
Report To:	Environment & Regeneration Committee	Date:	30 August 2018
Report By:	Corporate Director Environment, Regeneration & Resources	Report No:	ENV026/18/MM
Contact Officer:	Martin McNab	Contact No:	714754
Subject:	Transport (Scotland) Bill - Proposed Consultation Response		

1.0 PURPOSE

- 1.1 The purpose of this report is to advise Members of the recent introduction of the Transport (Scotland) Bill and the Scottish Parliament website survey and call for views. Members are asked approve the proposed comments on the draft responses to each section of the Bill.

2.0 SUMMARY

- 2.1 On 8 June 2018, the Cabinet Secretary for Finance and Constitution, Derek Mackay MSP introduced the Transport (Scotland) Bill to the Scottish Parliament. The Bill documentation was set before parliament on 11 June 2018, and the Rural Economy and Connectivity Committee has launched a survey and call for views on the Scottish Parliament website with a deadline of Friday 28 September 2018.
- 2.2 Transport Scotland have also provided a link on their website which sets out the approach being taken along with supporting reports and documents.
- 2.3 Over the last 18 to 24 months members of this Committee will have seen and approved responses to consultations across a number of the topics covered by this Bill including Bus Services, Ticketing Schemes, Low Emission Zones, and Parking. These consultations will have been considered in the process of drafting the Bill as introduced on 8 June 2018.
- 2.4 Alongside the formal consultation responses that have been provided previously, officers from Environment and Public Protection have engaged with the Scottish Government and Transport Scotland directly and through professional organisations such as the Society of Chief Officers for Transportation in Scotland (SCOTS).
- 2.5 The focus of these discussions has been on the topic areas covered in the Bill and it is worth highlighting that the Bill seeks to introduce a number of new powers and requirements which will fall to Transport and Roads Authorities to exercise and enforce.

3.0 RECOMMENDATIONS

- 3.1 The Committee is recommended to:

- Note the introduction of the Transport (Scotland) Bill to the Scottish Parliament on 8 June 2018;
- Approve the responses to each section of the Bill for submission to the Scottish Government as follows:
 - Introduction and Part Low Emission Zones at Appendix 1;
 - Part 2 Bus Services at Appendix 2;
 - Part 3 Ticketing Arrangements and Schemes at Appendix 3;
 - Part 4 Pavement Parking and Double Parking at Appendix 4;

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- Part 5 Road Works and the Scottish Road Works Commissioner at Appendix 5; and
 - Part 6 Scottish Canals/Regional Transport Partnership Finance at Appendix 6;
 - Miscellaneous and General at Appendix 7.

Martin McNab
Head of Environmental & Public Protection

4.0 BACKGROUND

4.1 On 8 June 2018, Cabinet Secretary for Finance and Constitution, Derek Mackay MSP introduced the Transport (Scotland) Bill to the Scottish Parliament. The Bill documentation was set before parliament on the 11 June 2018, and the Rural Economy and Connectivity Committee has launched a survey and call for views on the Scottish Parliament website with a deadline of Friday 28 September 2018.

4.2 Transport Scotland have also provided a link on their website which sets out the approach being taken along with supporting reports and documents.

4.3 Over the last 18 to 24 months members of this Committee will have seen and approved responses to consultations across a number of the topics covered by this Bill including Bus Services, Ticketing Schemes, Low Emission Zones, and Parking. These consultations will have been considered in the process of drafting the Bill as introduced on 8 June 2018.

4.4 Alongside the formal consultation responses that have been provided previously, officers from Environment and Public Protection have engaged with the Scottish Government and Transport Scotland directly and through professional organisations such as the Society of Chief Officers for Transportation in Scotland (SCOTS).

4.5 The focus of these discussions has been on the topic areas covered in Sections 2 to 5 of the Bill and it is worth highlighting that the Bill seeks to introduce a number of new powers and requirements which will fall to Transport and Roads Authorities to exercise and enforce. Paragraphs 4.6 to 4.11 set out some of the key issues that the Scottish Government/Transport Scotland have flagged as being covered by the Bill and initial comments from officers.

4.6 Low Emission Zones

- The Bill enables the creation and civil enforcement of low emission zones (LEZ) by Local Authorities, and will allow the Scottish Government to set consistent national standards for a number of key aspects including, but not limited to, emissions, penalties, certain exemptions and parameters for grace periods for low emission zones.
- Whilst not currently an issue within the road network in Inverclyde, the intended introduction of a LEZ within Glasgow and other Scottish cities will have an impact on the bus fleet within the West of Scotland.
- With the first LEZ to be introduced in central Glasgow on 31 December 2018, with a subsequent uplift in the restrictions on PCVs, through to 2022 when all PCVs entering the zone will be required to be Euro VI or better (with similar arrangements being progressed in various cities in England), the major bus operators could, as a result, decant older buses elsewhere in the United Kingdom, to the detriment of authorities such as Inverclyde. This redeployment of vehicles may be minimised by the availability of Central Government grants to retrofit vehicles, both in England and Scotland, and through subsequent promotion of LEZs elsewhere.

4.7 Bus Services

- As drafted, the Bill proposals would see a range of new powers that would allow Local Authorities to put in new arrangements such as:
 - New Bus Service Improvement Partnerships;
 - New local franchising;
 - New/extended powers for local transport authorities to provide bus services to meet social needs;
 - Powers to require bus operators to make more information available to the public on services, including routes, timetables and fares; and
 - Powers to require operators withdrawing services to provide more information to local transport authorities.

4.8 Ticketing

- This section includes the following proposals;
 - Extending existing ticketing arrangements and schemes to include connecting services;
 - Giving Scottish Ministers the power to set a national technological standard for smart ticketing;
 - Setting up the National Smart Ticketing Advisory Board;
 - Providing a guide for a consistent approach for smart ticketing arrangements and schemes, and clearer processes for them;
 - The requirement for local transport authorities to produce annual reports on ticketing arrangements and schemes to evaluate and adapt for best practices; and
 - Giving Scottish Ministers the power to direct a local transport authority to make or vary a ticketing scheme.

4.9 Parking

- This section of the Bill covers issues around Double Parking and Pavement Parking. It includes proposals covering the following;
 - Providing Local Authorities with powers to enforce the national ban;
 - The ability for Local Authorities to promote exemptions from the national ban, but they will be required to meet strict criteria;
 - The Bill provides exceptions to certain vehicles if they are involved in emergencies or delivering goods;
 - Detailed standards and guidance will be produced for Local Authorities to deliver a consistent approach in how they enforce the new parking restrictions;
 - Providing Local Authorities with powers to share services with other Councils to enforce the new restrictions; and
 - Requiring Local Authorities to keep accounts in relation to the money they received from the enforcement of the new restrictions.

4.10 Road Works

- This section of the Bill covers a number of key aspects of how Road Works are managed and inspected:
 - Clarification on the legal status of the Scottish Road Works Commissioner (SRWC);
 - Compliance notices with enforcement consequences for those who fail to take the required steps;
 - Non-compliance with a Compliance Notice will be an offence, which will mean that the SRWC will become a specialist reporting agency, and be able to submit reports to the Procurator Fiscal;
 - An inspection function for the Scottish Road Works Commissioner with associated enforcement powers and new offences including for obstruction;
 - A requirement for reinstatement quality plans (to establish that organisations have the necessary processes and competence to execute road works to the required standards);
 - Requirements to notify actual starts and works closed within specified timescales to improve the accuracy of information relating to road works on the Scottish Road Works Register; and
 - A requirement to place details of all utility apparatus onto the Scottish Road Works Register.
- These proposals will put in place a tighter compliance regime around the management and inspection of roadworks that will impact on all organisations who carry out works in our road networks, so not just utility companies but also the work that we ourselves undertake as the Roads Authority.

4.11 Miscellaneous & General

- This section of the Bill includes a proposal to allow Scotland's Regional Transport Partnerships (RTPs) to hold and operate capital funds, renewal and repair funds and insurance funds in a similar way to Councils. This will assist the RTPs with larger capital investment projects which cover more than one financial year.

4.12 In preparing this response, officers have collaborated with the Society of Chief Officers of Transportation to tap into collective expertise across Scotland. In consequence, the contents of Inverclyde's draft response will be similar to other Councils across Scotland.

5.0 PROPOSALS

5.1 The Committee is recommended to:

- Note the introduction of the Transport (Scotland) Bill to the Scottish Parliament on 8 June 2018;
- Approve the responses to each section of the Bill as follows:
 - Introduction and Part Low Emission Zones at Appendix 1;
 - Part 2 Bus Services at Appendix 2;
 - Part 3 Ticketing Arrangements and Schemes at Appendix 3;
 - Part 4 Pavement Parking and Double Parking at Appendix 4;
 - Part 5 Road Works and the Scottish Road Works Commissioner at Appendix 5; and
 - Part 6 Scottish Canals/Regional Transport Partnership Finance at Appendix 6;
 - Miscellaneous and General at Appendix 7.

6.0 IMPLICATIONS

6.1 Finance:

One-off costs:

Cost Centre	Budget Heading	Budget Years	Proposed spend this report (£000s)	Virement from	Other comments
N/A					

Annually recurring costs:

Cost Centre	Budget Heading	Budget Years	Proposed spend this report (£000s)	Virement from	Other comments
N/A					

6.2 There are no legal implications arising from this report.

Human Resources

6.3 There are no specific HR implications arising from this report.

Equalities

6.4 As this report does not involve a new policy or a new strategy, there are no equalities issues arising.

Repopulation

6.5 There are no specific repopulation implications arising from this report.

7.0 CONSULTATIONS

7.1 The Chief Financial Officer, and Head of Legal & Property Services, have been consulted on the contents of this report.

8.0 LIST OF BACKGROUND PAPERS

8.1 None.



The Scottish Parliament
Pàrlamaid na h-Alba

Transport (Scotland) Bill - Introduction

What is this?

A short survey by the Scottish Parliament's Rural Economy and Connectivity Committee to gather the views of individuals and organisations on the proposals in the Transport (Scotland) Bill.

Why should I respond?

The proposals in the Transport (Scotland) Bill would change the way streets, buses, public transport ticketing and roads works are regulated, including:

- establishing a system for the creation and operation of low emission zones, which may prohibit older vehicles from entering a zone
- changing how bus services are managed and provided
- updating arrangements for the management of public transport ticketing schemes
- creating a prohibition on parking on the pavement and double parking
- improving co-ordination of road works and enforcement of quality standards for road reinstatements

These changes will impact on many people's daily travel choices and the Committee wants to hear your views on these proposals.

How do I find out more about the Transport (Scotland) Bill?

You can find the Bill and associated documents by clicking or tapping [here](#).

I am only interested in part of the Bill

No problem. Feel free to skip any questions that do not interest you. However, you must complete the survey for your answers to be considered - make sure you click or tap on the "Finish Survey" icon on the last page.

Nice to know

You will not be asked to provide your name or any personal information. Your response will be held securely and will only be viewed by researchers at the Scottish Parliament Information Centre. Individual responses will not be published, but a summary setting out key themes we find from looking at all of the responses will be.

You can find more on how we handle the information you provide in our [Privacy Policy](#).

The survey will close at 1200 on Friday 28 September.

Low Emission Zones

Part 1 of the Bill enables the creation, and civil enforcement, of **Low Emission Zones** (LEZs) by local authorities and allows the Scottish Government to set consistent standards for emissions, penalties and certain exemptions from such zones.

The most polluting vehicles would be banned from entering a LEZ during its hours of operation. Any banned vehicles entering a LEZ would be subject to a penalty charge, with enforcement carried out using Automatic Number Plate Recognition (ANPR) cameras - technology currently used for bus lane, red light and speed limit enforcement.

The Bill would grant Scottish Ministers the power to approve all LEZs and to set national rules for their operation. Do you support or oppose these proposals? Please choose the option which most closely matches your opinion.

	Strongly Support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No Opinion
Scottish Ministers must approve all LEZ proposals			✓			
Scottish Ministers' will have the power to specify certain types of vehicle that will be exempt from any LEZ scheme, e.g. emergency service vehicles		✓				
Scottish Ministers' will be able to order a Council to review a LEZ and direct it to implement changes following that review		✓				

The Bill would grant Councils the power to set the rules governing the operation of individual LEZs. Do you support or oppose these proposals? Please choose the option which most closely matches your opinion.

	Strongly Support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No opinion
Councils must specify a grace period of between 2 and 6 years for residents (1 -4 years for non-residents) following the introduction of a LEZ, during which penalties will not be levied		✓				
Councils will be able to suspend a LEZ for an event, held in or near the zone, that it considers to be of national importance		✓				
Councils can grant exemptions from LEZ requirements for individual vehicles, or types of vehicle (up to one year)	✓					

How might the LEZ proposals in the Bill be improved? Please summarise any suggested improvements that you would like to see made in the box below:

Section 13 (2) – We need to be careful here and have clear guidelines around why it would be acceptable to have different LEZ operation times. Why is it ok to pollute an area at night but not during the day for example?

Section 19 & 20 – Grants should be made available where possible for this scheme so that LAs incur as little expenditure as possible in determining, making and operating LEZ.

In both the legislation and subsequent implementation it is important to view buses as a solution rather than as a problem, given advances in bus engine technology and the passenger carrying capability of such vehicles when compared with the private car. SPT is the source of expertise in this area and their advice should carry significant weight on this issue. In terms of vehicles, cars are the biggest source of transport emissions (40%), followed by vans and HGVs, with buses on 6%. Tackling congestion should be a cornerstone of any clean air policy and the LEZ legislation should reflect this.

Regarding buses and coaches it is imperative that the Scottish Bus Emissions Abatement Retrofit Programme (BEAR) is sufficiently funded to allow operators to comply with any LEZ requirements without a significant impact upon their operating cost base, otherwise major bus operators are likely to decant from older buses from LEZs (and Clean Air Zones in English Cities) to elsewhere in the United Kingdom, to the detriment of authorities such as Inverclyde. This redeployment of vehicles would be minimized by the availability of Central Government grants to retrofit vehicles, both in England and Scotland.

At a local level it is likely that, without Central Government financial assistance, the commercial viability of many individual local bus services operating to/from Scottish Cities will be reduced, resulting in the withdrawal or partial withdrawal of such services/journeys, particularly at the rural ends of the routes, leading to reductions in service and/or increases in the requirement for local transport authority financial support.

APPENDIX 2 - BUS SERVICES

Buses

Part 2 of the Bill provides local transport authorities with powers to improve **local bus service** provision through statutory partnership working with bus operators, the creation of local bus service franchises and the ability to operate services themselves - where these are not in competition with commercially operated services.

Part 2 gives Scottish Ministers powers to make regulations setting out what service and timetable information bus operators must make available to passengers and local transport authorities.

The Bill would provide Councils with the following powers, aimed at improving local bus services. Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

	Strongly Support	Support	Neither support nor oppose	Oppose	Strongly oppose	No Opinion
Provide bus service(s) where no commercial service is provided	✓ See Note 1					
Work in a formal partnership with commercial operators to improve services	✓					
Specify all aspects of local bus services, which will be provided by commercial operators following a tendering exercise	✓ See Note 2					

Note 1: The Council does not support the provisions of the Bill as currently drafted in relation to the operation of local bus services by local transport authorities.

Note 2: The ability to specify all aspects of tendered supported bus services already exists and it is assumed that this question relates to the proposed new local transport authority powers in relation to bus franchising.

The Bill would require bus operators to share information on routes, timetables and actual running times with third parties - to make it easier for passengers to know when their bus will arrive and how much it will cost.

How best could your Council or bus operator improve the ways it provides timetable and route information? (Please put the following options in an order were 1 is your favourite idea and 5 is your least favourite)

1	Bus operator website
2	Bus operator app
3	Bus stop real-time displays
4	Bus stop paper timetables
5	Paper timetable

Do you think the proposed changes to bus regulation in the Bill could be improved? If so, could you briefly summarise the changes you would like to see made in the box below:

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Yes (Whilst noting that SPT are the public transport authority for Inverclyde and will have a particular focus on this issue) – Whilst the majority of the proposed enabling policy options contained within the Bill are welcomed, for example, the ability to enter into more meaningful statutory partnership arrangements with bus operators, aspects of the Bill could be improved.

The proposed local transport authority powers to directly operate local bus services only in circumstances where there is no provision by the commercial sector is too limited. Whilst the opportunity to directly operate local bus services as an operator of ‘last resort’ would be welcomed, the proposals in the Bill as currently drafted places too high a financial risk on local transport authorities to do so. An authority could, in order to maintain service delivery, commence direct operation of a route or network, increase the viability of that service or group of services only to find that some or all of the services become commercially attractive. A private operator may then enter or re-enter the local market, requiring the authority to cease direct operations despite the financial and other investment (e.g. in vehicles and depot infrastructure) incurred to that date. The Bill requires to be amended to protect local transport authorities from such a scenario, by either allowing the authority exclusive rights to continue to operate such services and/or the ability to compete with the commercial sector under that scenario.

Regarding the Bus Service Improvement Partnerships (BSIPs) a key to their success or otherwise of this proposed policy option will be the determination of what constitutes a sufficient number of operators to object and therefore preclude a plan or scheme from proceeding. It is noted that this has not been determined and that it is intended this will be set out in subsequent Regulations.

Powers to enter into Bus Franchising arrangements would be welcomed. However, the use of such powers could be hampered by a lack of commercial information on the services involved. The Bill should address this deficiency by making the passenger and revenue information, which would be necessary to compile a robust business case, available to local transport authorities under these circumstances. This would ensure the financial aspects of the local transport authorities proposals were robust and aid the required audit scrutiny process and, in turn, appraisal by the proposed independent panel.

The proposed requirements on operators with regard to open data/information are welcomed as is the proposal for such information to be held within a central depository, which Inverclyde Council would suggest should be Traveline Scotland. However, operators should be either required to submit such data via local transport authorities or simultaneously to both the relevant local transport authorities and the central depository. Local transport authorities require such information in a timeous manner, in their own right e.g. in order to maintain information services such as bus stop timetable displays and, in turn, act as a valuable data quality control currently mechanism identifying any data errors or inconsistencies before onward submission of such data to Traveline Scotland. Local transport authorities also have a crucial role in the provision of such data as the custodian of the NAPTAN national bus stop infrastructure database.

Note: the listed means of disseminating bus information in the table above has not been ranked, as requested. It is not considered that it is appropriate to do so as the most effective method or methods of distributing bus information will vary depending upon local circumstances, the target market and nature of the information being disseminated. In addition, reference is only made to bus operator websites and apps. Other parties, including local transport authorities and Traveline Scotland currently support such distribution channels, in most, if not all, instances to aid in the provision of unbiased multi-operator information, aiming to ensure that information on all bus or public transport travel opportunities are available to passengers and prospective passengers, and not solely the information confined to one operator’s services. Mobile Apps offer great potential, particularly in the context of the provision of disruption information and the combination of service information/travel opportunities with ticketing information/purchase; however, traditional information sources, such as printed timetables, still have a role whether through providing added passenger reassurance or for those members of society who cannot or do not wish to access information electronically.

APPENDIX 3 - TICKETING ARRANGEMENTS AND SCHEMES

Smart Ticketing

Part 3 of the Bill would create a national technological standard for **smart ticketing** and provide local transport authorities with further powers for smart ticketing arrangements and schemes.

Smart ticketing is the name given to a system where an entitlement to travel (or ticket) is stored electronically rather than being printed on a paper ticket. Most smart ticketing schemes store payment and ticket data on a smartcard, such as London's Oyster card.

Do you support or oppose the following? (which are all proposed in the Bill)

	Support	Oppose
National technological standard for smart ticketing	✓	
National Smart Ticketing Advisory Board	✓	
Requirement for local authorities to produce annual reports on use of ticketing powers		✓
Power for Scottish Ministers to direct local authorities to implement ticketing schemes		✓

What are the reason(s) behind your answers above?

The proposal to require a national technological standard for smart ticketing is fully supported and is required to ensure inter-operability of ticketing schemes and equipment, to the benefit of both the promoters of smart ticketing and the travelling public. Notwithstanding this, provision should be made to permit trial use of any potentially beneficial new technology that may emerge that does not confirm to the national technological standard, subject to the approval of the proposed National Smart Ticketing Advisory Board. It is noted that the Policy Memorandum indicates that provisions to ensure inter-operability should “not preclude other technologies and infrastructure using different standards being used within arrangements and schemes”.

The creation of a National Smart Ticketing Advisory Board (NSTAB) is also fully supported, provided that this Board is constituted in a manner that allows the requirements and expertise of all interested parties, operators, local transport authorities, and Transport Scotland to be fully represented.

The requirement for local (transport) authorities to publish annual reports on the use of their ticketing powers is not supported as it is not considered that this additional administrative burden on the relevant authorities will result in a material improvement in the delivery of ticketing schemes, and is not likely to provide any additional information to any interested party beyond that which would already be freely available in the public domain. If implemented this should take the form assumed in the Financial Memorandum of a template return to minimize any administrative burden on local transport authorities.

The proposed power for Scottish Ministers to direct local (transport) authorities to implement (or amend) ticketing schemes is not supported as it is considered that local transport authorities should retain the discretion to implement those ticketing schemes that they consider will be to the benefit of the public travelling to/from and within their administrative area(s), indeed the Policy Memorandum states at the outset that “it is considered that the responsibility for securing appropriate ticketing arrangements should remain with the local transport authority...”, reflecting the recommendations of the 2011 Competition Commission Local Bus Services Market Investigation. It should be noted that with respect to ticketing, SPT is the local transport authority. Rather than a power for Scottish Ministers to direct a local transport authority on ticketing schemes following consultation with the proposed NSTAB, the Bill should enable the aforementioned board to recommend appropriate actions to the local transport authority, directly. If it is considered imperative that a specific form or type of ticketing scheme(s) be introduced, then an appropriate duty should be placed upon local transport authorities to do so.

Whilst it is accepted that a requirement for rail and ferry operators to participate in any multi-modal multi-operator ticketing scheme(s) promoted by local transport authorities has been and can be specified within the relevant rail and ferry franchise agreements, it is considered that local transport authorities should have similar powers of participation over rail and ferry operators as are proposed that they have

over bus operators. Rail and Ferry franchises are only re-let periodically and if a rail or ferry operator were to refuse to participate in a local transport authority ticketing arrangement e.g. due to application of what they considered too onerous a technological standard, there would be a potential significant delay in achieving the desired participation.

The assumption in the Bill's Financial memorandum that the compliance with a national technological standard will solely apply to bus operators is incorrect as a number of local transport authorities, operate back-office facilities and administer multi-operator ticketing schemes. Whilst any additional costs incurred could be 're-charged' to bus operators, if a new standard is adopted beyond the established ITSO 2.1.4 standard, and such costs are excessive, these could deter market entry into or lead to withdrawal from the local bus market by small operators.

Whilst participation by operators in any multi-operator scheme should be on the basis of a fair distribution of revenue and cost neutral to the ticketing scheme administration the Financial Memorandum does not acknowledge the, albeit low, financial risk to the Administrator of such schemes.

The proposed additional local authority powers to specify other characteristics of ticketing arrangement and schemes are welcomed, however, additional powers in relation to pricing, as recommended in the 2011 Competition Commission Local Bus Services Market Investigation should be included to ensure the delivery of effective multi-operator ticketing.

APPENDIX 4 - PAVEMENT PARKING AND DOUBLE PARKING

Pavement parking and double parking

Part 4 of the Bill would prohibit **double parking and parking on the pavement**, subject to a number of exemptions.

Do you support or oppose the proposed prohibitions on:

	Support	Oppose
Pavement parking	✓	
Double parking	✓	

What are the reason(s) behind your answers above?

Parking on a footway can lead to reduced safe walking space to everyone. In particular it can be particularly detrimental to:

- very young children in prams/buggies and by extension, the maternity category i.e. parents pushing the prams
- those in wheelchairs and those who require assisted walking
- Users of mobility buggies may be particularly adversely affected by footway parking in locations distant from dropped kerbs.

Those above could be forced onto a live road where footway parking occurs.

Greater restrictions on footway parking would therefore have a beneficial impact on those groups above.

Making parking on footways illegal should create a safer environment for pedestrians and if the proposals were to reduce damage to footways caused by overrunning vehicles, this would have a positive impact on the environment owing to the reduced requirement for new materials for repairs.

There are very few complaints or known issues related to double parking in Inverclyde, although it is appreciated that this is a problem that does exist in some Local Authority areas and therefore support the proposed prohibitions.

Implementation costs should be met by the Scottish Government.

The Bill proposes a number of exemptions to the prohibition on pavement parking and double parking. These are:

- Emergency service vehicles responding to an incident
- Vehicles used in undertaking road works
- Bin lorries
- Postal service vehicles
- Vehicles used by medical practitioners responding to an incident
- Vehicles being used for deliveries
- Vehicles in a parking place
- Vehicles parked at the direction of a police officer
- Vehicles parked for the purpose of saving a life/similar emergency
- Vehicle parked to provide roadside assistance

It is worth noting that the Bill requires vehicles that benefit from an exemption to only use it where it is unavoidable and for the shortest time possible to complete the task in hand (with a limit of 20 minutes on vehicles being used for deliveries).

Overall, do you support or oppose the proposed exemptions? Please choose the option which most closely matches your opinion.

	Strongly support	Support	Neither support or oppose	Oppose	Strongly oppose	No opinion
Overall view of proposed exemptions		✓				

Do you have any concerns about the proposed exemptions or wish to see additional exemptions added? If so, please briefly summarise what change(s) you would like to see made and why you think these are necessary.

Whilst, within this survey, it states that bin lorries will be exempt Part 4 of the Bill, Article 47 Paragraph (3) (a) (iii) only allows for “the collection of waste by or on behalf of the local authority” to be exempt.

Trade waste collections, particularly in larger towns and cities, may be undertaken by private waste management companies, without any involvement of the Local Authority. The Bill should therefore read “the collection of waste” with “by or on behalf of a local authority” removed from the sentence.

The Bill would allow local authorities to exempt any footway from the prohibition on pavement parking, as long as it has had regard to any guidance issued by Scottish Ministers. Do you support this proposal?

✓	Support
	Oppose

What are the reason(s) behind your answer above?

The legislation should be framed to allow the Traffic Authority to make Traffic Orders permitting footway parking in specified areas.

The Road Traffic Regulation Act 1984 already contains adequate provisions for the Traffic Authority to make Traffic Orders permitting footway parking in specified areas. Any new Act should be written in such a way as to ensure this power is not limited.

Exemptions would allow Local Authorities to permit footway parking where:

- a ban would cause serious problems (such as residential streets with existing parking pressures)
- loading or unloading could not have been satisfactorily performed if the vehicle had not been parked on the footway.

Parking Standards document should indicate:

- that loading/unloading exemptions would only apply if the carriageway would otherwise be completely blocked.
- there should be a requirement to ensure a minimum of 0.9 metres clear footway width is maintained to allow for unimpeded pedestrian passage, where an exemption is permitted, so far as possible.

APPENDIX 5 - ROAD WORKS AND THE SCOTTISH ROAD WORKS COMMISSIONER

Road Works

Part 5 of the Bill would strengthen the role of the Scottish Road Works Commissioner and improve the regulation of **road works**.

The Scottish Road Works Commissioner is an independent public official who aims to improve the planning, co-ordination and quality of road works throughout Scotland. The Commissioner monitors performance and promotes and encourages good practice across both utility companies and roads authorities. The Commissioner has powers to impose financial penalties on roads authorities who systematically fail in their duty to co-ordinate roadworks and on utility companies who systematically fail to co-operate when undertaking road works.

The Scottish Road Works Commissioner is NOT responsible for works being undertaken in roads on Scotland - which rests with local authorities, utility companies and their contractors.

The Bill would give the Scottish Road Works Commissioner, and Commission staff appointed as inspectors, the power to inspect roads works, documents etc. to establish the facts in possible cases of non-compliance with road works related legislation that falls within the Commissioners remit.

The Bill would grant the Commissioner, and Commission staff, new powers to investigate and take enforcement action against organisations that failed to comply with statutory road works requirements.

Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

	Strongly support	Support	Neither support or oppose	Oppose	Strongly oppose	No opinion
Inspection power		✓				
Power to issue compliance notices		✓				
Power to issue fixed penalty notices for non-compliance		✓				
Requirement to provide annual reports to Scottish Ministers on use of powers		✓				

Do you have any comments or concerns about these proposed powers? If so, can you briefly summarise them below?

<p>The stated intention of the Bill is to grant the Commissioner and Commission Staff new powers to investigate and take enforcement action against organisations that failed to comply with statutory road works requirements. Although in most respects the proposals as drafted would apply equally to all parties undertaking works in the road, there are a couple of restrictions on the powers of the commissioner to inspect works by third parties with permission under the Roads (Scotland) Act 1984 (RSA) and works taking place without the necessary permission from the roads authority. The Commissioner would not have the power to examine or conduct tests on any equipment used on such works or to enter premises being used by those undertaking such works. Works in the road by developers with permission under RSA can be very substantial and it works without permission would raise particular concerns regarding compliance. It is, therefore, suggested that the same powers should be available to the Commissioner in relation to all works in the road.</p> <p>The most obvious way of amending the proposals to cover all works in the road equally would be to rewrite proposed clauses 18A(1)(d) and 18A(3)(a) to remove the references to undertakers, road works authorities and roads authorities and refer only to the specified functions and obligations. It would also be useful to add offences under section 110(1) of the New Roads and Street Works Act 1991 and section 56(6) of RSA to the list of breaches for which the Commissioner can issue a compliance notice. This would allow the Commissioner to take action against those working in the road unlawfully without</p>

compromising the ability of the roads authority to require remedial measures to be taken or in default to undertake such measures and recover the costs.

The Bill would create place new duties/requirements on those undertaking road works on behalf of a local authority. Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

	Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	No opinion
New statutory duty on local authority road works to meet fencing and lighting requirements		✓				
Ministers can issue a code of practice for safety at local authority road work sites		✓				
New statutory requirement for local authority road works to be supervised by a suitably qualified person		✓				

Do you have any comments or concerns about these proposed powers? If so, can you briefly summarise them below?

Inverclyde Council already complies with the proposed new statutory requirements on a voluntary basis and accepts that this represents best practice in the execution of works in the road.

The Bill would create place new duties/requirements on those undertaking road works. Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

	Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	No opinion
New requirement for actual commencement and completion date notices to be placed in the Road Works Register within a prescribed period		✓				
Anyone undertaking road works, or works to a road (except roads authorities) must have either a site specific, or general road reinstatement quality plan in place		✓				

Do you have any comments or concerns about these proposed powers? If so, can you briefly summarise them below?

It is agreed in principle that actual commencement and completion notices should be placed on the Road Works Register. However, it will be important when drafting the regulations to take account of the limitations on mobile network cover in some rural areas which may delay the transmission of such

notices from site to the register.

A requirement for reinstatement quality plans may assist in the promotion of good practice but past experience suggests that these are not infallible and so there will still be a need for some inspection and testing by the roads authority.

APPENDIX 6 - SCOTTISH CANALS/REGIONAL TRANSPORT PARTNERSHIP FINANCE

Scottish Canals/Regional Transport Partnership Finance

Part 6 of the Bill would give Regional Transport Partnerships more financial flexibility and allow Scottish Ministers to vary the membership and structure of the Scottish Canals Board.

The Bill would allow a Regional Transport Partnership to establish:

- A capital fund
- A renewal and repair fund
- An insurance fund

Do you support or oppose these proposals?

✓	Support
	Oppose

What is the reason for your answer

Whilst Inverclyde does not have a canal within the Council area, the economic and social benefits of a successful canal network across City Region and Scotland are recognised. we would wish to ensure that SPT has flexibility with regard to potential future projects around canals.

The Bill would expand the size of the Scottish Canals board, increasing the number of members appointed by Scottish Ministers from "between one and four" to "at least 4 but no more than 9". The aim being to allow the appointment of members with a wider range of skills and experience than at present. Do you support or oppose this proposal?

✓	Support
	Oppose

What is the reason for your answer?

Ensuring that a public board has as wide a range of skills and experience as possible is an approach that this Council is happy to support.

APPENDIX 7 - MISCELLANEOUS AND GENERAL

Anything else

Do you have any other comments about the Bill, particularly any changes you would like to see made. If so, please briefly summarise these in the box below.