

## **Island Communities Impact Assessment - Screening**

Implementing Part 3 (Bus Services) of the Transport (Scotland) Act 2019

### **Introduction**

1. The policy covered by this impact assessment relates exclusively to the implementation of Part 3 (Bus Services) of the Transport (Scotland) Act 2019 (“the Act”) which received Royal Assent on 15 November 2019. A partial [Business and Regulatory Impact Assessment](#) and [Equalities Impact Assessment](#) were undertaken before the associated Bill was introduced to the Scottish Parliament. We are consulting stakeholders and the general public to help inform and develop the secondary legislation and guidance needed to implement the relevant provisions of the Act.
2. The provisions apply to all local transport authorities, including island communities who operate a number of bus services. Consultation responses will inform the development of secondary legislation and guidance where necessary for the provisions of the Act dealing with Bus Service Improvement Partnerships (BSIPs), local franchising and information for bus services.
3. This document seeks to identify if the proposals identified above could have a disproportionate impact or impacts differing for island communities than those on mainland Scotland meriting further exploration through an Island Communities Impact Assessment (ICIA). If significant issues are identified, a full ICIA will be carried out.

### **The Islands (Scotland) Act 2018 (the 2018 Act)**

4. The Islands (Scotland) Act 2018 places a duty on the Scottish Ministers and other relevant authorities, including a number of public authorities, to have regard to island communities in exercising their functions. For the Scottish Ministers, this includes the development of legislation. This duty is often referred to as ‘island-proofing’.
5. Section 8 states that Scottish Ministers must prepare an ICIA in relation to a policy, strategy, or service, which, in the authority’s opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in the area in which the authority exercises its functions. These provisions came into force on 23 December 2020 and the Scottish Government published guidance and a toolkit for the preparation of [ICIA](#)s.
6. The 2018 Act lists the following areas that are relevant considerations for islands and islands communities:
  - Depopulation
  - Economic development
  - Environmental protection
  - Health and wellbeing

- Community empowerment
- Transport
- Digital connectivity
- Fuel poverty
- Land management
- Biodiversity

### **Step One – Developing a clear understanding of the policy objectives**

7. The Act builds on and improves the existing regulatory landscape for Scotland's bus services with the principal aim of reversing the long-standing decline in bus patronage to deliver important benefits which include sustainable economic development, carbon emission reductions and enhanced social cohesion. Bus services are a cornerstone of our economy with the sector accounting for three quarters of all public transport journeys before the COVID-19 pandemic and their role will become even more important as we face the increasingly pressing reality of the climate emergency.

8. The new provisions under the Act cover partnership working, local franchising, and the power for Local Transport Authorities (LTAs) to run their own bus services and improvements to the information available to LTAs when services are deregistered. When commenced, they will give LTAs the tools and flexibility they need to deliver improved bus services tailored to the specific needs of their areas. Implementing the Act will give LTAs the tools they need to make bus services more available, accessible and potentially affordable for all of society.

9. The delivery of these benefits aligns with the Scottish Government's National Transport Strategy (NTS). Published in February 2020, the NTS seeks to reduce inequalities and advance equality of opportunity and outcome, take climate action to make travel choices that minimise the long-term impacts on our climate, develop a transport system that will help deliver sustainable and inclusive economic growth and which will be safe and enable a healthy, active and fit nation.

10. The bus provisions within the Act also align with the Scottish Government's 2021 Climate Change Plan Update which reflects new and ambitious targets to reduce emissions by 75% by 2030 and achieve net zero by 2045 whilst envisaging a reduction in private car mileage of 20% by 2032.

11. Due to the interplay between a number of key factors, including population density and demographics, local geography, competition between bus and other modes, variation between (and relative mix of) urban and rural needs as well as the level of competition between bus operators, the quality of service offered and market size - a 'one size fits all' approach is unlikely to offer the optimal means of meeting the principle policy objective of increasing patronage to reduce car usage.

12. Transport authorities require a set of tools to give them the flexibility they need to ensure that bus services are tailored to local needs and the right approach is likely to differ from one transport authority to the next. The Act does this by making provision for partnership working and local franchising whilst augmenting powers for LTAs to run their own buses (repealing certain restrictions provided in the Transport

Act 1985), as well as improving the information available to LTAs when services are deregistered.

13. When commenced, these new powers will complement the existing powers of LTAs to improve bus services.

### **Step Two – Gathering data and identifying stakeholders**

13. Stakeholder engagement on implementing the new powers included an online stakeholder workshop on 17 March, to help develop the consultation.

14. The workshop allowed us to discuss some developing key concepts with stakeholders through facilitated breakout groups. Although some island LTAs were invited, they were not in attendance. A number of general points were raised during the event which are likely to apply to all local transport authorities (LTAs), including the Orkney and Shetland Islands.

15. As part of our stakeholder engagement we are working with the Association of Transport Coordinating Officers (ATCO) which is comprised of transport officials from across Scotland. Through ATCO, we will engage with island transport authorities about the toolkit of options contained within the 2019 Act.

16. Specific to this consultation, the following primary stakeholders have been identified:

- Relevant local authorities, including Comhairle Nan Eilean Siar;
- Regional Transport Partnerships, including Zetrans;
- ATCO;
- Convention of Scottish Local Authorities (CoSLA);
- Mobility Access Committee for Scotland (MACS);
- Bus Operators;
- Bus User Groups; and
- Other public sector bodies, particularly those who deal with the development and enforcement of bus policy – such as the Office of the Traffic Commissioner.

### **Step Three – Consultation**

17. This partial ICIA will form part of a package of draft assessments accompanying the consultation paper. We will invite stakeholders to comment on its contents, including on any omissions in evidence, and initial conclusion set out below.

### **Initial Conclusion**

18. Many respondents to the 2017 [consultation paper](#) made suggestions for how public transportation in Scotland could be improved. It is recognised that the provision of public transport provision for island communities does come with distinct challenges, but respondents to the 2017 consultation paper acknowledged that improvements to bus services and infrastructure throughout Scotland can impact positively on all groups of society, as well as, playing a crucial role for island

communities in supporting social cohesion, access to public services, business and tourism and connecting with wider transport networks.

20. We note from the Scottish Household Survey that bus travel is less popular than other modes in island communities. Although our initial view is that there do not appear to be any significant implications for island communities arising from tentative proposals for implementing the provisions of the Act, we are keen to engage further to ensure any unforeseen issues are identified and addressed. The consultation paper therefore invites the submission of relevant information to inform the development and conclusion of this impact assessment.

### **Bus Regulatory and Funding Team**

Transport Scotland

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