

POLICY NOTE

THE NATIONAL SMART TICKETING ADVISORY BOARD (SCOTLAND) REGULATIONS 2023

SSI 2023/80

The above instrument was made in exercise of the powers conferred by sections 27C and 81(2) of the Transport (Scotland) Act 2001 (the “2001 Act”). The instrument is subject to negative procedure.

Purpose of the instrument. The purpose of this instrument is to establish the National Smart Ticketing Advisory Board (“NSTAB”, “the Board”) and make provision about the Board, including provision about the appointment, removal, and replacement of members; the remuneration of members (including as to payment of a member’s expenses); and the process by which the Board makes decisions.

Policy Objectives

Section 43 of the Transport (Scotland) Act 2019 inserted section 27C into the 2001 Act. Section 27C(1) requires the Scottish Ministers to establish an advisory committee to be known as the National Smart Ticketing Advisory Board. The function of the Board is to advise the Scottish Ministers in relation to their functions insofar as they relate to smart ticketing arrangements, and the national technological standard for smart ticketing. The Board also has the function of issuing advice and recommendations to the Scottish Ministers in relation to the strategic development of smart ticketing in Scotland.

The rationale for establishing the Board comes from the wider context of smart ticketing in Scotland. Most public transport operators in Scotland recognise and accept that the travelling public expect to see modern systems in place on public transport that make the use of smart ticketing and payment widespread, consistent, and easy to use. Most of the larger operators in Scotland have already invested in the main systems necessary to facilitate this, but interoperability across all public transport modes and all of Scotland cannot happen unless all operators are using a common technology platform. This is the rationale for government intervention and would help ensure that: passengers are able to access smart ticketing or payment on the major public transport modes across Scotland; there is a consistent customer experience which gives the public confidence in using public transport; and there is good governance of current and future delivery of smart ticketing in Scotland, ensuring that all key stakeholders are able to contribute to decision making.

NSTAB is required to enhance the governance structure of smart ticketing in Scotland. For the Board to be effective, there needs to be clear expectations, boundaries, and powers, which is provided by this instrument. This makes sure that the Board operates to a high standard and can be a trusted source of balanced advice to the Scottish Ministers.

The Board will have no employees, but this instrument requires the Scottish Ministers to make arrangements for the Board to be provided with appropriate administrative support and office accommodation. This instrument provides the Scottish Ministers may pay Board members remuneration, and the Scottish Ministers must pay or reimburse members' reasonable expenses incurred in connection with the Board's functions.

This instrument provides that the Board is to consist of a chairperson, between 10 and 14 voting members, and up to 3 non-voting members, including representatives of operators, users (including disabled users), local transport authorities, regional Transport Partnerships and one member representing the views of the Scottish Ministers (due to the provision of the national concessionary travel scheme by the Scottish Ministers). This number of members is intended to provide a suitable number of positions to represent different modes in Scotland (5-7 positions), with a balancing 5-7 positions held by local transport authorities, regional Transport Partnerships, user groups, and representative of the Scottish Ministers. It is intended that membership will be representative of Scotland, including rural-urban representation. There is provision for up to 3 non-voting advisory members to assist in the debate and decision making of the Board, including on technological matters. The quorum for all meetings of the Board is a majority of the current voting membership of the Board, and a resolution is passed when a majority of the voting members attending the meeting have voted in favour of it. The chairperson is a non-voting member but has a casting vote in the case of an equality of votes.

All members will be appointed for a period by the Scottish Ministers. Members may resign and the Scottish Ministers may remove members if they meet at least one of a number of conditions.

This instrument provides that the Board is required to produce a work programme which will outline how the Board intends to perform its statutory functions over a period at least every 3 financial years, and this must be approved by the Scottish Ministers to ensure that the Board is advising the Scottish Ministers in the required policy areas. Any advice and recommendations provided to the Scottish Ministers must be published. Voting members with dissenting views will be able to communicate their dissenting opinions to the Scottish Ministers.

The Board must produce and submit a report to the Scottish Ministers on their activities over the financial year measuring their success against the work programme and collating advice and recommendations submitted. This must then be published as soon as practicable after it is submitted to the Scottish Ministers.

Consultation

To comply with the requirements of section 27C(5) of the 2001 Act, the Scottish Government carried out a 9-week public consultation between 10 August 2021 and 13 October 2021 in relation to the membership of NSTAB. A full list of respondents to the consultation is published on the Transport Scotland website and is contained within the associated Business & Regulatory Impact Assessment. Responses came from mainly local authority organisations, transport operators, and passenger/user/interest groups. Overall, there is support for establishing NSTAB, and many of the responses provided very detailed insights into the practical considerations of establishing such a board. There was only a single response opposing 'smart ticketing' as a general policy area.

The consultation has informed the contents of these regulations, including the size and formation of Board membership, the mechanisms for making and submitting advice to the Scottish Ministers, and the management of Board operations and expenses.

Impact Assessments

The following impact assessments have been completed in full:

- **Business & Regulatory Impact Assessment (BRIA)**
Builds on the BRIA completed for the primary legislation (Transport (Scotland) Act 2019), considering why a legislative approach is preferred and the likely costs associated with different options. Primary costs are expected to government in the form of remuneration, expenses, and work programme associated costs. Costs to business is expected to be negligible, and primarily relates to the time commitment of members. It also considers the cost to business of adding NSTAB to the Gender Representation on Public Boards (Scotland) Act 2018, which is also expected to be minimal.
- **Equality Impact Assessment**
NSTAB will take due regard of equality, including producing a Code of Conduct for members, being intended to be added to the Gender Representation on Public Boards (Scotland) Act 2018, appointing a representative of disabled users, and holding meetings virtually by default.
- **Data Protection Impact Assessment**
As NSTAB will be managing the appointment of members, this impact assessment considers the personal data that will be processed in applications and ensures that all data being collected is specifically required.

Other impact assessments have been considered, but through engagement with the Impact Assessment teams, were not necessary to continue beyond screening. Any new policy for smart and integrated ticketing will be subject to reassessment of all the impact assessments.

- **Child Rights Wellbeing Impact Assessment** – Due to the function of NSTAB and the targeted nature of the legislation, screening identified that it is not expected to impact child rights or wellbeing.
- **Fairer Scotland Duty Impact Assessment** – Establishing NSTAB has minimal impacts on socio-economic inequalities, but effort will be made to make sure that it is considered by members. Not significant enough to justify a full assessment.
- **Island Communities Impact Assessment** – NSTAB will consider the variety of communities within Scotland and will aim to have membership that understands this, as well as virtual meetings by default to maximise geographical outreach. The impact of establishing the Board to island communities is not deemed significant enough to justify a full assessment.
- **Strategic Environment Assessment** – Establishing NSTAB has minimal impacts on the environment, but aspects, such as virtual meetings, help to minimise impact. Not significant enough to justify full assessment.

Financial Effects

Primary costs are expected to government in the form of remuneration, expenses, and work programme associated costs. Costs to business is expected to be negligible, and primarily relates to the time commitment of members.

Scottish Government

Bus, Accessibility and Active Travel

March 2023