

TAYSIDE AND CENTRAL SCOTLAND TRANSPORT PARTNERSHIP**26 JUNE 2018****DIRECTOR'S REPORT**

This report provides updates on City Deals; activity and engagement through the RTP Chairs Forum on the Planning Bill, reviews of the National Transport Strategy and Strategic Transport Projects Review and Active Travel funding for RTPs; on the Transport (Scotland) Bill and other matters of interest and relevance to the Partnership. The report also seeks the Partnership's agreement to appoint a Data Protection Officer in compliance with the General Data Protection Regulation.

1 RECOMMENDATIONS**1.1 That the Partnership :-**

- (i) notes the latest position regarding the Partnership's request for inclusion within the emerging Tay Cities Deal governance structure;
- (ii) notes the Stirling & Clackmannanshire City Deal Heads of Terms Agreement;
- (iii) notes developments and engagement by the RTP Chairs on the Planning (Scotland) Bill as outlined in 2.12 – 2.15 and Appendix C;
- (iv) notes progress on the reviews of the National Transport Strategy and Strategic Transport Projects Review as outlined in 2.16 – 2.18 and Appendices D and E;
- (v) notes progress on RTP Active Travel Funding as outlined in 2.19 – 2.21;
- (vi) notes the publication of the Transport (Scotland) Bill as outlined in 2.22 – 2.31 and agrees to receive further reports on this;
- (vii) notes the planned revision to the Councillors Code of Conduct as outlined in 2.32 – 2.34; and
- (viii) notes implementation of the General Data Protection Regulation as outlined in 2.35 – 2.38 and agrees to appoint Donald Henderson, Data Protection Officer, Perth & Kinross Council as the Partnership's Data Protection Officer.

2 DISCUSSION

City Deals Update

- 2.1 At its recent meetings on 12 December 2017 and 27 March 2018 the Partnership noted further developments with the Tay Cities and Stirling & Clackmannanshire City Deals. On 12 December 2017 the Partnership agreed to write to the now established Tay Cities Joint Committee requesting that Tactran is formally included and represented within the emerging Tay Cities Deal governance structure (Reports RTP/17/39 and RTP/18/14 refer). On 27 March 2018 the Partnership noted that its request would be considered at a meeting of the Tay Cities Joint Committee on 18 May 2018. Subsequent to the meeting on 27 March the Tay Cities Joint Committee's Secretariat has advised that it is now proposed that the Partnership's request will be formally considered by the Tay Cities Joint Committee following, and in light of, agreement of the finalised Heads of Terms Agreement for the City Deal.
- 2.2 The Partnership Director has now been invited to attend and participate in the Tay Cities officer Management Group. As a result of this welcome increased involvement in the Tay Cities Deal management structure, the Senior Partnership Manager will now represent Tactran on the Empowered Tay group, which is progressing consideration of aspects of the Tay Cities Deal relating to future new models of regional governance covering regional economic development, land use planning, transportation planning and public transport delivery, as noted in previous reports to the Partnership.
- 2.3 At the time of writing it is anticipated that the Heads of Terms Agreement for the Tay Cities Deal will be announced by the end of June 2018. Any further developments in that regard will be reported orally.
- 2.4 On 31 May 2018 the Heads of Terms Agreement for the Stirling & Clackmannanshire City Region Deal was announced (see Appendix A). The City Deal is worth in excess of £214 million with regional partners investing up to £123.8 million and the Scottish and UK Governments investing up to £90.2 million over 15 years, with each Government offering £45.1 million subject to approval of final robust business cases for projects and initiatives. The City Region partners believe that the City Deal will, in turn, unlock in excess of £640 million of private sector investment, delivering over 5,000 new jobs.
- 2.5 Amongst the interventions identified as being required to make the City region a robust, resilient low-carbon economy are the need to improve and invest in the region's transport infrastructure; developing the River Forth as a travel, leisure and tourism resource; and Scottish Government matched investment of up to £7 million in new and improved Active Travel routes.
- 2.6 The Agreement (paras. 32 – 34 of Appendix A refer) states that Transport Scotland will work with partners to identify investments to improve regional connectivity between Stirling and Alloa and outlying settlements, as well as

improvements to the Active Travel network. In addition it is indicated that 'Scottish Government will commit to establishing a regional Transport Working Group similar to those being taken forward through the City Region Deals for both Aberdeen and Edinburgh and the South East Scotland'.

- 2.7 As has been reported previously, officers are in ongoing discussion with Stirling Council colleagues on opportunities to support the development and implementation of the strategic connectivity, active travel and other relevant aspects of the Stirling & Clackmannanshire City Deal, with up to £55,000 allocated in the approved 2018/19 RTS Revenue Programme budget for this purpose. At the time of writing clarification of the arrangements for establishing the proposed 'regional Transport Working Group' and the role of RTPs within that is being sought.
- 2.8 In addition the Agreement makes reference to Governance and Assurance (para. 37 of Appendix A refers). Subject to further clarification of the arrangements and opportunities for supporting the development and implementation of the Stirling & Clackmannanshire City Deal, the Partnership may wish to seek similar engagement and representation within the emerging Stirling & Clackmannanshire City Deal governance structure, as previously requested in relation to the Tay Cities Deal.

Meeting with Minister for Transport and the Islands

- 2.9 At its meeting on 27 March 2018 the Partnership noted that, in response to an earlier invitation having been extended to the Minister for Transport and the Islands to attend a Partnership meeting, arrangements were in hand for an initial meeting between the Minister and the Chair and Deputy Chair, with a view to the Minister potentially attending a future meeting of the Partnership Board (Report RTP/18/14 refers).
- 2.10 A meeting has subsequently been arranged at Holyrood on the afternoon of 19 June 2018, when it is anticipated that discussion topics will include Tactran's perspective on the ongoing National Transport Strategy (NTS) review; the forthcoming review of the Strategic Transport Projects Review (STPR); the Planning Bill; City Deals and Tactran's involvement in these; Active Travel developments, including Tactran's proposals for application of proposed regional Active Travel development funding; rail priorities in the Revolution in Rail, Highland Main Line, Aberdeen – Central Belt and West Highland reference/review groups; and initial thoughts on the recently published Transport Bill. An oral update from that meeting will be provided on 26 June.

Forum of Chairs of Regional Transport Partnerships

- 2.11 The RTP Chairs Forum met recently in Gatehouse of Fleet on 6 June 2018. The Minute of that meeting will be reported for information when available.

The Minute of the previous meeting, held in Fort William on 7 March 2018, is attached at Appendix B for information.

Planning (Scotland) Bill

- 2.12 The RTP Chairs met with the Ministers for Housing and Local Government and Transport and the Islands on 3 May 2018, at which time there was further discussion on the Planning (Scotland) Bill and related aspects of the NTS Review, as reported previously on 27 March (Report RTP/18/14 refers). At that time the RTP Chairs reinforced their views and concerns regarding aspects of the Planning Bill. At the meeting the RTP Chairs were invited to send written observations to the Ministers and a copy of that letter and a response from the Minister for Housing and Local Government is included at Appendix C for information.
- 2.13 On 17 May 2018 the Scottish Parliament's Local Government and Communities Committee published its [Stage 1 Report on the Planning \(Scotland\) Bill](#). It is noteworthy that, within its report, the Committee states 'we do not consider that the current statutory framework for regional planning should be repealed unless a more robust mechanism is provided to that currently proposed in the Bill'. This comment coincides with concerns raised by the RTP Chairs with Ministers regarding the proposed absence of any statutory Strategic Development Plan and the need, in these circumstances, for a statutory requirement on Planning Authorities to address strategic development planning at a regional level, including in relation to cross-boundary impacts of development and associated delivery of strategic infrastructure requirements, including through a new Infrastructure Fund proposed in the Bill.
- 2.14 In responding to the Stage 1 Report findings and recommendations on 24 May the Scottish Government stated that 'we will look to amend the Bill at Stage 2 to introduce a clearer duty for local authorities to work together in strategic planning, while retaining flexibility about how they do so and which other authorities they collaborate'.
- 2.15 The RTP chairs have agreed to continue to engage during the next stages of the Planning Bill process and further developments will be reported to future meetings.

Reviews of National Transport Strategy (NTS) and Strategic Transport Projects Review (STPR)

- 2.16 The Partnership has received regular updates on progress with the NTS review and been advised of the Scottish Government's intention to undertake a review and updating of the STPR in parallel with the next National Planning Framework (NPF4). At its meeting on 12 December 2017 the Partnership noted progress on the NTS review as set out in a helpful Transport Scotland summary paper, which outlined the scope and detailed arrangements,

structures and processes for stakeholder and other engagement during the review, which is scheduled for completion in summer 2019. A further Strategic Framework Update, as reported to the NTS Review Board on 9 May 2018, is attached at Appendix D for information.

- 2.17 A paper outlining the proposed process and timeline for the second Strategic Transport Projects Review (STPR2), which is scheduled for completion by the end of 2020 in line with completion of NPF4, is attached at Appendix E. This confirms that STPR2 will focus on national and regional issues, with the regional focus considering 'the role of the strategic network in the context of regional economic geographies and changes emanating from the Planning Review, Enterprise and Skills Review and city and regional deals'. The paper also indicates that the first tier of engagement for STPR2 will be 'based upon Regional Groups convened by Transport Scotland to demonstrate commitment to work collaboratively', with the first meetings of these groupings to be commenced in summer 2018.
- 2.18 The RTP Chairs have written to the Minister expressing disappointment that the currently proposed STPR2 process appears to include no recognition of, or reference to, the existing statutory Regional Transport Strategies which have been Ministerially approved and have been developed collaboratively in consultation with Councils, and have also informed strategic connectivity proposals and aspirations in a number of emerging City Deals. It is, therefore, considered that the RTSs and their associated Delivery Plans should be viewed as important and helpful core documents which can inform both the regional and national focus of STPR2. Concern has also been expressed at the apparent intention by Transport Scotland to establish 'Regional Groupings' for the purposes of engagement on STPR2 without any apparent reference to the existing statutorily constituted RTPs, particularly in the context of the current NTS roles and responsibilities review.

Active Travel Funding

- 2.19 At the meeting on 27 March 2018 the Partnership noted developments in relation to a previously submitted joint proposal by the RTPs to Transport Scotland and the Minister for creation of a Regional Active Travel Development Fund to support maximising the benefits across Scotland from the Scottish Government's welcome commitment to doubling of Active Travel funding to £80 million/annum from 2018/19 - 2020/21. This had been the subject of positive discussion between the RTP Chairs and the Minister at their earlier meeting on 23 January 2018.
- 2.20 On 27 March the Partnership noted a response from the Minister inviting each RTP to submit proposals for capital bids of £2 million and £1 million across the 7 RTPs. The Partnership agreed to welcome the Minister's indication of additional funding and remitted the Director to engage with the other RTPs and Transport Scotland on agreeing an equitable basis for dispersal of the potential new funding.

- 2.21 As noted in the separate report on Active Travel Update to this meeting, proposals for utilisation of additional funding have been submitted, individually and collectively, by the 7 RTPs to Transport Scotland. These will be the subject of further discussion at a meeting between the RTPs and Transport Scotland on 3 July 2018. An equitable indicative allocation formula has now been agreed with the other RTPs, which would result in Tactran receiving up to £266,800 or £133,400 from the potential £2million and £1 million funding allocations respectively.

Transport (Scotland) Bill

- 2.22 The Partnership has previously noted the anticipated publication of a Transport Bill following earlier Scottish Government consultations on Improving Parking in Scotland (August 2017); Building Scotland's Low Emission Zones (November 2017); Local Bus Services in Scotland: Improving the Framework for Delivery (December 2017); Future of Smart and Integrated Ticketing in Scotland (December 2017) and Financial Accounting Arrangements for RTPs (January 2018), each of which has been reported on and responded to by the Partnership and/or the RTPs jointly.
- 2.23 On 8 June 2018 the Scottish Government introduced the Transport (Scotland) Bill. The Bill and accompanying Policy Memorandum, Explanatory Notes, Financial Memorandum and Statement of Legislative Compliance, extending to some 260 pages in total, can be viewed [here](#).
- 2.24 Part 1 of the Act introduces the concept of Low Emission Zones (LEZ) and sets out proposed arrangements for legislating for the creation, modification, operation and reporting on a LEZ scheme(s).
- 2.25 Part 2 deals with the provision of local bus services by local transport authorities, including introducing the concept of Bus Service Improvement Partnerships (BSIPs); local bus service franchising powers; and the provision of information relating to varying, cancellation and general operation of bus services.
- 2.26 Part 3 sets out proposed ticketing scheme arrangements, including the proposed establishment of a National Smart Ticketing Advisory Board and directions about ticket schemes and reporting on these.
- 2.27 Part 4 sets out proposed arrangements for dealing with and regulating pavement parking; double parking prohibitions; exceptions to parking prohibitions; enforcement of parking prohibitions; removal, moving and disposal of illegally parked vehicles and other related enforcement and financial accounting arrangements.
- 2.28 Part 5 deals with revision to the status and functions of the Scottish Road Works Commissioner and permissions to execute works in a road and associated safety measures.

- 2.29 Part 6 deals with miscellaneous and general matters, including RTP financial arrangements, as consulted on previously by Scottish Government (Report RTP/18/12 refers). Section 69 of the Bill seeks to amend the Transport (Scotland) Act 2005 to enable RTPs to hold and operate funds and reserves in a similar way to Councils, as previously requested by the RTPs and consulted upon in January 2018.
- 2.30 At the time of writing the Bill and various supporting documents are being analysed and will be the subject of further detailed reports to future meetings as the Bill proceeds through the Parliamentary process. A series of Workshops are to be held for transport authority staff during July and August on the buses elements of the Bill.
- 2.31 There will be ongoing consultation with partner Councils, City Deal partners (in the context of future potential governance models for regional public transport delivery), the other RTPs and other relevant stakeholders on the content, potential lobbying and other input to the Bill process, with further developments reported to future meetings.

Revised Councillors Code of Conduct

- 2.32 At its meeting on 14 March 2017 the Partnership noted that the Scottish Government had issued a consultation on possible amendment to Provisions on Conflicts of Interest within the Councillors Code of Conduct. The consultation had sought views on possible amendments to the Code of Conduct, following concerns having been raised with the Standards Commission and Scottish Government by Nestrans in relation to the ability of Councillor members of RTPs to participate in discussion and decision-making on major planning applications which have strategic transport implications (Report RTP/17/10 refers).
- 2.33 The consultation proposed amendment to the Councillors Code of Conduct so that Councillors who are appointed as members of an outside body would not be prevented from taking part in their Council's discussion of a matter of a quasi-judicial or regulatory nature in which that outside body has an interest, solely because of their membership of that body. Under the proposed amendment Councillor members taking part in their Council's consideration and decision-taking on such matters would still need to declare an interest as a member of the public body. The Partnership agreed to respond to the earlier consultation supporting the proposed amendment to the Code of Conduct.
- 2.34 The Scottish Government's Local Government and Communities Directorate wrote to all RTP Chairs on 9 April 2018 advising that, following consideration of responses to the consultation last year, Ministers have laid an amended Code of Conduct before the Scottish Parliament which includes the above amendment to address the conflicts of interests issue. At the time of writing confirmation of Parliamentary approval of the revised Code is awaited.

General Data Protection Regulation (GDPR)

- 2.35 Members will be aware of the implementation of the EU General Data Protection Regulation (GDPR), which came into effect on 25 May 2018. The GDPR has been created to provide more appropriate protections for personal data in the digital age and places new responsibilities on organisations, particularly in relation to how personal data is used and on demonstrating compliance with the Regulation. It introduces enhanced rights for ‘data subjects’ including children; new duties and requirements in relation to reporting on compliance and reporting breaches by organisations; and enhanced enforcement requirements and measures, with organisations liable to potentially significant fines for breaches of these requirements.
- 2.36 GDPR places a greater focus on accountability which means that, in addition to being compliant with data protection principles, organisations have an enhanced duty to document what they do with personal data. Whilst Tactran, as a body with a largely strategic role and purpose holds relatively little personal data, it is essential that it is able to demonstrate compliance with all relevant aspects and requirements of the new GDPR.
- 2.37 Many aspects of the GDPR maintain existing principles and definitions relating to the holding, usage, sharing, providing access to and managing breaches of personal data. The Partnership has previously approved a Records Management System which addresses a number of these requirements. Work is ongoing on reviewing this with support from specialist data protection advice from Perth & Kinross Council, to ensure that the Partnership’s systems and processes remain fully compliant with the new Regulation. In addition all Tactran staff have received training in the detail and requirements of GDPR.
- 2.38 GDPR introduces a new requirement for organisations to appoint a Data Protection Officer, who will act as a ‘critical friend’ and will advise senior management and the Partnership on matters of compliance; will monitor and report on compliance to senior management; and will liaise with the Information Commissioner’s office. In line with existing support service arrangements through which the Partnership and its officers receive specialist data protection support and advice from Perth & Kinross Council, it is recommended that the Partnership agrees to appoint Donald Henderson, Data Protection Officer, Perth & Kinross Council as its own Data Protection Officer.

3 CONSULTATIONS

- 3.1 Elements of the report have been the subject of consultation with partner Councils, other RTPs, Transport Scotland, City Deal and other partners/stakeholders, as appropriate.

4 RESOURCE IMPLICATIONS

4.1 This report has no direct or additional financial or other resource implications.

5 EQUALITIES IMPLICATIONS

5.1 This report has been screened for any policy implications in respect of Equality Impact Assessment and no major issues have been identified.

Eric Guthrie
Director

For further information email ericguthrie@tactran.gov.uk or tel. 01738 475771

NOTE

The following papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing this Report.

Report to Partnership RTP/17/10 Director's Report, 14 March 2017

Report to Partnership RTP/17/39 Director's Report, 12 December 2017

Reports to Partnership RTP/18/12 General Consultations and RTP/18/14 Director's Report, 27 March 2018

Transport (Scotland) Bill