



Belfast City Council

Report to:	Development Committee
Subject:	Proposed Transport Bill for Northern Ireland
Date:	11 August 2010
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Relevant Background Information

The purpose of the report is to outline the proposed response to the consultation on the draft Transport Bill and consider whether or not the Council would wish to engage with the Regional Development Committee through the presentation of evidence during the Committee consideration.

In February 2010 the Council responded to two public consultations by the Department for Regional Development (DRD) on the Reform of Public Transport and Rapid Transit proposals. The response to the Reform of Public Transport highlighted concerns relating to the proposed creation of a new agency with responsibility for public transport provision within the Department for Regional Development (Appendix 3). The concerns related to the proposed level of local accountability and the transparency of decision making within the proposals for the new agency.

In May 2010 DRD published a Final Report on the Public Transport Reform Consultation which recommended the establishment of a new public transport agency, within DRD, for the procurement of public transport services and associated regulatory arrangements.

Recent correspondence from the Northern Ireland Assembly informed the Council that the consideration of the proposed Transport Bill (Appendix 2) had moved to the Committee Stage. As part of this process the Committee for Regional Development has invited written submissions from the respondents in respect of the Proposed Transport Bill as a precursor to formal engagement in the Assembly Committee process. A draft Council response to the Transport Bill consultation can be viewed at Appendix 1. The notification of the Committee Stage also highlighted the option for the Council to participate at the Regional development Committee sessions to offer oral evidence in relation to submitted comments on the draft legislation. The final date for receipt of written submissions is 16 August 2010.

Key Issues

As outlined in the previous responses in February of this year there are a number concerns in respect of the proposed reforms to Public Transport outlined in the draft Transport Bill. The appended draft Consultation Responses provides specific detail in respect different clauses set out in the draft Transport Bill. The principle concerns regarding the proposed Transport Bill relate to the future role of local councils, local transport plans and the potential role of the Consumer Council in relation to this important area of service provision and regulation.

It should be noted that initial proposals included the option of transferring responsibility for public transport to the new local councils proposed under the Review of Public Administration. This option was abandoned by DRD on the basis of the revised RPA proposals for the retention of local roads functions within the Department for Regional Development. The Council had requested clarification of the basis for the decision to abandon the council led agency option from detailed consideration and the subsequent failure to clarify the role of local councils in this important local service.

Whilst the Bill states under Clause 6 (“Service Permits”) that the Department must have regard to any representations made by a District Council there is consistent lack of clarity in respect of the formal role for local Councils in the future of local public transport. Outside of Clause 6 there is no further reference to Council involvement. There is no mechanism proposed or outline of how the new agency process will work within the draft Bill.

Local public transport networks to support communities should be an important consideration of the commissioning and regulation framework. The specifications for the contracts and permits must be developed through consultation to establish the service requirements for an area including the involvement of the public transport providers. The development of local transport plans between the DRD (agency) and local councils offers the opportunity for the community to influence service provision within the context of strategic and longer term Transport Plans.

The draft Bill explanatory memorandum (Para 18) in considering the regulatory impact refers to the potential benefits to operators from the opportunity to “participate in the development of local public transport plans”. Public Transport is an important local service and will be an important element of local strategies to progress Community Planning and influence statutory land-use planning. The Council would wish to see the Bill provide for a more integrated approach to public transport on a number of levels. It is essential that the proposed Bill provides for accessible local provision and links plans, resources, partners and service procurement / commitments.

Clauses 23 and 24 (“Consumer Council”) of the Transport Bill outline the arrangements for the relationship between the Consumer Council and the Department. The Council is concerned at the lack detail in respect of the provisions for local accountability proposed within this arrangement.

It was previously suggested that the Consumer Council will have formal role in relation to the new public transport agency and that the new agency would have a formal consultative role in the planning system. There are no provisions within the Bill for changes in the relationship between local councils and the Consumer Council or consultation requirements. The Bill does not include any reference to the potential statutory planning role for any new transport agency.

The draft Bill explanatory memorandum (Para 13) in considering the Financial Effects of the Bill outlines potential additional costs from the creation of the new transport agency which are attributed to new work such as “local planning”.

Whilst appropriately targeted increased public transport funding would be welcomed where it enhances delivery and provides value for money in the absence of details in respect of the agency and the structural relationships it is impossible to gauge the potential value. Greater clarity is also required in relation to funding for local transport plans, which must be developed in conjunction with community planning/ local transport area planning. It is important to ensure the alignment of policy, community requirements and resource prioritisation, focusing on the integration and needs. Local councils should have a meaningful role in the prioritisation of local actions and resources, and should have an input into strategic decisions.

It is suggested that the Committee considers: the content of the draft response set out in Appendix 1 and the opportunity to attend the Regional Development Committee to outline the concerns in respect of the Transport Bill.

Resource Implications

There are no resource implications attached to this report

Recommendations

The Committee is requested to:

- consider and if appropriate endorse the content of the suggested response to the draft Transport Bill as set out in Appendix 1; and
- consider the invitation to attend the Regional Development Committee to outline the concerns in respect of the Transport Bill.

Decision Tracking

There is no decision tracking attached to this report

Key Abbreviations

DRD – Department of Social Development

Documents Attached

Appendix 1 – Draft Council Response to Transport Bill

Appendix 2 – Draft Transport Bill

Appendix 3 – Previous Council response to Public Transport Reform Consultation

