

Model 3 SEStran Consultation Update

1. INTRODUCTION

- 1.1** The report provides the Board with an update on the progress with “Model 3” consultation initiated by the Board in December 2016.

2. MODEL 3 ORDER CONSULTATIVE PROCESS

- 2.1** The SEStran Partnership Board agreed in December 2016 to a “Stage 1 of 2” consultation with constituent councils on the potential interest from them in supporting an Order making request to Scottish Ministers under Section 10 (4) of the Transport (Scotland) Act 2005 “the Act”, to support an initial Parliamentary Order (3 month statutory instrument laid in Parliament and assumed to be negative) SEStran moving from a Model 1 to a Model 3 RTP.
- 2.2** A letter from the SEStran Chair was sent to all SEStran Council Leaders on the 9 December seeking their views on which if any parts of Section 10 (4) or Section 14 of the Act their council would be interested in being subject of such an Order.
- 2.3** The Act outlines as examples some of the functions which may be the subject of an order under Section 10 (4): entering into quality partnership schemes; entering into quality contract schemes; entering into ticketing arrangements and ticketing schemes; providing information about bus services; installing bus lanes; providing subsidised bus services; making and implementing road user charging schemes; operating ferry services; managing tolled bridges; operating airports and air services; and entering into public service contracts. Chapter 2 Transport Functions: Further Provisions, Section 14 of the Act also provides for arrangement for performance by RTPs of certain transport functions etc., albeit this part of the Act does not provide an exhaustive definition of statutory functions relating to “transport”.
- 2.4** Transport Scotland officials did highlight that any order supported by Scottish Ministers would need to pass through Parliament, require a 3 month public consultation on the proposals. This would be a “Stage 2” of consultation, after any decision by the Partnership at a future Board meeting to progress after Stage 1 consultation with the process of making SEStran a Model 3 RTP.
- 2.5** The current timescale for this consultation, was between the December 2nd board meeting and the 2nd March 2017 Board meeting. This would then have enabled an initial request to support an order to be made to Scottish Ministers prior to them launching the review of transport governance (Recommendation 21 of the Independent Review of Planning) as part of National Transport Strategy 2 consultation in early 2017.
- 2.6** At the time of writing the report, it is looking unlikely that all SEStran member councils will have been able to accommodate the request for

consideration by Council and a consultation response by 2 March. In light of the timescale for any City Region Deal announcement, it would appear that the Stage 1 consultation outcome for SEStran to move to a Model 3 will need to be “de-coupled” from any offers made by partner councils to the City Region Deal and consider by the latest at the December 2017 board meeting by the new SEStran Board.

2.7 There has at time of writing to SEStran’s knowledge, been 4 reports to relevant council/executive committee meetings, links below. Whilst, City of Edinburgh Council intended to take a paper to a special meeting in February, in light of the extended consultation now intend to take a paper to Committee later in March:

- Falkirk
<http://www.falkirk.gov.uk/coins/viewSelectedDocument.asp?c=e%97%9Db%93n%7D%8D>
- Clackmannanshire
<http://www.clacksweb.org.uk/document/meeting/1/763/5574.pdf>
- Fife
http://publications.fifedirect.org.uk/c64_ExecutiveCommitteePDF280217Whiteonly.pdf
- West Lothian
<http://coins.westlothian.gov.uk/coins/submissiondocuments.asp?submissionid=33766>

2.8 We have also been advised that Midlothian Council have taken a report to the Council’s Corporate Management Team with the following recommendation: “Midlothian Council requests that further work be undertaken to develop a detailed business case, including issues, impacts, uncertainties, opportunities and guarantees etc., for constituent councils before meaningful consideration of the can be mad[e]”. The report recommendations were agreed at the CMT meeting held on 8 February.

2.9 Building on the Guidance for Business Cases issued by Transport Scotland in March 2016, further engagement post the Local Government elections will seek to collate further information to enable the construction of a strategic case, once indications have been received from all 8 SEStran local authorities on the desire to proceed with a Model 3 process.

3. RECOMMENDATION

3.1 The Board are invited to note the update on the current consultation process with constituent councils on the proposal for Model 3 status for SEStran and the need to continue the consultative process until later this year before an initial analysis of consultation responses can be tabled to the Board by December 2017 at the latest following further work as requested by certain constituent councils.

George Eckton
Partnership Director
23rd February 2017

Andrew Ferguson
Secretary

Policy Implications	Potential delay in concluding the consultation under Transport (Scotland) Act 2005
Financial Implications	N/A
Equalities Implications	The Equalities/Healthcare Forum have been informed and briefed on the current progress with Model 3 consultation and asked for comment.
Climate Change Implications	N/A