

**SUBMITTING EVIDENCE TO A SCOTTISH PARLIAMENT COMMITTEE
DATA PROTECTION FORM**

Name:	W R Barker TD BSc CEng FICE
Date:	24 Sep 2018
Organisation: (if required)	Society of Chief Officers of Transportation in Scotland
Topic of submission:	Transport (Scotland) Bill – Financial Memorandum

I have read and understood the privacy notice about submitting evidence to a Committee.

I am happy for my name, or that of my organisation, to be on the submission, for it to be published on the Scottish Parliament website, mentioned in any Committee report and form part of the public record.

I would like to be added to the contact list to receive updates from the Committee on this and other pieces of work. I understand I can unsubscribe at any time.

Non-standard submissions

Occasionally, the Committee may agree to accept submissions in a non-standard format. Tick the box below if you would like someone from the clerking team to get in touch with you about submitting anonymously or confidentially (not for publication). It is for the Committee to take the final decision on whether you can submit in this way.

I would like to request that my submission be processed in a non-standard way.

FINANCE AND CONSTITUTION COMMITTEE**TRANSPORT (SCOTLAND) BILL FINANCIAL MEMORANDUM****SUBMISSION FROM**

Please do not add any organisation logos

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

SCOTS responded to the consultation on the Financial Accounting Arrangements for Regional Transport Partnerships (RTPs) that closed on 12 January 2018. The provision to allow flexibility for capital/revenue carry over between financial years now forms part of the Bill and the Financial Memorandum (Part 6).

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

In response to the consultation on the Financial Accounting Arrangements for RTPs, SCOTS advocated that RTP's be afforded the same range of powers and flexibilities that are available to other public sector bodies under the Local Government (Scotland) Act 1975 including the repair & renewal funds, insurance funds and capital funds and this has been reflected in the Bill.

3. Did you have sufficient time to contribute to the consultation exercise?

While reasonable time was available the greater issue is around the lack of detail in relation to some aspects of the bill, which the stakeholder consultation meetings have relayed that the detail will be contained in future Regulations, hence the difficulty in assessing potential financial consequences.

Costs**4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.**

Yes, although in both the implementation of LEZs and Pavement Parking provisions we feel that the financial burden for Partner Councils may have been grossly underestimated.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

No, the detailed processes and enforcement involved in implementing these policy changes may be prohibitive for Partner Councils at this time and may result in the powers being unused.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

As detailed in the response, there needs to be adequate up front funding made available for the implementation of both LEZs and Parking controls with the ability of Partner Councils to recoup this funding once the enforcement regime income starts to accumulate.

7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

In response to questions: 4 to 7 inclusive, SCOTS believes that there are clearly a number of assumptions and uncertainty within the Financial Memorandum so it is difficult, if not impossible at this time, to gauge its accuracy. Without having a better understanding of the potential implications of aspects of the Bill it is not, at this time, possible to say whether, or how, Partner Councils will be able to meet additional financial costs.

It is noted, however, that in the case of LEZs the Financial Memorandum acknowledges that the financial management required to deliver LEZs will require a joint / partnership effort between the Scottish Government and local authorities. Therefore no single body will be responsible for the entire financial outlay and management necessary to deliver LEZs.

Notwithstanding this there will be an, as yet unquantifiable, financial outlay required for implementation and enforcement should the Council promote any LEZs, however, this would also generate income from the issue of penalty charge notices.

Similarly there will be a financial outlay required to install the necessary signing and lining for streets are exempted from the pavement parking ban. Once again, however, there will be some income generated from the issue of penalty charge notices for contravention of the ban. The Financial Memorandum states that the City of Edinburgh Council anticipates nine exemptions to the ban and Aberdeenshire Council ten but we consider these figures to be surprisingly low and would expect there to be considerably more across Scotland. The suggested average cost per local authority of £25,000 to undertake the necessary assessments also appears extremely understated. As outlined above if additional resources are required to enforce the ban there will be financial implications associated with this. In addition the resources required to promote and administer exemption "Orders" do not appear to have been quantified.

The Financial Memorandum seems to indicate that Partner Council's will be funded in relation to any additional financial burden a new Act imposes on them, but the details of how this works in practice has yet to be established.

Some of the costs associated with Bus Service Improvement Services and franchising currently arise and may not be a burden, however, as outlined in the Financial Memorandum, for Partner Councils to provide and run bus services would have significant

implications. However, the level of activity by Partner Councils in commissioning subsidised non-commercial routes is limited by available funding.

Wider Issues

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?

As detailed above, SCOTS does not believe that all costs associated with the implementation of LEZs and Pavement Parking have been acknowledged and accounted for with the result that the costs may be prohibitive for Partner Councils and the powers left largely unused.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

In response to questions 8 and 9 it is not apparent, at this time, that there are any apparent costs associated with the Bill that have not been considered in the Financial Memorandum, or any future cost not yet identified. The exception to this is with regard to pavement parking where the cost of promoting and administering exemption orders will be substantial. It appears to be suggested this process will be akin to Traffic Regulation Orders which involve extensive consultation, are open to objection and require appropriate procedures to be in place to consider objection and decide upon the way forward. Given the number of exemptions we anticipate we expect this workload, and the associated costs, to be substantial.

In addition, while in some areas costs have been identified, we believe some of the resourcing estimates, particularly in relation to pavement parking, are significantly understated.

There may also be additional costs that flow from the unintended consequences of implementing a LEZ resulting from the rerouting of traffic, signal amendments, alternative cycling and pedestrian facilities along with fleet costs of key employers, including the public sector, in the area.