

Report

14

Report to:	Community and Enterprise Resources Committee
Date of Meeting:	21 August 2018
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Transport (Scotland) Bill 2018 - Proposed Consultation Responses
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1. Purpose of Report

1.1. The purpose of the paper is to:-

- ◆ seek approval of the proposed consultation responses in respect of:-
 - (1) the Scottish Parliament's Rural Economy and Connectivity Committee's call for views on the content of the Transport Bill; and
 - (2) the Scottish Parliament's Finance and Constitution Committee's call for views and questionnaire on the Bill's Financial Memorandum.

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the proposed responses to the call for views in respect of the proposed Transport Bill and associated Financial Memorandum as detailed in appendices 1 and 2, be approved.

3. Background

- 3.1. The Transport (Scotland) Bill was laid before Parliament on 8 June 2018. It is intended to help make Scotland's transport network cleaner, smarter and more accessible than ever before. It aims to empower local authorities and establish consistent standards in order to tackle current and future challenges, while delivering a more responsive and sustainable transport system for everyone in Scotland.
- 3.2. The Bill takes forward a number of Scottish Government commitments from its 2017/2018 Programme for Government.
- 3.3. The Bill is currently at Stage 1 of the parliamentary process where it is allocated to a Scottish Parliament committee to undertake an inquiry and report on the Bill and its contents. The Scottish Parliament will then debate the Bill, and should its general principles be agreed to, it will then enter Stage 2. At this stage, the Committee will undertake detailed consideration of the Bill and amend it as necessary.
- 3.4. The Bill then moves to the Scottish Parliament for Stage 3 where it is given further detailed consideration and amended as necessary. The Bill will then be subject to a Scottish Parliament debate on passing it. If successful, it will be given Royal Assent and become an Act of the Scottish Parliament. It is difficult to gauge exactly how long the full Bill process takes, but provided it is not subject to substantial challenge and change, the process can be completed in one year.

- 3.5. As part of the debating process, the Rural Economy and Connectivity Committee has launched a call for views to gather the opinions of both individuals and organisations on the proposals contained within the Bill. A copy of the proposed response on behalf of the Council can be found in Appendix 1.
- 3.6. The Finance and Constitution Committee has also launched a call for views on the associated Financial Memorandum. A copy of the proposed response on behalf of the Council to the questionnaire can be found in Appendix 2.
- 3.7. Both Committees are seeking comments by 28 September 2018.

4. Consultation Context

- 4.1. There are seven key topics in the Bill. These are:-
 - (i) Low Emission Zones
 - (ii) Bus Services
 - (iii) Smart ticketing
 - (iv) Parking
 - (iv) Road works
 - (VI) Regional Transport Partnerships
 - (VII) Scottish Canal Boards
- 4.2. Prior to seeking Committee's approval of the proposed responses, it is considered necessary to provide context on the matters under discussion. The following sections of this report, therefore, set the context and provide the Council's proposed position.
- 4.3. It should be noted, however, that, at this time, not all of the wider answers to the Financial Memorandum questions are known and partner organisations (Regional Transport Partnerships/COSLA/other Councils/professional bodies) continue to consider the wider implications of this Bill. As noted at paragraphs 3.3 and 3.4, as the Bill moves through Parliament it may evolve and further detail may become available. Further reports may, therefore, be brought back to this Committee as appropriate should significant further financial implications become apparent.
- 4.4. With respect to bus services, smart ticketing and Regional Transport Partnerships, the Council would generally defer to Strathclyde Partnership for Transport's (SPT) position, as they effectively coordinate and manage these matters on behalf of this Council and other councils. SPT are unique amongst the Scottish Regional Transport Partnerships in so far as they are the designated local transport authority for the local authorities in the West of Scotland which were constituted following the disaggregation of Strathclyde Regional Council.

5. Discussion Response

Low emission zones (LEZs)

- 5.1. The Scottish Government is committed to introducing LEZs into Scotland's four biggest cities (Glasgow, Edinburgh, Aberdeen and Dundee) between 2018 and 2020, and the Bill will further empower local authorities to transform other cities and towns into cleaner, healthier places to travel and enjoy. The Bill enables the creation and civil enforcement of LEZs by local authorities.

- 5.2. The most polluting vehicles would be banned from entering an LEZ during its hours of operation. Any banned vehicles entering an 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.
- 5.3. The Bill would grant Scottish Ministers the power to approve all LEZs and to set national rules for their operation, a position which is supported. Furthermore, it would grant councils the power to set the rules governing the operation of individual LEZs, which is also supported.
- 5.4. The promotion of LEZs, however, should not focus solely on the prohibition or banning of certain vehicles but must take a holistic view of the provision of viable alternative forms of the transportation of both people and goods. Particularly, but not exclusively, in the west of Scotland, LEZs must not simply focus on the “soft” target of buses, as there has been a huge decline in bus patronage over recent years, which shows no signs of slowing down.
- 5.5. It is noted that the Government is committed to the introduction of LEZs into Scotland’s four biggest cities between 2018 and 2020 and into all other Air Quality Management Areas by 2023, where the National Low Emissions Framework appraisals advocate such mitigation. At this time, South Lanarkshire has no proposals to introduce any LEZs and would look to learn from lessons emerging from the larger city schemes before considering whether such measures are the best solution for some of our urban areas.

Bus services

- 5.6. The Bill seeks to provide local authorities with a viable and flexible set of options to help ensure that bus services in their area meet local users’ needs, ensuring that there are sustainable bus networks across Scotland.
- 5.7. The Bill would provide councils with the powers aimed at improving local bus services. These include powers to provide bus services where no commercial service is provided and to work in a formal partnership with commercial operators to improve services, both of which the Council generally support. It should be noted, however, that similar powers already exist in the west of Scotland where, on behalf of councils, SPT provide a degree of support, as far as funding permits, for socially necessary bus services.
- 5.8. It also includes the power to specify all aspects of local bus services, which will be provided by commercial operators following a tendering exercise, effectively a franchise model. While we are generally supportive of the proposals, it is important that the financial implications and business cases are robustly evaluated.
- 5.9. The Bill would require bus operators to share information on routes, timetables and actual running times with third parties in order to make it easier for passengers to know when their bus will arrive and how much it will cost.
- 5.10. Councils have been asked how best they or bus operators could improve the ways information on timetables and routes is provided. Five options are suggested which are bus operator apps, paper timetables on bus stops, bus operator web sites, portable paper timetables and real-time displays at bus stops. The call for views asked that they be ranked in order of favourite first and least favourite last, however, we consider them all to be relevant, but with different ones more appropriate in

different circumstances, for example in an urban environment as opposed to a rural one.

- 5.11. Finally the call for views asks whether the proposed changes to bus regulation in the Bill could be improved. While we welcome, in principle, the Bill in many respects, it could be regarded as a missed opportunity to provide stimulus to the Scottish public transport market, particularly for bus services. As it stands, the Bill is unlikely to create the right conditions for the step-change required in the west of Scotland bus market to arrest substantial decline and deliver growth, as without strong complementary support and significant capital and revenue funding from Scottish Government, key provisions of the Bill are likely to prove ineffective or unworkable.

Smart ticketing

- 5.12. The Scottish Government want to make it easier to get around Scotland by public transport, and make it simpler to travel across connecting networks. The Bill seeks to strengthen compatible smart ticketing technology across operators and modes, and set in place an advisory body to best support Scotland-wide smart ticketing between operators and transport type.
- 5.13. 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.
- 5.14. SPT, who can be considered the leading promoters of smart ticketing in Scotland, supports, in principle, the provisions of the Bill in relation to smart ticketing, however, it considers elements are unnecessary or over-prescriptive, a view which we would share.
- 5.15. For example, a national technological standard for smart ticketing already exists and the proposed National Smart Ticketing Advisory Board or the requirement for local authorities to produce annual reports on the use of ticketing powers, may be of questionable benefit.
- 5.16. Finally, the Bill gives Scottish Ministers the power to direct local authorities to implement ticketing schemes. It should be acknowledged that local authorities already have this power and if they are not implementing a scheme, it may be there is no demand, or they do not have the resources to implement a scheme.

Parking

- 5.17. The Bill will introduce a national ban on pavement and double parking to make it easier for local authorities to ensure pavements and roads are safer and more accessible to all, both of which we support in principle.
- 5.18. By taking no action to address the issue of obstructive parking on pavements and at pedestrian dropped crossings, it can be considered as an impediment to the safe and efficient passage of pedestrians. Those pedestrians considered most vulnerable, and, therefore, at greatest risk, are the young and elderly, and those with mobility impairments. Parents and carers with children in pushchairs are also likely to experience adverse impacts from pavement parking.
- 5.19. While supporting the principles of the Bill, we have significant concerns at the, as yet, un-quantified burden which will be placed on local authorities to implement and enforce this legislation and the potential negative effects on other road users, for example refuse collection vehicles and buses. It is often the case that larger vehicles

can only gain access to residential streets, the majority of which are less than 7.3 metres wide, due to road space created by cars being parked either partially or fully on pavements.

- 5.20. The Bill proposes a number of exemptions to the prohibition on pavement parking and double parking, such as emergency service vehicles, vehicles undertaking road works, and refuse and postal delivery vehicles.
- 5.21. The Bill, however, requires that vehicles that benefit from an exemption only use it where it is unavoidable and for the shortest time possible to complete the task being undertaken (with a limit of 20 minutes on vehicles being used for deliveries). We are supportive of the proposed exemptions and the principle of this approach.
- 5.22. 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. As outlined above, there are many narrow and / or circuitous streets where parking fully on the carriageway would severely restrict or prevent access. Quite often, at these locations the issues are compounded by a high demand for parking and a lack of appropriate alternatives, for example, in high density residential areas. While we are supportive of the principle of exemptions, we have significant concerns with regard to resources required to assess what we would expect to be large numbers of potential streets for potential exemptions and, in turn, enforcement of non exempt areas. There is also uncertainty with regard to the arrangements for formalising exemptions which, again, have the potential to be onerous. It is suggested that “Orders” will be required which, if akin to Traffic Regulation Orders, may become extremely cumbersome and potentially unworkable.

Road works

- 5.23. The Bill aims to raise the standard, and improve the quality, of road works in Scotland, and provide the Scottish Road Works Commissioner with better options to deal with poor performance. The Bill seeks to create a regulatory environment which encourages the approach of getting road work reinstatements right first time, to provide better information about road works, and to ensure a consistent approach to safety at road works sites regardless of who is undertaking them.
- 5.24. 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 road works and on utility companies who systematically fail to co-operate when undertaking road works.
- 5.25. The Commissioner is not responsible for works being undertaken on roads in Scotland. Such responsibilities rest with local authorities, utility companies and their contractors.
- 5.26. The Bill would give the Scottish Road Works Commissioner, and Commissioner staff appointed as inspectors, the power to inspect roads works, documents and the like, to establish the facts in possible cases of non-compliance with road works related legislation that falls within the Commissioner’s remit.
- 5.27. The Bill would grant the Commissioner, and Commissioner staff, new powers to investigate and take enforcement action against organisations that failed to comply with statutory road works requirements.

- 5.28. We consider that any powers and measures that will strengthen the existing powers of the Commissioner, in order to help drive compliance across the sector and improve health and safety, are to be supported.

Regional Transport Partnerships

- 5.29. The Scottish Government want to make it easier for the Regional Transport Partnerships (RTPs) to manage their year-end finances by enabling them to hold a balance of funds. They also want to make sure that there is no additional financial burden on the local authorities that contribute towards the RTP running costs. This will assist the RTPs with larger capital investment projects which cover more than one financial year.
- 5.30. The Bill would allow an RTP to establish a capital fund, a renewal and repair fund, and an insurance fund. We support these proposals as, if RTPs have the ability for funding to span financial years, it will make the delivery of RTP funded local authority schemes much easier. Currently, if a scheme is not going to be completed within a fiscal year, it either has to be curtailed or abandoned and the funding returned. This is particularly relevant as the lead-in to the end of the financial year is through winter and inclement weather can lead to the delay or cancellation of works.

Scottish Canals Board

- 5.31. 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 of this proposal is to allow the appointment of members who possess a wider range of skills and experience than at present.
- 5.32. South Lanarkshire does not have any canals, therefore, we do not have an opinion on this proposal.

Financial Memorandum

- 5.33. Neither of the consultations provided any financial assumptions. While, at that time, the details of the proposals were embryonic, we made it clear, both in the consultation response and at the workshops, that there would undoubtedly be a financial burden upon the Council for implementation and enforcement of the parking ban. It is considered that this has not been accurately reflected in the Financial Memorandum, which assumes that for those local authorities already undertaking decriminalised parking enforcement, costs will be minimal. No mention of financial matters was sought or made in the LEZ consultation.
- 5.34. A question is posed as to whether there was 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, hence the difficulty in assessing potential financial consequences.
- 5.35. 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, the Council will meet additional financial costs.
- 5.36. 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.

- 5.37. 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. As previously explained, however, the Council has no proposals for LEZs at this time.
- 5.38. Similarly, there will be a financial outlay required to install the necessary signing and lining if any 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 South Lanarkshire. The suggested average cost per local authority of £25,000 to undertake the necessary assessments also appears extremely understated. As outlined above, with additional resources required to enforce the ban, there will be further financial implications associated with this.
- 5.39. The Financial Memorandum seems to indicate that councils 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 and the low estimates referenced above are a concern.
- 5.40. 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 the Council to provide and run bus services, would have significant implications. As explained previously, however, this function is currently undertaken by SPT on behalf of the Council and other councils. However, SPT can only support socially necessary services to the extent their funding allows.

6. Employee Implications

- 6.1. At this time, the specific employee implications are unknown, however, given the anticipated increased demands for service outlined above and public expectations that the ban on pavement parking will be enforced, employee workloads will increase and additional resources will be required. Currently, the demands for parking enforcement, particularly out-with the normal working day, cannot be met by the Council's Parking Attendants.

7. Financial Implications

- 7.1. It is expected that the Bill will potentially generate significant financial impacts for councils. However, at this stage, given the absence of detail, these impacts cannot be accurately quantified. Nonetheless, it is expected that the financial consequences of any new legislation of this type should be funded in full.

8. Other Implications

- 8.1. It can be anticipated that the Council will receive increased demands for service in relation to providing bus services to meet social needs. As outlined previously, however, SPT currently undertake this function on behalf of the Council. It can also be anticipated that the Council will receive increased demands for the enforcement of the ban on pavement parking. It is anticipated that the other topics will not have significant effects upon the Council.
- 8.2. Risk details are highlighted in the attached appendix.

8.3. There are no implications at this stage for sustainability in terms of the information contained within this report

9. Equality Impact Assessment and Consultation Arrangements

9.1 This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and therefore, no impact assessment is required.

9.2 At this stage, no further consultation is necessary.

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Executive Director (Community and Enterprise Resources)

1 August 2018

Link(s) to Council Values/Ambitions/Objectives

- ◆ Improve the quality of life of everyone in South Lanarkshire
- ◆ Improve the road network, influence improvements in public transport and encourage active travel
- ◆ Work with communities and partners to promote high quality, thriving and sustainable communities

Previous References

- ◆ Community and Enterprise Resources Committee 8 August 2017 – “Improving Parking in Scotland – A Consultation”

Contact for Further Information

If you would like inspect any of the background papers or want any further information, please contact: - Colin Park, Roads and Transportation Services

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Appendix 1

Rural Economy and Connectivity Committee call for views

Proposed Response by South Lanarkshire Council

Low emission zones (LEZs)

The Bill would grant Scottish Ministers the power to approve all LEZs and to set national rules for their operation. South Lanarkshire Council supports this proposal.

It would also grant councils the power to set the rules governing the operation of individual LEZs. South Lanarkshire supports this proposal.

While supportive of this aspect of the Bill, in principle, we note that a 25% decline in bus patronage has been experienced in the West of Scotland over the past 10 years. It is, therefore, crucial that bus operators are treated fairly in the transition to greener fleet so as to avoid further contraction of services.

Bus services

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.

While South Lanarkshire generally supports these proposals, it considers that similar powers already exist in the west of Scotland. It is our view that, in many respects, the Bill could be regarded as a missed opportunity to provide a stimulus to bus services in the west of Scotland.

Without strong complementary support and significant capital and revenue funding from Scottish Government, which appears to have been underestimated, key provisions of the Bill are likely to prove ineffective or unworkable. For example, the ability for local authorities to operate services themselves, but only where these are not in competition with commercially operated services, places a high financial risk upon them. Such a service could, theoretically, become commercially attractive. A private operator may then decide to provide a rival service, requiring the authority to cease direct operations despite the financial and material investment in vehicles, depot infrastructure, staff and the like.

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

Councils have been asked how best they or bus operators could improve the ways information on timetables and routes is provided. Five options are suggested which are bus operator apps, paper timetables on bus stops, bus operator web sites, portable paper timetables and real-time displays at bus stops. South Lanarkshire consider them all to be relevant, but with different ones more appropriate in different circumstances, for example in an urban environment as opposed to a rural one.

Smart ticketing

South Lanarkshire supports, in principle, the provisions of the Bill in relation to smart ticketing, however, it feels elements are unnecessary or over-prescriptive. It is considered that a national technological standard for smart ticketing already exists in the form of ITSO, a UK national standard which is widely used in Scotland for most bus operators as well as ScotRail and the Glasgow Subway.

South Lanarkshire cannot see any significant benefits from a National Smart Ticketing Advisory Board or the requirement for local authorities to produce annual reports on the use of ticketing powers.

The Bill seeks to give Scottish Ministers the power to direct local authorities to implement ticketing schemes. South Lanarkshire does not support this proposal as local authorities already have this power and if they are not implementing a scheme, it is perhaps because there is no demand, or because they have no budget or resource to do so.

Parking

While supporting the principles of the Bill, South Lanarkshire has concerns at the, as yet, un-quantified, burden which will be placed on local authorities to enforce this legislation and the potential negative effects on other road users, for example, refuse collection vehicles, buses and emergency services.

The Bill proposes a number of exemptions to the prohibition on pavement parking and double parking, including the likes of emergency service vehicles, vehicles undertaking road works, and refuse and postal delivery vehicles. South Lanarkshire is supportive of the proposed exemptions.

The Bill, however, requires that vehicles that benefit from an exemption only use it where it is unavoidable and for the shortest time possible. South Lanarkshire is supportive of this position.

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. South Lanarkshire supports this in principle albeit we await with interest the detailed guidance.

We believe the potential resources and costs associated with assessing large parts of residential areas for potential exemptions is not fully appreciated. We believe the "Order" process for defining exemptions is bureaucratic, expensive and potentially unworkable. We also note additional resources will be required to enforce the legislation. In summary, we believe the required resources have been substantially underestimated and elements of the proposal are potentially unworkable.

Road works

South Lanarkshire considers that any powers and measures that will strengthen the existing powers of the Commissioner, in order to help drive compliance across the sector and improve health and safety, are to be supported.

Regional Transport Partnerships

South Lanarkshire supports the proposals in relation to Regional Transport Partnerships.

Scottish Canals Board

There are no canals in South Lanarkshire, therefore, we do not have an opinion on this proposal.

Proposed Response by South Lanarkshire Council

Appendix 2

Finance and Constitution Committee Questionnaire

This questionnaire is being sent to those organisations that have an interest in, or which may be affected by the [Transport \(Scotland\) Bill FM](#).

In addition to the questions below, please add any other comments you may have which would assist the Committee's scrutiny of the FM.

Consultation

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

South Lanarkshire responded to the Transport Scotland's March 2017 consultation "Improving Parking in Scotland" and attended the two subsequent stakeholder group workshops.

South Lanarkshire also responded to their September 2017 consultation on LEZs.

Neither of the consultations provided any financial assumptions.

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 parking, and at the workshops, South Lanarkshire made it clear that there would undoubtedly be a significant financial burden upon the Council for implementation and enforcement of the parking ban. It is considered that this has not been accurately reflected in the Financial Memorandum, which assumes that for those local authorities already undertaking decriminalised parking enforcement, cost will be at a minimum. We believe the costs involved in assessing potential exemptions, implementing exemptions and enforcing will be substantial.

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, 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.*

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

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?*

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 South Lanarkshire 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, the Council will 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 which 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 South Lanarkshire. 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 councils 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 the Council to provide and run bus services, would have significant implications. This function is currently undertaken by SPT on behalf of the Council. However, the level of SPT activity in these areas 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?*

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.