

# Implementing the bus provisions of the Transport (Scotland) Act 2019

## RNIB Scotland Response

The Royal National Institute of Blind People (RNIB) Scotland is the country’s leading charity working with blind and partially sighted people. We support children and adults with sight loss and help them to live full and independent lives, campaigning for their rights.

People with a visual impairment rely on public transport more than most groups to access employment, education and leisure activities. Bus travel, in particular, is a lifeline to many as an affordable means of travel. Many blind and partially sighted people however continue to experience accessibility issues including being able to access timetable information; read the bus numbers and signs; and identifying the destination stop.

We welcome the opportunity to respond to the "Implementing the bus provisions of the Transport (Scotland) Act 2019 Consultation".

Closes 6 Oct 2021

# Implementing the bus provisions of the Transport (Scotland) Act 2019

## Local Authority run services

Section 34 of the 2019 Act (which inserts a new section 2A into the 2001 Act) enables LTAs to provide services for the carriage of passengers by road using vehicles that require a Public Service Vehicle operator’s licence to do so.

To do this, the local transport authority must be satisfied that the provision of such services will contribute to the implementation of their relevant general policies (as defined in the 2001 Act). The 2019 Act also provides that the Scottish Ministers may issue guidance in relation to the exercise of the new functions and that LTAs must have regard to any such guidance.

The 2019 Act is not restrictive in the way LTAs can run their own buses, enabling them to use the power as they see fit within the wider context of their obligations.

It should be noted that the purpose of any guidance issued under these provisions would not be to provide a step by step process for the various ways in which an LTA might run their own services or cover any of the wider duties and obligations on local transport authorities or the legal requirements of other regimes such as those governing market competition or subsidy control (formerly state aid). However, this consultation seeks views on what could be provided by way of information and resources in order to support local transport authorities in exercising the new power (Question 2).

This consultation seeks views on whether there is a need to exercise the power to issue guidance, setting out any matters which LTAs must have regard to when exercising their new powers, and if so, what these matters should be.

**1. Is there anything which should be set out in guidance that Local Transport Authority's must have regard to in exercising their new functions for running their own bus services? Please explain your answer.**

Within the further resources it would be helpful for Local Transport Authorities to provide:

* Minimum standards for accessible information and alternative formats for essential information as standard.
* Accessible online and app-based information.
* Passenger assistance options on bus travel
* Mandatory staff training on disabilities and supporting passengers who are blind or partially sighed.

**2. What further information and resources would be helpful for an Local Transport Authority considering providing local bus services? Please explain your answer.**

* n/a

## Bus Service Improvement Partnerships plans and schemes

The Transport (Scotland) Act 2019 provides for a new type of statutory partnership in the form of Bus Service Improvement Partnerships. To commence these provisions and make these operational, regulations are required to further develop certain aspects of the model. This consultation invites views on a number of key additional features of the partnership model to be provided for in forthcoming regulations and guidance.

[Bus Service Improvement Partnerships plans and schemes](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**3. Do you have any further comments in relation to the form and content of plans and schemes?**

When the Bus Service Improvement Partnerships Plans is offered for full public consultation, all relevant documentation should be provided in alternative forms including braille, large print and audio so as to ensure blind and partially sighted passengers are able to access the information same information as other passengers.

In addition, the consultation paper states that partnership plans should:

* "describe the proposals for obtaining the views of users of local services in the area about how well the plan and the partnership scheme (or schemes) are working,
* and specify how the plan is to be reviewed and the dates by which reviews are to be completed".

To ensure the process is as accessible as possible, it would be helpful to include examples of engagement methods and the type of information provided to users of local services. Again, to be accessible to blind and partially sighted people, this information should available in alternative formats including large print, audio and braille. Please see the attached document which contains guidance on making resources accessible.

We note that under the scheme local transport authorities (LTA) would need to provide facilities:

 "Facilities will typically take the form of an investment in infrastructure, such as providing improved bus stops, whereas measures will relate to taking actions, such as restricting the number of times in a year that local authority roadworks occur on key bus corridors."

We would welcome consideration on the accessibility need of blind or partially sighted passengers within these environments. Examples of this include could further roll out of audio announcements at talking bus stops, increased provision of REACT Boards and the provision of accessible timetable information.

It is also useful to consider how smart technology can be incorporated with facilities. This can include the use of QR or NAVILENS codes to allow passengers to scan a code an access information via a smart phone/ app ([NaviLens EMPOWERING the visually impaired](https://www.navilens.com/)).

**4. Do you have any additional comments relating to the procedures for the preparation, making, postponement, variation and revocation of plans and schemes? Please include any comments on matters that may be helpful to consider for inclusion in secondary legislation.**

N/A

**5. Do you consider any conditions are necessary for the variation or revocation of a scheme (where the scheme itself makes bespoke provision for this)?**

No

**5A. Please provide further information, including what conditions, if any, should be specified and why.**

N/A

## Bus Service Improvement Partnerships notices

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**6. Do you have any further comments on the content, form or publicising of the notices listed in Table 1? Please include these below.**

"LTAs will be best placed to decide on the most appropriate way of publishing notices in their area taking into account the size and scope of the BSIP proposals."

We would welcome guidance on how and in what format the publishing notices will be presented.

Bus Service Improvement Partnerships facilities and measures

As part of the making of a partnership plan and scheme, the LTA must outline their commitment through investing in at least one facility or measure. Facilities will typically take the form of an investment in infrastructure, such as providing improved bus stops, while measures relate to taking actions, such as restricting the number of times in a year that local authority roadworks occur on key bus corridors.

This consultation seeks your views on the definition of facilities and measures for the purposes of regulations.

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**7. Do you agree or disagree with the above definition of facilities?**

Agree

**7A. If you disagree, how should this be amended/ what should this contain?**

N/A

**8. Do you agree or disagree with the above definition of measures?**

Agree

**8A. If you disagree, how should this be amended/ what should this contain?**

N/A

## Bus Service Improvement Partnerships facilities and measures (continued)

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**9. Should existing facilities form a part of a partnership plan and/ or scheme?**

Yes

**9A. If yes, should there be a time restriction and why?**

It is vital that all facilities remain fit for purpose and meet the needs of the communities accessing them.

## Bus Service Improvement Partnerships exempt services

The new partnership provisions outline the service standards which may be imposed as part of a partnership scheme, including the vehicles used, maximum fares, ticketing, pricing of multi-operator travel cards, the provision of information to the public and the dates on which the timing of local services may be changed. Service standards are effective in relation to all operators of local services that have one or more stopping places in that area, and are not exempted from the scheme.

The provisions provide that a scheme may not impose a standard in relation to the use of vehicles under permits granted under section 22 of the 1985 Act. Section 22 services operate without a view to profit and use vehicles to provide a community bus service.

They also outline that a partnership scheme may provide for the exemption of certain descriptions of local services. In addition, this can include conditions as to when such exemptions are to apply. There is therefore discretion for the local transport authority to consider whether any services should be excluded from the scheme taking into account their local context.

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**10. Do you consider any further services may or must be exempted from the service standards of the scheme (beyond services under section 22 of the 1985 Act as detailed above)?**

No

**10A. If yes, please comment on what services should be exempt. Please explain your answer.**

## Bus Service Improvement Partnerships qualifying local services and qualifying time

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**11. Do you agree or disagree with the above definition of “qualifying local service”?**

Agree

**11A. Please explain why and provide any relevant evidence.**

We agree that a local service should be one that allows passengers to travel within their community. With this in mind, it is fitting that the following definition would not demonstrate a local service: of "excursions or tours, where all passengers travel together on a journey, as well as interurban or long-distance services not used for local journeys, which are local services for only a small percentage of the overall distance covered by the service".

**12. Do you consider any services should be excluded from voting (for example excursions or interurban services)?**

Yes

**12A. Please explain your answer.**

Any service which does not actively support the transport of passengers within their local community should be excluded from voting.

**13. Do you agree or disagree with the definition of “qualifying time” as set out above?**

Neither agree or disagree

**13A. Please explain your answer.**

We are not in position to comment on qualifying times. We would however ask that passengers affected by any revocation are provided with sufficient information in an accessible format and alternative means of transport are provided. Given that not all passengers will board buses at a staffed terminal, it is important the helplines and apps provide accurate, real time information. Ongoing promotion of how passengers can obtain information would also be beneficial.

## Bus Service Improvement Partnerships voting mechanism

We have considered various options for accommodating the voting rights of operators in each local transport authority, to help inform the development of a suitable voting mechanism. Parameters considered include patronage, vehicle kilometres, operator number and service levels. In developing the voting mechanism, we wanted to ensure that no single operator has a disproportionate voting power and that the metric chosen is indicative of an operator’s presence in an area.

It should be noted that the 2019 Act provides that a bespoke voting mechanism can be used when the scheme is varied or revoked. The below proposed mechanism is only required to be used in the making of the scheme.

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**14. Do you agree or disagree with the voting mechanism as proposed above? (either of the options within the model can be adopted by the Bus Service Improvement Partnership).**

Neither agree or disagree

**14A. Please explain your answer.**

As blind and partially sighted people are unable to drive, many individuals rely on bus transport for access to daily activities, work and socialising. It is therefore essential that data on the use of concessionary cards is collected and given sufficient weighting to allow bus operators to appreciate service need and demands. This information should also include the length of journey and whether an individual travels with a carer and/or guide dog.

## Bus Service Improvement Partnerships multi-operator travel cards

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**15. Do you agree or disagree with the proposed definition of a “multi-operator travel card”?**

Neither agree or disagree

**15A. Please explain your answer.**

We welcome ticketing that allows individuals to travel easily between services. We would urge caution that tickets do not become digital by default as this could exclude blind and partially sighted individuals who are unable or do not want to use smart technology.

It would be helpful to promote the potential benefits of 'multi-operator cards' in a range of formats and for staff issuing tickets to provide information on all available options to ensure that blind and partially sighted passengers are able to make an informed decision.

## Bus Service Improvement Partnerships reviews and reports

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**16. Do you agree or disagree with the proposed content of reviews and reports on the operation of a plan or scheme to be outlined in guidance?**

Neither agree or disagree

**16A. Please explain your answer.**

We agree with the inclusion of:

* the effect of the scheme on local services, including running times/ delay
* how the scheme has contributed to achieving the objectives set out in the partnership plan; and
* how the scheme has contributed to achieving the general policies outlined in the partnership plan

In addition, RNIB Scotland would advocate for the inclusion of reporting and reviewing of accessibility standards. This should include accessible timetable and travel information; provision of alternative formats such as braille, large print and audio. Consideration should also be given to the accessibility of buses (colour contrast, accessible seating etc) and surround infrastructure including audio announcements.

We would also welcome review of any complaints made by passengers, and in particular passengers with disabilities who many not have access to alternative modes of transport.

## Bus Service Improvement Partnerships provision of information

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**17. What type of information should be excluded from the definition of relevant information and why?**

All of the examples given appear to be relevant.

**17A. Are there any circumstances in which it should not be possible for the Local Transport Authority to require relevant information?**

No.

**17B. Do you have any further comments on the provision of information within Bus Service Improvement Partnerships?**

N/A

## Bus Service Improvement Partnerships accessibility of services

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**18. What further guidance is required on how a partnership scheme and plan may consider the accessibility of bus services for disabled people and people who have limited mobility?**

In addition to the regulations outlined in the consultation document, we would welcome the inclusion of requirement for accessible information. Alternative formats, including braille, large font and audio, should be available on request to allow blind and partially sighted people the same information as other passengers.

On buses and at bus stops, the roll out of audio announcements as standard would significantly increase the independence of blind and partially sighted bus users and would reduce reliance on drivers to provide this information.

Further, advancements in transport apps mean that many smartphone users are now able to plan their journey in advance and access real-time information about services including delays, cancellations and peaks travel journeys. In order to ensure the accessibility of such technology testing and feedback should be sought from blind and partially sighted users utilising a range of assistive technology, including screen readers. Further, online information should be in addition to, and not instead of, information available in person or over the telephone.

Alongside these needs, we would encourage ongoing disability awareness training for drivers to ensure that blind and partially sighted travellers can travel safely.

**18A. Do you have any further comments in relation to accessibility of bus services in the context of Bus Service Improvement Partnerships?**

## Bus Service Improvement Partnerships guidance

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**19. What information, beyond the processes and considerations outlined in this chapter, should any guidance on Bus Service Improvement Partnerships contain?**

## Local Services Franchises

Franchising is a system that allows an local transport authority to award exclusive rights to run certain bus services to the most competitive bidder for a set period.  During this period, no other operator can run those services.

Part 3 of the 2019 Act makes provision (through amendments to the 2001 Act) which enables authorities to create and operate local bus services under a new franchising model. This new approach replaces the quality contracts scheme originally provided in the 2001 Act and it does so in view of the recognised limitations of that scheme.

The new franchising provisions are designed to increase the range of situations in which a local transport authority can consider using the franchising model option and the system is designed to ensure that appropriate checks and balances are in place to assess whether a authority’s franchise proposals are robust and deliverable. This more structured approach will ensure that decision making is more transparent via a process of rigorous assessment and evidence-based analysis.

Local Services Franchises Guidance

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**20. What should the guidance to Local Transport Authority's on preparing a franchising assessment contain? Please explain your answer.**

RNIB Scotland would welcome the inclusion of "the social case" to evaluate the impact to bus users, this should take account of wide societal needs and specifically the needs of protected by individuals and groups protected under the Equalities Act (2010) including disabled passengers.

## Local Service Franchises provision of information

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**21. What relevant information do you think Local Transport Authorities should be able to require from bus operators for the purpose of preparing and assessing a proposed franchising framework? Please explain your answer.**

Bus operators should provide Equality Impact Assessments as part of the franchising framework.

**21A. In preparing and assessing a proposed franchising framework, are there any circumstances in which you think the Local Transport Authority should not be able to require relevant information (or types of relevant information)? Please explain your answer.**

## Local Services Franchises auditor guidance

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**22. What should be included in the guidance for auditors? Please explain your answer.**

## Local Services Franchise guidance for local transport authorities

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**23. What should be included in guidance to Local Transport Authorities in relation to the circumstances in which the Local Transport Authority must prepare a new assessment of a proposed framework? Please explain your answer.**

## Local Services Franchise Independent Panel

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**24. Do you have any views on the constitution of the panel, including any criteria for potential panel members? If so, please explain.**

At least one of the panel members should have expert knowledge of the Equality Impact Assessment and groups at risk.

**24A. Do you have any views in relation to the appointing, removing or replacing members to the panel and why? If so, please explain.**

**25. Do you have any views about the process that the panel should follow in making their decision? If so, please explain.**

**25A. Are there any matters which you think should be prescribed in regulations that the panel must be required to consider (in relation to whether the Local Transport Authority has given appropriate weight to such matters)? If so, please explain.**

## Information relating to services

As well as making new provision for local authority-run services, bus service improvement partnerships and franchising (as covered previously in this consultation), [section 39](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/Section%2039%20of%20the%202019%20Act) of the 2019 Act inserts new provision into the Transport Act 1985 to allow local transport authorities to obtain certain specific information from an operator when the operator proposes to vary or cancel the registration of a local service.

This information relates to the number of passengers using the service, the journeys made by those passengers, the fares paid by them and the revenue obtained for operating the service.  The information requested by the local transport authority must relate to the authority’s obligation to ensure that there is a sufficient bus service provision in their local area in line with their relevant general policies.

Further information is provided in the "Information relating to services" chapter of the [consultation paper](https://www.transport.gov.scot/consultation/implementation-of-part-3-bus-services-of-the-transport-scotland-act-2019/).

## Information relating to services continued

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**26. How long should a Local Transport Authority be given to require the provision of service information and why? Please explain your answer.**

**27. How long should an operator be given to provide that information and why? Please explain your answer.**

## Information relating to services - information operators must provide

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**28. What considerations might need to be taken into account when determining what revenue and patronage information an operator should be required to provide to a Local Transport Authority under new section 6ZA(2) of the 1985 Act. Please explain your answer.**

**29. Do you have any views on what specific information should be prescribed? If so, please explain.**

**30. Do you have any views on what specific information should not be prescribed? If so, please explain.**

## Information relating to services - extent of permissible disclosure

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**31. What other persons do you think patronage information should be disclosed to and why?**

## Information relating to services - further provision and consultation

[Related information](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#page-factbank)

**32. Under what circumstances might the application of new section 6ZA of the 1985 Act require to be excluded or modified? Please explain your answer.**

**33. Should operators be required to keep records of information and if so, what information should they keep? Please explain your answer.**

**34. Do you have views as to the form and content of the information operators may be required to provide under new section 6ZA of the 1985 Act including how it should be delivered? If so, please explain.**

## Impact assessments

The 2019 Act received Royal Assent on 15 November 2019. This consultation seeks views on implementing its provisions for bus services. In doing so, the public sector equality duties require the Scottish Government to pay due regard to the following:

eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010 advance equality opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a relevant protected characteristic

We would like to use this consultation process to seek your views on the likely equality effects on protected characteristics, including children and young people, elderly and island communities.

In addition, we have also produced a partial Business and Regulatory Impact Assessment (BRIA) which builds on the[BRIA](https://www.transport.gov.scot/publication/bria-partial-august-2018-bus-transport-bill/) which accompanied the Transport (Scotland) Bill.

We would also like your input to help us identify any additional business and regulatory impacts for businesses, the public sector and voluntary and community organisations as a consequence of implementing the provisions of the 2019 Act.

The impact assessments can be found on the [consultation page](https://www.transport.gov.scot/consultation/implementation-of-part-3-bus-services-of-the-transport-scotland-act-2019/).

**35. Do you have any views on the contents of the impact assessments published in association with this consultation paper?**

We acknowledge that no significant issues were identified within the Equality Impact Assessment.

**36. Do you have any comments on the information contained in the partial Business and Regulatory Impact Assessment including the options, costs and benefits discussed?**

## About you

Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to published. If you ask for your response not to be published, we will still take account of your views in our analysis but we will not publish your response, quote anything that you have said or list your name. We will regard your response as confidential, and we will treat it accordingly.

To find out how we handle your personal data, please see our [privacy policy](https://www.gov.scot/privacy/). By clicking submit you agree to our privacy policy.

**What is your name?**

Rachael McMurchy

**What is your email address?**

Rachael.mcmurchy@rnib.org.uk

Entering your email address allows you to return to edit your consultation at any time until you submit it. You will also receive an acknowledgement email when you complete the consultation.

Email(Required)

**Are you responding as an individual or an organisation?**

Organisation

**What is your organisation?**

RNIB Scotland

**The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:**

Publish response with name

Information for organisations only:

The option 'Publish response only (without name)' refers only to your name, not your organisation’s name. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so.

**Are you content for Scottish Government to contact you again in relation to this consultation exercise?**

Yes

**I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.**

[Privacy Policy](https://consult.gov.scot/transport-scotland/part-3-bus-services-transport-scotland-act-2019/#question-2019-12-13-1755473921-factbanksubquestion)

I consent