut out Paul Lawrence, but I think that the question is more for Bruce Kiloh.

**Bruce Kiloh:** From the outset, Transport Scotland officials have had a good level of engagement on the bill with regional transport partnerships, including SPT, and councils. That is certainly positive. In the past six or seven years, we have promoted a change to the framework for bus services through our bus policy and other initiatives, so our pushing has partly led to the current situation.

I do not want to say on behalf of Transport Scotland or the Scottish Government why the provision is restricted to socially necessary services, but I am aware of the competition angle—I make no judgment call on whether that is right. Bus operators run commercial services and, if a socially necessary service went on top of that, they would have a big issue. That is perhaps the background to where the Scottish Government is coming from.

We have been in dialogue with TS about how to widen the approach. As I said, perhaps the definition of social need could be looked at, as each area will have a view on that.

**Colin Smyth:** Can I respond briefly?

**The Convener:** Just briefly, as I want to let Paul Lawrence in.

**Colin Smyth:** I am a bit confused, because Bruce Kiloh still suggests a restrictive model. Why cannot we have the Lothian Buses model, in which a local authority-owned bus company runs in competition with the private sector? At the moment, there is no competition in the bus sector.

**Bruce Kiloh:** Lothian Buses is a fantastic bus company, but its history differs from the history of the development of the bus market in other areas. Edinburgh and the Lothians have two or three operators, but the west of Scotland, where we are, has about 60 operators—that is how the market has developed because of previous decisions.

The aspiration of some of the councils, regional transport partnerships and others has been to look at how the Lothian model could be applied in their areas. The elephant in the room, of course, is funding and how you can start off something like that with depots, pensions and vehicles. However, the bill at the moment would not allow the creation of a Lothian-type model, although I know that TS is considering how it could be widened to appease those who are anxious to have a Lothian-style model.

**The Convener:** I will bring in Paul Lawrence and then we will go to Mike Rumbles, who has a follow-on question.

**Paul Lawrence (City of Edinburgh Council):** I have a brief comment that is linked to what Bruce Kiloh was saying. From an Edinburgh point of view, we benefit from the Lothian model in the way that members have discussed. I wanted to emphasise that point, because Bruce Kiloh is right to say that other areas have different histories, different circumstances and different markets. The Lothian model gives us, as a local authority, an opportunity to have a strategic relationship with a provider, looking not only at social requirements but at the economic growth requirements of the city and the economic and social dimensions of wider spatial planning. As a whole, it allows that holistic relationship, which I am not convinced current provisions would allow elsewhere.

**Mike Rumbles (North East Scotland) (LD):** We were told last week by the civil service bill team that the bill will give power to the 32 councils to run their own bus companies, if that is their wish, but only on loss-making routes. We are interested in having effective legislation, so my question is this: how many of those 32 councils are likely to want to invest in all the human resources, depots and buses that would be required to create and run a loss-making service? I would like to know how many councils would do something like that.

**The Convener:** Who wants to answer for the 32 councils across Scotland?

**Gordon Mackay (Society of Chief Officers of Transportation in Scotland):** Clearly, councils currently operate in a difficult financial environment, and I think that the number of councils that would take up the current offer would be somewhere between nil and very low.

**The Convener:** David Summers is anxious to comment but, before I bring him in, I will allow Stewart Stevenson to comment, and then we can tie things up.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** One of the things that are put to me from time to time by constituents and others is that, when a route becomes non-economic and a bus company wants to shut it down, the council steps in because it is socially necessary, and that same company—in what may be a locally quasi-monopolistic situation—comes back in and now gets paid to run the bus service. How can we deal with that? Although you might be able to justify it in individual circumstances, it disnae sound awfy good, and there is plenty of opportunity for gaming. Does my statement overplay the situation, or is it something that you recognise?

**Charlie Hoskins:** We see it pretty much on a day-to-day basis. There is a step before organisations such as SPT and local authorities step in, and a lot of hidden work goes on behind the scenes to convince the operator that it is not the right thing to do and that it should consider a bigger picture than purely one of profit. To be fair to operators, they often do consider that and they see it as a last resort if they have to pull a service out.

We work through socially necessary guideline criteria to see what type of service needs to be put in. One of the difficulties—and I hope that the committee will come on to this—is the data required to do that. We do not get the data from the operators that tells us how many passengers there are or their origin or destination, so one of the big things that the bill must address is the requirement for data, whatever framework is in place, whether it be a partnership or a franchise.

**Stewart Stevenson:** Are you allowed to see the data for the concession card scheme, because that would be part of it?

**Charlie Hoskins:** I would have to defer my answer and come back to the committee, as I am not 100 per cent certain on that point. However, to answer your question about what the dynamic then looks like, the dynamic for us is quite interesting, because we then go into the procurement legislation. We have introduced a more dynamic purchasing method to make it a little bit more efficient, but ultimately we are still going back to a market, and in some areas there may be only one operator or a couple of operators,

which will take a view on what they believe is the right price, because then it would be a competitive tender situation.

What also happens quite often—and our committee members see this when we bring a proposal for approval—is that we will go back out again, because the returns that we get are simply unaffordable, and there is a lot of dialogue with operators about affordability.

There might well be an opportunity, which this committee might come to, from the partnership model, rather than the franchise model. If partnership provided the ability to share data a bit more, what was paid would in effect be a top-up cost rather than the cost of buying a whole chunk of a service. That is an interesting dynamic. I hope that that gives members more insight.

10:45

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** David Summers will not be surprised to hear that my questions are for him. We have talked about socially necessary routes. Could any routes in Highland that are just for schools be opened to the public? If so, what would need to be done to allow that to happen? Does the bill cover that, or could it be done now?

**The Convener:** David Summers is on the spot with a non-constituency question from the deputy convener.

**Gail Ross:** It is Highland-wide.

**David Summers:** That is fine. Such routes can be opened up at the moment; in fact, we have in the past two or three years increased the number of school routes that are open to the public. However, the public service vehicle accessibility requirements have worked against that. A 50-seater coach might be required for the number of school pupils, but coaches that do not have a wheelchair lift do not conform to the accessibility requirements, so they have had to be removed from the public network. The alternative is to provide two buses, which would cost more, but it is fair to say that services have been removed only where public use was minimal.

Current legislation allows councils to run school buses. We have no large buses on the public network, but we have a few minibuses. Legislation also allows us to use such vehicles off-peak to provide a public service, although that is pretty restricted, because the core use of such vehicles is for school transport. We welcome the provision in the bill to broaden the approach. One issue is that any such operation should be under an operator licence—I think that that is the bill's intention, but it is not stated.

Mr Rumbles asked about loss-making services. The proposed power is to run services that the private sector has not registered. Such services might be loss making for private operators but not necessarily for us. In Moray, the private sector operator recently withdrew a route but, by using a school bus in off-peak time, the council replaced the service at what I understand is more or less break-even. The consideration is not whether the service is loss making but whether any commercial operator is providing it.

**The Convener:** Richard Lyle wants to drill down into a few questions.

**Richard Lyle (Uddingston and Bellshill) (SNP):** Bruce Kiloh has touched on several questions that I was going to ask, so I will wrap up my questions to be a wee bit simpler. I will set the scene: in Scotland, we spend millions of pounds on bus transport. My area has numerous bus operators that really do not provide a service in some parts and are letting my constituents down.

When the Scottish Government officials, who I believe could be bolder, gave evidence to the committee last week, they said that state-aid competition rules might prevent local authority bus companies from providing a commercial service. Come back, Glasgow Corporation, all is forgiven. Should we not try to reintroduce a public bus service that serves the public? Does the bill fail in that regard?

**Bruce Kiloh:** Thank you for your questions. To put the situation in perspective, an interesting point is that the number of passengers in the west of Scotland bus market has gone down by 60 million in the past 10 years; the market faces a lot of difficulties. I mentioned that our area has 50 to 60 operators but, five or six years ago, that figure was 120. Some operators have been bought, but others have gone out of business.

We are proud of what we do at SPT in providing a public service and subsidising those services that are deemed socially necessary, but I suppose a wider question is whether you should be relying on a piece of legislation to turn round a bus market that is in decline. Possibly not. Will the bill make the world a better place as far as buses in the west of Scotland go? I hope so—probably.

The proposals for bus service improvement partnerships are better than the previous statutory bus quality partnerships. There are questions around the franchise proposal, but it is better than the bus quality contracts. One thing for sure is that, whatever state this legislation comes out in, we will explore every opportunity to maximise the benefits of the new legislation for the people of the west of Scotland. However, it always comes back to the elephant in the room, which is funding.

We spoke earlier about our £11 million budget for supporting socially necessary services. As a rule, that works out at about £5 per head per person for a year for our area. If you go down south, you might be looking at £25 a head for some of the bigger regions and £15 a head for some of the others. For London, it is about £100 a head. Those are rough figures. You get what you pay for. Whatever is proposed in the bill, if there is money there to back it up, it will make life a bit easier. Definitely, whatever form negotiations with the operators for a bus service improvement partnership might take, the operators always sit up and take notice if you bring a bit of money to the table.

**Richard Lyle:** Correct me if I am wrong, but I could set up a bus service tomorrow if I got all the necessary licences and so on. We have a crazy situation in Motherwell where two buses follow each other on the same route because they are from different companies. We are paying out that money for nothing. Why do we not sit down and decide what we need and what we want and what will serve the passengers—my constituents? We are not doing that and the bill will not do anything to resolve that, or will it? Tell me.

**The Convener:** Charlie, do you want to answer that?

**Charlie Hoskins:** Yes, because it follows on from Bruce Kiloh's point. Richard Lyle is absolutely right. I also live in that area and, as a passenger, I very much see that happening. There are a couple of areas in the bill where there is the opportunity to do what Richard Lyle mentioned. At the moment, we try to do that with operators through the registration process. When their registration comes in, we try to suggest to them that it is not a good registration because it is too aggressive against another operator and the buses should be spread. For example, if an operator is coming in on the clock, somebody else should not arrive five minutes later—it should be 15 minutes later to try to give a 15-minute service.

The bus service improvement partnerships are a good idea in that regard because the whole point is to sit down and plan the network. One of the things that we need to do that planning is the data. I apologise if that is the second time I have said it, but it is very important. The SPT and SCOTS submissions both make the point that we need to get to the heart of that data. It gives us the network to plan and then, from that, you would hope not to be setting up a partnership where you would experience that type of situation.

**Maureen Watt (Aberdeen South and North Kincardine) (SNP):** Good morning, gentlemen. Many of you will have community buses running in your areas. In a previous incarnation, this committee did an inquiry into community transport.



What effect, if any, would the proposals in the bill have on community transport groups?

**Bruce Kiloh:** We view community transport as a key part of the transport mix nowadays. It is an essential part of our provision for the transport network in the west of Scotland. Earlier, we talked about some of the issues relating to those socially necessary services. Our funding can go only so far, so we rely on community transport to assist us in filling that gap. We put our money where our mouth is in that regard, and we support some fantastic community transport organisations around the west of Scotland. Initiatives such as the bus service improvement partnership are part of that mix. It would be folly for us to ignore that. We want to build on the success that we had with the west of Scotland community transport network, which was an attempt to set a standard for community transport in the west of Scotland. We are delighted that operators have signed up to that and are able to access funding for us.

We will work with the community transport organisations through the provisions of the bill as enacted, if it comes to that, and we will make the best of the situation that we have.

**Maureen Watt:** Would expanding that approach be seen as an alternative to local authorities setting up their own bus companies? Would Mr Summers like to comment on that, as there are community transport groups in the Highlands?

**David Summers:** Community transport provision is uncertain while Westminster is still reviewing the position on section 19 and section 22 permits, although the indications that we are getting suggest that it is back-peddalling a bit from its original restrictive interpretation.

Community transport is important in our area, as Bruce Kiloh said that it is in his. We support 25 groups, most of which are pretty small scale. I do not see the bill having much impact on them, as they do not operate under PSVO licences. If any groups wanted to expand to the level at which taking on such a licence was appropriate, the provisions in the bill that apply to partnerships and so on would apply to them just as they do to companies in the commercial sector, which could be positive.

Overall, the bill addresses a market that is different from that which is served by community transport, at least in our area—a complementary, not competing, one. Could community transport operators substitute for council operation? Under the present system, operation is restricted to what the permit provides for, but there is potential to explore that. I do not think that I can go further than that at the moment.

**The Convener:** Jim Grieve has not had a chance to speak yet, so I will let him in now.

**Jim Grieve (South East of Scotland Transport Partnership):** I will speak in order to give a voice to the south-east of Scotland. The transport partnership in our area is interested in community transport, particularly for rural areas such as the Scottish Borders, where there are real issues with the number of bus services that are available to people. I am not sure of the extent to which the bill will assist in the development of that, but it is something that we want to get involved in. To refer again to the elephant in the room that Bruce Kiloh has referred to a number of times, if some funding were available for that, it would help us to make some progress with it.

**Richard Lyle:** I certainly agree with you, Mr Grieve.

Last week, Scottish Government officials indicated that the proposed local service franchise regime would remove the entry bar that has prevented any authority from pursuing a bus quality contract. Do you share that view? If so, how many local service franchises could we expect to see operating within the next few years?

**Charlie Hoskins:** That is an interesting question. The proposal is a new one. Our view is that the proposed regime would remove that bar, which, in effect, in the context of a quality contract, was about proving a negative—people had to prove that there was a market failure. However, in place of that, there are some really stiff challenges when it comes to setting up a franchise. I am sorry to go on about data for the third time, but there are issues around the data that is required in order to do that analysis. To give members a comparator, Transport for Greater Manchester is investing £11 million in the analysis—not the delivery—of a franchise. That is the same budget that we have for the delivery of services in the Strathclyde area, which is roughly the same conurbation size as greater Manchester.

11:00

There are a lot of challenges in that, and we in SCOTS share the view on some of the checks with an independent panel and all of the work to get to a point that could quite easily not be reached, despite the transport authority believing that it is the right thing to do. There are some stiff challenges in that, and we are interested in seeing what the guidance looks like on the mechanics of how that is done. Although the regime might remove a bar, there are a few other big, chunky obstacles for us to overcome to get to that point.

That might mean that we explore certain areas for franchises in the future. A number of years ago, there was an area in Lanarkshire in which we did considerable analysis of a quality contract, but we could not quite get over the bar. We are

probably looking at a place of that kind of size where there is unmet need, but it is difficult to get the data to underpin that.

**John Finnie (Highlands and Islands) (Green):** Good morning, panel. I have a number of questions about smart and integrated ticketing. I think that we would all welcome the extension of that to include rail and ferry services. There are several proposals on that in the bill, many of which relate to powers to be given to ministers on technical standards, definitions and establishing an advisory board.

We have had a couple of representations from local authorities. East Dunbartonshire Council raised concerns that the proposals

“may generate a larger number of individual smart cards that cannot be used across a number of travel platforms”.

Stirling Council told us that it considers that the

“system would be much more useful and understandable for customers if it were compulsory for operators to join such schemes.”

What, if any, are the benefits of the proposals in the bill on smart ticketing?

**The Convener:** I note that Charlie Hoskins wants to come in. I am sure that other people have views on the issue, but we will start with him.

**Charlie Hoskins:** Thanks, convener. I apologise for dominating the conversation, but I have quite a lot of deep experience of integrated and smart ticketing.

There are two things to consider. Members might be aware of the ITSO technical standard. The technical platform to interoperate therefore exists. That is a United Kingdom-wide technical standard. We have had that in the subway for five years. We interoperate with ScotRail and a number of bus operators.

The difficulty is in striking commercial and operational agreements with operators. There are a couple of reasons for that. One reason is that, as soon as operators start to integrate products, they fear that their revenue is being diluted. If two operators share the revenue for one journey, they will potentially not get the full fare for that in their own little space. That operator perspective is well understood. We operate a zone card in the SPT area with a paper-based system. The technical platform is the place to start from.

There is another interesting thing, which we are currently trialling. Everybody talks about smart cards, but the vast majority of a generation have grown up using devices such as smartphones and smart watches. People want a frictionless system in which they buy a ticket, it is downloaded to their phone, and they use that to tap to go through the gate with a QR, or quick response, code. It would

be wrong to start to legislate right now for that whole technology space; we need to let it grow.

How the bill is written is pretty good, because an advisory group for ministers in which all the operators come together to bring forward that approach is needed. That will allow the technology to develop into those spaces. With so many operators with different commercial views, the top-down approach would be pretty near impossible without full regulation.

**John Finnie:** In Parliament, we are currently going about with two security cards because we are changing systems. Is the situation sufficiently future proofed by having the advisory board? Technology changes rapidly, and we do not want to impose something only to find that there is another version the following week. It is inevitable that there will be another version the following week.

**Charlie Hoskins:** That is a good point. Transport Scotland officials have been really open and pretty good on that, and we have talked to them about our experience, as have a number of operators. That is why there would be an advisory board. Do not impose something yet, because quite a lot is going on in that whole space of devices. As long as we have our technical standard so that we have the security of the product on the card or the device, that is the core. Then, let the commercial operators come forward with the best medium, whether that is a card, a phone or a watch. That is all happening at the moment.

Scotland is leading the way in much of that in what we are doing in the ScotRail network and the subway network. We have customers who can tap the gates with their phone and use their phone to go through, which is incredible.

**The Convener:** I am going to bring in David Summers. I am sure that Stewart Stevenson will flash his cards in a minute.

**John Finnie:** I have a supplementary question that David Summers can answer at the same time. Were there any concerns about the proposal to allow the Scottish ministers to direct local authorities to establish smart ticketing?

**David Summers:** That is exactly the point that I wanted to make. I agree with everything that Charlie Hoskins has said, but I have two additional points to make.

First, Transport Scotland has been very positive in helping to broaden the availability of smart-enabled ticket machines. The machines for smaller operators in our area have been upgraded. That all helps.

Secondly, there is a provision in the bill to allow ministers to instruct local authorities to introduce a

smart ticketing scheme, but there is no power to allow local authorities to instruct operators to participate, so the ministerial instruction gets stuck halfway. That needs to be addressed. Charlie Hoskins outlined the commercial concerns about whether operators are going to lose revenue through that. However, if the instruction is going to be effective, it needs to be followed through.

**Jamie Greene (West Scotland) (Con):** One of the concerns is that we may end up with local authorities using payment systems that operate across multiple modes of transport, so there may be differentiation when people travel from one local authority area or region to another, and different operators will use different technologies, because they are trying to increase patronage of their own mode of transport. That is all fine. There will also be national schemes laid on top of that. Does that not create a fragmented and quite confusing payment landscape? Contactless is a standard that can operate across all modes, but all that does is enable payment through the use of technology; it is not necessarily a standardised payment platform for ticketing.

There is an opportunity for the Government to create a nationwide standard. The Netherlands introduced the OV-chipkaart, and other countries have introduced similar schemes. The Government could introduce national technology standards and ensure that all operators are part of those schemes. Does the bill go far enough in taking away that confusion and in creating a national scheme that works across multiple travel modes?

**The Convener:** Charlie Hoskins is always keen to come in, but I am scanning the room to see whether anyone else wants to chip in.

**Charlie Hoskins:** I am keen to answer because that is a very pertinent question. It is clear that the other countries that use such systems have fully regulated whole-transport systems. When we start to impose things such as a single payment mechanism, we get into setting fare levels and all the competition issues. It is quite tricky to unpick all of that.

Rather than the question being whether the system is fragmented, we ask whether it is easy for the customers. We try to focus on whether we are making it easier for customers for the normal types of journeys that they make. We will never cover every single journey that people make in Scotland.

A time will come when there is another phase of technology. Members will have heard of the mobility-as-a-service concept and having a space where a transport planning system is aggregated with a payment system. That might be supplied by a big technology provider with operators feeding

into that. That is a really interesting concept, and I know that the Scottish Government has put some money towards that for the year ahead, which is great to see. Some work is being done on that, and ideas are still emerging. We think that it would be wrong to start to impose that at this moment in time. When we start another chapter, that might be the right time to do it.

**The Convener:** I will let Stewart Stevenson ask his question before I bring in Bruce Kiloh.

**Stewart Stevenson:** First, are you planning on having a smart card to improve security? I have two cards here. Suppose that I found them in the street and that I have just downloaded the XML data off both cards. I now know the birthday and full name of the individual who holds the cards, notwithstanding the fact that that is not printed on the outside of the cards. In other words, there is no security whatsoever to prevent me from accessing the data on the ITSO cards. ITSO cards are currently 4K and 16K, so the other question is whether there is enough space on the cards to support the number of applications that might be required. Those are two quite techie questions.

**The Convener:** I will let Bruce Kiloh answer those questions and the previous question at the same time.

**Bruce Kiloh:** I am grateful for that, convener.

**The Convener:** I thought that you would be.

**Bruce Kiloh:** Charlie Hoskins will be able to talk about the technical stuff.

Over the past few years, we have developed a card for the west of Scotland, and it is important to remember that people used to ask us, "Why has it taken you so long to get a smart card up and running for the subway, which has only 15 stations?" As Charlie Hoskins outlined, the technical aspects were not the problem; the issue was getting the business rules right. Rightly or wrongly—I am making no judgment on this whatsoever—there are 50 bus operators, a rail company, ferry companies, the SPT and various other companies. That is the market in which we are operating.

Over the past five years, we have tried to get the operators on board, and we have been very successful with that. We now have the most commercially successful transport smart card in Scotland, with more than 170,000 cards issued and more than £20 million-worth of transactions.

On Stewart Stevenson's point, the security of the data is key to maintaining the trust of the customer. Anything that can be done in that regard through the proposed advisory board in the bill is essential.

On the point that David Summers made, as far as we are aware, the way in which the advisory board will work with the smart cards is that the minister, when they have a particular view or are looking for advice, will seek counsel from the advisory board. It will not be a case of directing a local authority, an RTP or whoever it might be to bring in a scheme or an arrangement; it will be a case of directing that organisation towards the legislation that is available to it. That is very different from directing an authority to do something.

The Transport (Scotland) Act 2001 includes provision for setting up a ticketing arrangement or scheme—an arrangement involves the operators getting together and introducing a ticketing system, and a scheme involves a public authority bringing in such a system in the absence of an arrangement. That provision is available now, and I think that it will be maintained in the bill through the powers of the advisory board.

**Paul Lawrence:** I support what my colleagues have said.

I want to mention the tourist point of view, because we have talked about residents, constituents and customers. Tourism is a huge industry in the country, but tourists do not necessarily have the same access that residents do. Therefore, the point about people being able to simply use contactless payment, in the way that we could if we were to go to London tomorrow, is important for certain parts of the economy. The committee might want to think about the issue from the point of view of residents and of different economic interests.

**The Convener:** That is very helpful. Thank you for that.

**Peter Chapman (North East Scotland) (Con):** Good morning, gentlemen. A big part of the bill concerns low-emission zones. My first question is fundamental for all the members of the committee, and it needs a yes or no answer. Do you support the principle of establishing LEZs in Scotland?

**Gordon Mackay:** Yes—provided that they are fully funded.

**Charlie Hoskins:** Absolutely, and I agree with my colleague on his point.

**Jim Grieve:** Yes—provided that all the carrots do not go into one council area and all the sticks go into an adjacent council area.

**Bruce Kiloh:** Yes—provided that we think about not only emissions from vehicles, but the complementary measures that councils, RTPs and other partners deliver that relate to traffic management and bus priorities. There is also the issue of funding, as Gordon Mackay said.

**Paul Lawrence:** Yes—as long as LEZs are part of a wider approach to place making in an area, and not purely about transportation and emissions issues.

**David Summers:** Yes, definitely. I agree that reduced emissions can be achieved in various ways, bus priority being one of them. Buses should be seen as part of the solution, not as part of the problem.

11:15

**The Convener:** So the answer is yes.

**Peter Chapman:** That is very positive. I am pleased to hear it. I note that you have said that funding is an issue. That was going to be the subject of my next question, but you have already answered it.

The bill gives local authorities the ability to devise schemes that are appropriate to their circumstances. The problem with that is that there may be different schemes in different areas, resulting in confusion for travellers. Do the proposals in the bill strike the right balance between consistency across Scotland and the ability of local authorities to design a scheme that is suitable for themselves?

**Gordon Mackay:** Yes, SCOTS is content with the proposals. One size does not fit all. We are content with the flexibility that is provided to local authorities to find appropriate solutions to local issues.

**Jim Grieve:** To illustrate what I said earlier about carrots and sticks, if a city introduces a scheme, and it is within its control, the carrots are cleaner air, less congestion, more reliable bus trips and funding coming in to the authority to improve those things. Commuters from neighbouring authorities, however, who travel into the city, particularly in single-occupancy cars, will have to look for alternative means of getting to the city, be it an upgraded car, better bus services or active travel. It is important that the wider regional perspective is taken into account, so that the benefits of a low-emission zone are equitable.

**The Convener:** Is there a view from the Highlands on that point?

**David Summers:** Yes. We are in a different position from the urban authorities in not having council boundaries close to the conurbation. We have an air quality management area in the centre of Inverness, so it is an issue for us. The bill requires the objectives of a low-emission zone to be set out. It is good that those are to go beyond reducing emissions. I mentioned bus priority, and the issues of traffic reduction and modal shift are also important.

As others have said, funding is clearly an issue. In Highland, we have traditionally put money into supporting rural bus services where they would not be economical. We have not put money into bus services to encourage people out of their cars in the more populated areas. That might be a beneficial side-effect of the bill, subject to funding.

**Peter Chapman:** The panel members have all said that they welcome the ability to have different schemes, but no one has addressed the issue of confusion among the general public. Someone might have a vehicle that it is legal to drive into Edinburgh but not into Glasgow. I can see that creating big problems for drivers, at least in the initial phases. Do you accept that view?

**Jim Grieve:** The vehicles that are allowed into a low-emission zone should be agreed nationally. That would avoid the issue that Mr Chapman has described, where a driver can access one city with a certain vehicle but not another.

**Gordon Mackay:** From a SCOTS perspective, what is proposed is reasonable. It is important that the rules of a particular low-emission zone are clearly explained via signage.

**John Finnie:** I have a question for David Summers. He talked about an air quality management zone in Inverness. It may seem parochial, but the point has wider application.

Is there a feeling in those areas that are not likely to be involved in initial schemes that the bill provides some comfort that the local authority will not act on issues? Someone who has been affected by air quality, and we know that bad air quality is a significant killer, will not be bothered about legislation. If a local authority has not taken steps to protect its citizens, they will legitimately sue.

Do you have concerns about that, particularly in relation to Inverness, where the local authority positively encouraged people to drive in the city centre in the air quality management zone?

**David Summers:** That is a nice question that puts me on the spot.

**John Finnie:** I have written to the council about the issue extensively.

**David Summers:** I have to admit that I have not seen that communication—perhaps it has not gone in the passenger transport direction.

This links in with the bus partnerships. We are talking about addressing air quality through partnership arrangements, relating to bus priority arrangements or vehicle types. Given that we have a number of electric buses in Inverness, I was dubious about the modelling of vehicle pollution that was done, because it was based on average bus fleets and did not take account of the

electric vehicles that Stagecoach runs with us. If we look at this in the round and take in other aspects of the bill, there is an opportunity to approach the whole thing in a more strategic way.

I will have to pass on your direct question about liability if a scheme is not introduced.

**John Finnie:** Okay. Thank you very much.

**The Convener:** Peter Chapman has a follow-up question.

**Peter Chapman:** I want to drill down into this a bit more. Much of the detail relating to LEZs is to be set out in regulations that are currently being developed by the Scottish Government—we asked the Government some questions about that last week. What input have you guys had with regard to getting the detail of what an LEZ looks like into the bill?

**Bruce Kiloh:** We had a meeting last week with the relevant civil servants from Transport Scotland about how a low-emission zone would work in practice. I reiterated to them the point that I made earlier in support of LEZs: a key factor, which Glasgow City Council acknowledged in a report that it had done, is that complementary measures are essential and it is important to take a holistic, integrated view. We understand that there will be wider implications across the network and the transport offer for the travelling public. We need to approach that in a co-ordinated way. We will look at bus priority measures, traffic management and the public transport offer that is out there to encourage the public to travel more sustainably.

The civil servants listened well to me; they are more than aware that they will have to deal with all that carefully and in the round. From what we have seen, we are reassured that the guidance and the regulations will be hugely important as the bill goes through. The key point for us is that when the ancillary measures that are part of an LEZ are introduced, there has to be some way, within the LEZ documentation, of ensuring that there is a commitment from partners to deliver them.

**Gordon Mackay:** I will expand on what Bruce Kiloh said. The Glasgow LEZ is the first to progress, and I am aware that our colleagues in Glasgow have been working closely with Transport Scotland officials to flesh out the detail of it. The experience of that is now beginning to flow through into the legislation. I assure you that there is good dialogue on these topics.

**Paul Lawrence:** We have not had as much dialogue with Transport Scotland officials as we might have liked—that is perhaps as much our fault as it is theirs. It sounds like the dialogue in the east is not as advanced as it is in the west. On Jim Grieve's point about designing holistic solutions for areas as a whole—effectively for

travel-to-work areas rather than just specific parts of Edinburgh city centre—we need to understand the knock-on effects.

People are right to talk about complementary measures, but we need to work with, for example, the commercial haulage sector not only on its standards but on access and egress arrangements, and some kind of detail on the powers that we have to bring such operators to the table needs to be included in regulations.

**The Convener:** I suspect that you might be having more discussions after this.

Jamie Greene will ask the next question.

**Jamie Greene:** I just want to make some pragmatic points. I lived in London when the congestion charge was introduced, and my experience was that it led to a huge displacement of congestion. Drivers would park on the periphery of zones instead of driving into them; small businesses would use small diesel vans outside the zones; and bus operators would move all of their green vehicles into the zones to avoid fines, charges and so on. Is there a worry that very localised zones in cities might cause problems for residents and businesses outside the zones?

Secondly, what about those who are unable to use public transport or take active travel measures to commute into and out of cities? The reality is that many people rely on the car as a mode of transport. Will they see this measure simply as another tax on the motorist?

**Jim Grieve:** That emphasises the need to look at this holistically, as Paul Lawrence has said. There will be displacement, and a fair bit of work needs to be done on modelling and anticipating that. In Edinburgh, for example, it will put more stress on the Edinburgh city bypass, which is already under significant stress. My answer to the first part of your question, therefore, is that it is absolutely a worry, and it needs to be predicted and addressed prior to the introduction of an LEZ.

From my reading of the legislation, there is an opportunity to exempt certain types of vehicles, mainly emergency vehicles and others of that nature. I think that your point about people who have no choice but to use their own transport is a valid one, and it is an issue that still needs to be addressed in the legislation.

**Gordon Mackay:** I broadly echo Jim Grieve's comments. I am certainly aware of concerns expressed by at least two councils about the potential for more polluting public transport vehicles such as buses to find their way into surrounding areas as a result of the Glasgow LEZ while, as Jamie Greene has suggested, the greener vehicles go into the zone. We need to be mindful of that issue.

**Paul Lawrence:** I used to work in greater Manchester, and a congestion charge ballot that was held there was lost for precisely the reasons that Mr Greene has set out, with suburban authorities fearing exactly the displacement that he referred to.

I tried to say this before, but my substantive point is that LEZs need to be part of a wider transport and place-making solution. Many people will always rely on their car, but the way in which we design networks can help in that respect. For example, people could take their cars to certain places and then transfer easily to other modes of transport—I am thinking of park-and-ride and park-and-walk schemes and so on. We need to think about the design of the whole network instead of purely looking at it from an emissions point of view, because through that kind of transport design work, we can combat a number of the issues that you have raised.

**Charlie Hoskins:** Paul Lawrence has covered the issue very well, but I would like to raise a couple of points.

We have had quite a number of discussions with Glasgow City Council and Transport Scotland about the potential for displacement, and the committee might find it interesting to hear from the operators on the issue. Certainly one of the big operators in Glasgow faces a big challenge with regard to the investment required in its fleet.

One interesting learning point from the introduction of the first low-emissions zone in Glasgow is the feeling that the focus has been entirely on buses and that it was not presented in a holistic way at the beginning. We are over that now, and it is now understood as being a longer-term solution. I echo Paul Lawrence's important point about having a regional assessment, and the work that SCOTS and SPT are doing across authorities to get an understanding of the issue has led not just to complementary measures in, say, Glasgow city centre with regard to bus speeds but to further investment in building strategic park-and-ride sites and in marketing such solutions as being really good for people. You have certainly made some very valid points.

11:30

**Jamie Greene:** Those were very constructive answers. Thank you.

Your answers and the discussion have been focused around the need for more modelling of displacement as well as more consultation in local authorities. Everyone is saying that the bill needs to be part of a holistic approach to the transportation needs of a city and of people who commute into and out of cities. That is all well and good; the problem is that the bill introduces LEZs

and nothing else. The committee is faced with the dichotomy of proceeding with the well-intentioned LEZs while not addressing any of the other issues that you have talked about today. How can we progress with the introduction of the LEZs, for which there is wide support, in a way that ensures that everything is done before LEZs are introduced? Should there be a delay in their introduction? Should the timescale for that be longer? Should the grace periods be longer? How should we approach that issue?

**The Convener:** The grace period is an important aspect.

**Charlie Hoskins:** We all agree that the grace period is important, and I understand the concern about the need to look at it narrowly and introduce it in a bill. In the west of Scotland, the matter gets properly analysed in the regional transport strategy. SPT has just started the next regional transport strategy, so, over the next two years, it will learn from Glasgow and whatever comes through the bill will flow through into regional assessments.

It is incumbent on us, as the regional transport partnership—I say this with my SPT hat on—and all 12 authorities to come together to understand LEZs and other parts of the bill as well as, on a practical level, how the bill's provisions will be implemented at the strategic level and how they will be assessed. The west of Scotland RTP—I am sure that the other RTPs will echo this—believes that the regional transport strategy is the place where the provisions will be strategically assessed and that LEZs will not be left sitting on their own.

**Jim Grieve:** I repeat pretty much what Charlie Hoskins has said. All seven RTPs are charged with providing a regional transport strategy and introducing it thereafter, funds permitting. There is already a statutory basis for consideration of things such as LEZs in the regional transport strategy, and that is one option.

**The Convener:** We will move on to the next questions, which will be asked by John Mason.

**John Mason (Glasgow Shettleston) (SNP):** Mike Rumbles and I will both ask questions about parking, but I will focus more on cars and residential areas while Mike Rumbles might talk more about deliveries, unloading and the commercial side of things.

Do you support in principle the prohibition of pavement parking? In my constituency—I am sure there are others like it—we have some narrow roads where the pavements are reasonably wide. The police would say that the most sensible thing would be to park with two wheels on the pavement and two wheels on the road, which would mean not blocking the pavement or the road. Will the bill lead to lots of wide pavements being open and lots

of roads being blocked, or will it lead to the displacement of vehicles? Do you agree with all of that, or is it too draconian?

**Gordon Mackay:** In principle, we need tools to deal with the real problem of pavements being obstructed. However, we have fairly significant concerns about where we sit. We are having ongoing dialogue with Transport Scotland about the parking standards that will underpin the legislation, and those standards will provide the detail of when councils can exempt sections of road or pavement and when they cannot exempt them.

You are correct in saying that we have many areas of high-density housing, many of which have narrow roads and footpaths that are already under significant parking pressure. Further work needs to be done to better understand how all of that will feed through. Although we support the principle of finding a solution to the problem, we need to be clear that the potential solutions and their implementation are practical. From a local authority point of view, we need to see the rules for the parking standards. That is essential if we are to answer the sort of questions that you will ask us.

Considerable effort will be required to assess whether roads across council areas meet the exemption criteria. Considerable resource will then potentially be required for some type of ordering process. Apparently, it will not be a traffic regulation order—TRO—process, but must be something similar, which has the potential to be administratively cumbersome. Beyond that, there is the question of signing and lining if we are going to mark out parking bays that are partly on the pavement and partly on the carriageway. There is also the question of enforcement. Some councils do not have decriminalised parking, and some councils that have it do not have evening enforcement although evenings will generally be the issue in residential areas.

Therefore, although SCOTS supports in principle having tools to deal with the very real current issues, our view is that significant further work needs to be done if we are to fully understand the practicalities of implementation.

**Jim Grieve:** I again emphasise the need to look at the issue holistically. For example, the pavement issue might be addressed as part of an LEZ, in which we might anticipate fewer single-occupancy cars coming into the city. That might provide a means to extend a controlled parking zone and therefore reduce the number of cars that come in looking to park. We should look at the situation holistically.

**Paul Lawrence:** I support Gordon Mackay's points. In answering the previous question, we all said, "Yes, but—". On this one, I would say, "Up to

a point.” We welcome the intention, but the range of exemptions is worrying and may lead to unintended consequences. The basics of the law are that people should not drive on the pavement, but the bill appears to provide some kind of legal basis for driving on the pavement, which we do not support.

As Gordon Mackay suggested, the enforcement dimension seems to put the burden of proof on local authorities, which in many circumstances will find it hard to prove that there is illegal parking and, therefore, hard to issue parking charge notices accordingly.

I do not know whether the committee has had representations from Living Streets Scotland, but it is giving us a pretty torrid time in relation to what it believes the implications of the exemptions will be for pedestrians across the country.

The intention is good but the devil is in the detail, and that is far from satisfactory.

**David Summers:** Like others on the panel, we support the proposals. Our qualifications are about the resources that are required for enforcement and—to answer Mr Mason’s question—the unintended consequences that could arise. In our area, it is more typical to have narrow roads and narrow pavements than to have narrow roads and broad pavements. That can apply in villages and suburban housing schemes that were not designed for present levels of car ownership. There are areas where buses already have difficulty in getting through their routes because of parked cars, and there is a risk that that difficulty could increase. Of course, the same applies to emergency vehicles.

My traffic colleague is clear that, under traffic law, we have a responsibility to keep roads clear and unobstructed; therefore, banning pavement parking might mean people having to park somewhere else altogether. I can see difficulties coming from people who will not be able to park outside their houses because of the measure.

Those are practical consequences, but that is not to deny the benefits of keeping pavements clear for those who find obstructed pavements an obstacle, for reasons that the committee will know.

**John Mason:** There are a lot of issues, but I will try to keep my questions narrow and will ask about two points that have been raised. First, you said that more detail will come later. Are you involved in that process? Are you being consulted or feeding into that process, or is it purely the Government that is producing that detail?

Secondly, resources have been mentioned as a problem for councils. Will the penalty charges cover the cost of enforcement? My feeling—I stand to be corrected—is that double yellow lines

are more strictly enforced on busy town and city centre high streets than in outlying residential areas. My concern is that parking might be strictly controlled in town and city centres but less controlled in peripheral areas, where a blind person will still need to get down the pavement and so on.

**Gordon Mackay:** We have had a good dialogue with Transport Scotland. George Henry at Transport Scotland runs a group that seeks to engage with all the councils, and that group has developed the parking standards. However, as I said earlier, there is some way to go before we have a definitive set of rules on how we would implement exemptions.

The view in SCOTS is that the bill and the associated financial memorandum substantially underestimate the costs to local authorities, by which I mean the time required to assess roads, to process TROs—or whatever order process is required—to sign and line the exemptions that are required and then to enforce compliance. I do not think that the income from PCNs would go any significant way towards meeting those costs.

**Jamie Greene:** My questions carry on that theme—they are similar to my questions about LEZs. Do you think that the Government’s proposed blanket ban is the right approach? It is widely accepted that there is an issue that needs to be addressed, but would a blanket ban have inadvertent consequences? For example, would it require local authorities to apply for exemptions under national standards that are as yet unknown? That would create a huge amount of work for local authorities.

Would it be better to have a reverse scheme whereby councils could apply for a ban on streets that were problematic, rather than the other way round? Under the Government’s approach, the whole thing will be illegal and, if a council wants to opt out, it will need to apply for an opt-out for specific streets. Again, my worry is displacement and huge numbers of drivers being unable to park their cars. We cannot simply ban parking in places where it is possible at the moment. Where will all those vehicles go? There are often no other parking opportunities in suburban areas. I have absolutely no idea where all those cars will go, and I have yet to hear any suggestions about that.

**Jim Grieve:** Either way, there will be a huge amount of bureaucracy. I suspect that the view behind the bill is that it is probably easier to have a blanket ban and then exempt specific footpaths from it. There is no real answer. Which option would be better depends on the proportions.

**Gordon Mackay:** You make a valid point about displacement. Beyond displacement from a single street, there is the potential for a significant



cumulative effect. Housing areas are often very similar in character, so if you displace from one street you are probably displacing out the way.

In answer to Jamie Greene's question about what we are allowed to exempt and how we are allowed to exempt it, I suggest that the devil will be in the detail. Could an area where the parking has worked fine historically simply be exempted? That would be a lot easier and far more practical, but we have still got a bit to go to get to that position.

**Paul Lawrence:** Jamie Greene's question goes back to the bill's objectives. If we are trying to achieve clear footways to ensure that people with any kind of mobility issue—or with a buggy or whatever it might be—can go about their business just like anybody else, the bill will lead to a set of regulations. If we are trying to ensure that everybody can park on the street in Edinburgh, there will be a problem, because there are some extremely densely occupied parts of the city. I wonder whether we are conflating policy objectives in using a single instrument.

11:45

**The Convener:** We will move on to Mike Rumbles's questions. I am sure that Bruce Kiloh will get a chance to make his points in response to those questions.

**Mike Rumbles:** My first question flows on from the previous discussion. I want to focus on one of the exemptions. We are all interested in having legislation that is effective and not ineffective. However, from my reading of the written evidence that we have received as well as the bill it strikes me that there is a problem. Section 47 says that the parking prohibitions do not apply where

"the vehicle is so parked for no longer than is necessary for the delivery, collection, loading or unloading and in any event for no more than a continuous period of 20 minutes".

In its written evidence to us, East Dunbartonshire Council said that, unless an enforcement officer

"remains at a parked vehicle for longer than 20 minutes and visualises the infringement taking place, the driver will be able to argue their case"

and say that they have not remained there for longer than 20 minutes. It goes on to say:

"This isn't a reasonable expectation for an enforcement officer".

My point is that, although the inclusion of such an exemption for businesses that want to load or unload is well intentioned, allowing that for a continuous period of 20 minutes means that that period will become not a maximum but the norm. How could such a restriction possibly be enforced? I would like to hear whether the panel think the same. Somebody else could park for 20 minutes, and then another person could do so. If,

as Paul Lawrence says, our intention is to help vulnerable users to go about their business without their paths being blocked, not changing that provision would drive a coach and horses through the whole bill. I would like to know what the panel members think.

**The Convener:** Paul, you were nodding vigorously.

**Paul Lawrence:** I agree with that. Mike Rumbles has described, probably far more eloquently than I did in my introduction, the reservations that we have about the drafting of that part of the bill. The intention is good, but the exemptions are too wide ranging and, as Mr Rumbles has said, in some senses unenforceable. More work needs to be done on the detail of that part.

**Bruce Kiloh:** Many aspects of the bill might have unintended consequences. David Summers mentioned the potential impact on bus services—not just local services, but others such as our demand-responsive transport service MyBus, which has no set route but goes through communities. In some areas, its access to passengers, who might be aged over 80 and unable to use mainstream public transport, is pretty much reliant on people parking on the pavement. Sometimes, the only time that those people will get out of the house is when the MyBus service can pick them up.

My general point—the committee has heard the entire panel say the same—is that we need to look at the issue in an integrated way. We need to understand how, from social and equality points of view, such impacts affect groups such as those who use the MyBus service, which last year carried over 500,000 passengers.

**The Convener:** There seems to be a general nodding of heads.

**Peter Chapman:** On the parking issue, a very important element that is missing from the bill is the prevention of parking opposite dropped kerbs, which are vital for disabled people and users of buggies. I am prepared to be corrected, but I do not think that anything in the bill says that parking opposite dropped kerbs will be made illegal.

**Bruce Kiloh:** I agree.

**The Convener:** No one wants to speak on that subject, but our witnesses seem to agree.

Perhaps Mike Rumbles would like to follow up his question.

**Mike Rumbles:** Last week, I asked the bill team about the drafting of section 47, and specifically about the 20-minute period, which seemed to have been plucked from the air. There does not seem to be any evidential basis for giving the ability to

unload for 20 minutes. If the Government does not remove the 20-minute period, I will probably lodge an amendment to do so. If section 47(6)(c) were simply to say:

“the vehicle is so parked for no longer than is necessary for the delivery, collection, loading or unloading”,

and we were to remove the 20-minute allowance, would that help the situation?

**Gordon Mackay:** From the point of view of enforcement, the 20-minute limit is not much different from the loading restrictions that we currently police, which are commonplace in town centres. A parking attendant must observe the vehicle and come back 11 or 12 minutes later before they can issue a PCN. That is quite a clunky mechanism, because it involves a period of lost time. I agree that extending the period to 20 minutes would make the process even more cumbersome.

However, I accept in principle that there is a need to provide exemptions of that type to allow people to go about their day-to-day business. I suspect that leaving things open ended would cloud matters even further, because individuals might argue that they were going about some business associated with loading and unloading, disappear into a property and stay for longer than 20 minutes. Regardless of whether 20 minutes is the right period, at least it is a clear cut-off point that would allow parking attendants to be completely clear about how long they would have to observe a vehicle before they could issue a PCN, which they would be able to do 21 or 22 minutes after first observing the vehicle.

**Mike Rumbles:** At the moment, loading and unloading from the road is permitted in such circumstances, but here we are talking about loading and unloading from the pavement. That is a significant difference because, for that period, anyone with mobility issues will probably be forced on to the road, if they can get down on to it. Do you accept that there is a difference?

**Gordon Mackay:** It is all about compromises. We are having to accommodate many different parts of society, including local businesses and local households and their aspirations to go about their daily business, so a number of compromises will be required. It is a question of finding a balance.

**John Finnie:** This is most likely a question for Paul Lawrence. If the exemption provisions are agreed to, they will apply retrospectively to existing streets. Do you have input to planning decisions to ensure that such issues are designed out? Mention has been made of Living Streets and its progressive approaches. I would hope that, with any new infrastructure—setting aside gap sites in

town and city centres—the problem could be designed out. Is that the case?

**Paul Lawrence:** That would certainly be the intention. I had hoped to have the opportunity to say this later, but I will sneak it in now. Our ability to do that depends not just on the planning process but on the way in which the roads redetermination process works. We think that that process—which is not mentioned in the bill—could be much smoother. That is an important tool in the box.

Mr Rumbles is absolutely right to raise the issue—we are talking about parking on the pavement, not parking on the street. I have yet to hear a justification from a trader about why they need to park on a pavement. That is not clear. That is the nub of the issue. The secondary issue is the local flavour. In some places, there might be certain hours of the day when we say that it is not acceptable to park on the pavement for any time at all. People might make the case that they need to be able to park on the pavement for specified reasons. We might say, “That’s fine, but only within certain hours.” Leaving it open ended or saying that people can park on the pavement for 20 minutes at any time of the day is unacceptable. We need much more local variance.

Mr Finnie is right that such issues can be designed out in new developments, but some of the tools that we have for doing that are still slightly clunky.

**The Convener:** I will not ask you to say whether shifting a lorry forward by 1m after it has been parked on the pavement for 20 minutes constitutes reparking, because that might be too difficult a question to address, but it is one that I have raised previously.

**Stewart Stevenson:** I will take us on to the exciting subject of road works. Stirling Council has commented on the proposed repeal of section 61 of the Roads (Scotland) Act 1984, which would mean that all road works would have to be authorised under section 109 of the New Roads and Street Works Act 1991. The council is concerned about whether, under the new arrangements, there will be adequate consultation with bus operators in particular, so that they can take account of the effect of road works on bus punctuality and reliability.

I recognise that Stirling Council is not necessarily represented here.

**Gordon Mackay:** Roads authorities typically deal with such a situation by going through a road closure order process. That seeks to accommodate road works of any type. We will continue to do that before or after any new legislation.

**Stewart Stevenson:** I think that the point that Stirling Council makes—I am putting words in its mouth so I might get this wrong—is that, under the new arrangements, there would be no legal duty to consult bus operators in particular. Am I mistaken?

**Gordon Mackay:** The road closure process involves publishing a road closure notice, which is made available to the general public, local elected members and the bus operators, so they all get advance notice.

**Stewart Stevenson:** That is fine—it closes down that question, subject to any further information.

The bill will create duties about signage, fencing, lighting and the qualifications of site supervisors and operators. Are you content with what it says on that subject?

**Gordon Mackay:** Yes. We surveyed all 32 councils and got a response from two thirds of them. Only two were not yet doing what the bill will require and both recognised the need to move in that direction. Indeed, they are already doing so.

**David Summers:** On the comment from Stirling Council, the liaison between bus operations and road works is an issue for Highland Council and—as I know from colleagues in the Association of Transport Co-ordinating Officers—around the country. Much of the time, it works fairly well, but some utilities push the boundaries, let us say, and I would welcome a statutory requirement to consult the bus operators. That would be helpful.

**Stewart Stevenson:** To be clear, are you telling us that, when the boundaries are pushed, it is not in contravention of the statutory position but merely an unhelpful practice?

**David Summers:** I am being diplomatic with my words.

**Stewart Stevenson:** Well, it might be time to be undiplomatic if you want change.

**David Summers:** The Scottish road works commissioner has had concerns about a lack of notice being provided or works being claimed to be emergency when they are not genuinely emergency works. Therefore, the stronger enforcement powers for the commissioner that are in the bill are welcome.

**Stewart Stevenson:** Convener, as we are asking questions about the road works commissioner, it might be useful to ask that person.

**The Convener:** Yes.

The witnesses have indicated that there ought to be consultation on road closure orders with bus companies and other road users. Does the current system allow all businesses that will be affected by

road closures to feed into the process before an order is published? So that there is no dubiety, I clarify that I am part of a farming business that is sometimes affected by road closures. Are all businesses given enough of a chance to comment before a road is closed?

**Gordon Mackay:** We have to be careful about the expectation that a consultation would raise. It depends on the nature of the works that are to be undertaken and whether they can be carried out safely with a road still open. Frequently, it is not possible to keep a road open and do certain works. I would be cautious about going through a consultation in that scenario, because it would lead to an expectation that the road closure might be avoidable.

When managing road works and dealing with individual utilities, roads authorities are obliged to satisfy themselves, as far as they reasonably can, that the works will be undertaken in such a way as to minimise disruption to the travelling public. However, there is an inherent weakness in that, which goes back to the point that David Summers commented on. Occasionally, we are left with the impression that works are taking longer than they might with a particular utility. However, utilities will frequently come back with a plausible technical explanation as to why they have to do this or that, which means that works do not appear to be progressing as quickly as the public and roads authorities might like. With matters of that sort, we are often in the hands of the technical experts in the electricity or gas companies—the people who know their networks best.

12:00

**The Convener:** That is the perfect point at which to bring in Maureen Watt.

**Maureen Watt:** Previous legislation gave councils the ability to appoint a person to co-ordinate utility companies when they are digging up the road, so that, if the gas company is in and the water company needs to do work in the same street, it can be done at the same time. Has that worked? Has there been a reduction in the number of times that specific roads have been dug up? Have you managed to get co-operation between the utilities and, increasingly, fibre-optic laying companies?

**Gordon Mackay:** It does not work as well as we would like. The number of times that utilities go in and share the same opening trench is limited, but there may be good reasons for that. The electricity companies will not want to lay cables beside gas mains for very good reasons.

The amount of road works in some areas is certainly a source of frustration to the travelling public; however, we need to be clear that roads

are not just for getting people from A to B. Roads are very important conduits for critical public infrastructure, and power and gas companies and the like need to be given reasonable opportunities to access them to do whatever is necessary. It is the job of the roads authority to ensure as far as possible that that is done in a way that mitigates inconvenience to the travelling public. Typically, that will require that works are done at off-peak times or on Sundays.

**Paul Lawrence:** We broadly welcome what the bill suggests. There may be practice, which may be outside legislation or in guidance, by which we can encourage utilities to improve their communication in general. The convener asked whether there have been occasions in the city of Edinburgh when utility providers have not communicated effectively with businesses and residents, and the answer is yes.

The bill takes us in the right direction, but it is much more about day-to-day work with officials, elected members, community councils and so on to establish relationships that work effectively, which I am not sure can be done entirely through legislation. Maureen Watt is absolutely right about fibre providers. They are effectively competing with one another in Edinburgh at the moment. As the roads authority, we try to play a co-ordinating role in that, in the way that Gordon Mackay set out. That could be strengthened and the bill is helpful in that regard, but it is as much about good practice as about the legislative context.

**Maureen Watt:** The Scottish road works commissioner will gain new inspection and enforcement powers, some of which will be applicable to local authorities. Do you support the introduction of those proposals?

**Paul Lawrence:** We do.

**Gordon Mackay:** Yes—SCOTS does.

**The Convener:** No one is putting up their hand to say that they disagree, so I assume that that is a positive response. We will move on to the next question.

**Gail Ross:** There is a small but important section at the end of the bill about regional transport partnership finance. The bill proposes three changes to the current governance of that finance: it will require constituent councils to fund the balance of the RTPs' estimated costs rather than the actual costs; it will amend the Local Government (Scotland) Act 1975 to allow RTPs to hold and operate capital funds, renewal and repair funds and insurance funds in a similar way to councils; and it will extend provisions in the Local Government etc (Scotland) Act 1994 to cover RTPs, which would grant RTPs the power to borrow and lend money and to operate a loan

fund. Do you support those proposals and do they go far enough?

**Bruce Kiloh:** We support them very much. Since regional transport partnerships were established, we have been lobbying the Scottish Government, and previously the Scottish Executive, because we believe that this was some form of blip in the legislative process. We want to be able to take a much longer and more holistic view of the transport network and how we deliver for that, and the proposals will open up flexibility that will put us on an equal footing with councils. We will benefit from being able to do that.

**Charlie Hoskins:** I echo that point. We have lobbied hard for this. Year after year, we have been in a difficult position. My finance colleagues tell me that, in relation to the many projects that we are involved in, we have had to implement huge workarounds. That flexibility will be hugely beneficial, including in relation to some of the stuff that we are already doing.

**Mike Rumbles:** I have a brief question on canals. They are not always at the top of the transport agenda, but I am well aware of their importance to local communities. In Edinburgh, for example, there is the Union canal, with its canal festivals, and Polwarth church has been provided with its own landing, through the British Waterways Board. However, canals can be shut all of a sudden. The bill mentions only a requirement to change the number of board members. Does it not give us an opportunity to place on the board a duty to keep the canals open and navigable?

**The Convener:** Who would like to answer that? You are all looking the other way, but somebody has to come in.

**Paul Lawrence:** I have to say that I did not come prepared to talk about that but, based on our experience with exactly the area that Mr Rumbles mentions, I would agree that the bill gives us that opportunity, and we sometimes have an issue with co-ordination. Such a duty would be welcome.

**Gordon Mackay:** A parallel can be drawn with authorities having a statutory duty to maintain road networks. If the board has responsibility for maintaining a canal network, it does not seem unreasonable that that is reflected in statute.

**The Convener:** That brings us to the end of our questions. I thank everyone for their attendance.

12:07

*Meeting suspended.*

12:10

*On resuming—*

## **United Kingdom Statutory Instruments**

**The Convener:** The next item is consideration of letters from the Scottish Government concerning two UK statutory instruments: the Environment, Food and Rural Affairs (Miscellaneous Amendments and Revocations) Regulations 2018 and the Sea Fishing (Enforcement) Regulations 2018. The Scottish Government has written advising the committee that it has given its permission to allow the UK Government to make these instruments on its behalf.

Does anyone have any comments?

**Stewart Stevenson:** I am content to note both of these items of correspondence. However, I make the point that the sea fishing enforcement regulations are, in essence, about allowing continuity so that officers from south of the border can come into Scottish waters in hot pursuit of people. I support that, but I see no corresponding measures for Scottish officers to go south—I do not know whether any would be necessary.

On page 6 in our papers, I read:

“The provisions within these Regulations will close a potential enforcement gap in the management of the UK inshore fisheries sector and could also indirectly provide an aid to preventing the circumvention of Scottish regulations.”

I suggest that we write to the minister and ask what that means.

**The Convener:** That is a fair point. Do members agree to note the correspondence and ask the clerks to correspond with Scottish Government officials to ascertain the position on the point that Stewart Stevenson raises?

**Members indicated agreement.**

*Meeting closed at 12:12.*



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