

Society of Chief Officers of Transportation in Scotland

Society of Chief Officers of Transportation in Scotland

c/o

Infrastructure and Commissioning

Dumfries and Galloway Council

Militia House

English Street

Dumfries

DG1 2HR

I am writing on behalf of the Society of Chief Officers of Transportation in Scotland (SCOTS) in response to your consultation on Ministers' proposed policy on the future selection of franchisees to operate ScotRail services. SCOTS is a strategic body whose membership includes the senior Transportation professionals from all of Scotland's 32 Councils and 7 Regional Transport Partnerships.

In terms of the two general questions raised in the consultation, SCOTS considers that the Draft Policy Statement broadly fulfils the statutory requirement placed on Ministers under Section 26 (4A) of the Railways Act 1993. It is also considered that the Draft Statement makes clear Scottish Ministers' policy in relation to selecting a provider of rail services. The intention to let future franchises through a competitive process wherever possible is fully supported. Ministers and Transport Scotland should ensure that competitive tendering is adopted in all but the most exceptional circumstances. SCOTS would seek an assurance that there will be full and meaningful consultation on the franchise form, type, duration, service specification and any other relevant elements of the next and future franchises with all key stakeholders, including Local and Regional Transport Authorities, prior to each tendering process. The suggested criteria likely to be used in relation to analysis of tenders, as set out in section 8 of the Draft Statement, are considered appropriate, but consultation on any specific additional criteria to be adopted would be welcomed.

It is accepted that there may be exceptional circumstances where the need will arise for Ministers to have the flexibility to award short term franchises. The circumstances

Franchise Policy Statement - Consultation Responses

set out in section 9 of the Draft Statement are agreed as being reasonable. The proposal in section 14 that, where a franchisee fails and it is not possible to invite tenders for a short term replacement the franchise would be run by a company wholly owned by Scottish Ministers, is supported with the proviso that any such arrangement should only continue for as long as is necessary to enable a new competitive bidding process to be arranged and completed.

There are various references within the Draft Policy Statement to “short term franchise agreement” but there is no indication of the periods over which such arrangements might apply. Whilst the need to provide for such arrangements within the Policy Statement is accepted, and it is acknowledged that differing reasons and circumstances might apply, it is considered that any “short term agreement” should not be open-ended. It is suggested that, in the interests of ensuring transparency and Best Value, a maximum period of not more than 1 or 2 years should normally apply to “short term agreements”.

It is also considered that “short term” franchise agreements or replacements should not be entered into without prior stakeholder consultation. Councils and Regional Transport Partnerships are working on the development of various regional and local rail service and infrastructure enhancement proposals, in support of Local and Regional Transport Strategies and the National Transport Strategy. Negotiated agreements and/or re-mapping of franchises may well provide opportunities to include such service improvements. It is, therefore, recommended that, as with competitive franchise replacement, there should be provision for consultation with Local and Regional Transport Authorities and other key stakeholders on the specification for negotiated franchise agreements, re-mappings or other short-term arrangements.

I trust that this response is of assistance but should you require clarification of any of the above points, or wish to discuss these in more detail, please do not hesitate to contact me.