



Ms. Roisin Kelly
Committee Clerk
Committee for Regional Development
Committee Office, Room 302
Parliament Buildings
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5 August 2010

Dear Roisin

Submission on the Transport Bill at Committee Stage

Thank you for the opportunity for the Advocate to respond to the Committee at this stage of the Transport Bill.

Please find attached a submission which is structured to reflect the clauses of the Bill and includes suggested amendments to the Bill.

Included in the submission are recommendations by the Advocate as to what the Transport Bill should delivery for people in Northern Ireland, and in particular older people.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Kate M' Cullough'.

KATE McCULLOUGH
Policy and Development Officer

Enc.

Northern Ireland Assembly Committee for Regional Development

Submission to the Committee on the Transport Bill

By the

Older People's Advocate

Introduction

As the Older People's Advocate I welcome the opportunity to provide a submission to the Committee for Regional Development on the draft Transport Bill. Below I have made comments and recommendations on some of the clauses contained within the Bill but I have also included an Appendix A which makes recommendations as to what the Bill should reflect by way of delivery of a public transport bill accessible to all, and in particular older people.

Financial Implications

In relation to the financial effects of the Bill I note that an additional £1.2m is required for staffing of the new public transport agency – this includes £600K for the transfer of responsibilities of the NITHC/Translink and £900K for new functions not already being carried out. It is appropriate to ask if, considering the current financial constraints on the Northern Ireland Government is under, this expenditure is necessary, the allocation of £900K for additional responsibilities is identified mainly for local planning and the implementation of EC Regulation 1370/2007 but does not specify the detail or 'other' costs. Such specificity is necessary in order to assess the validity of the claim that 'longer term efficiencies and improved services will be achieved and sustained'.

Part 1
Public Passenger Transport Services

Provision of Public Passenger Transport Services

1(1) The Department must secure the provision of public passenger transport services according to need and with due regard to economy, efficiency and safety of operations.

- There must be this acknowledgement of the 'need' for services and in 1(2)(b) a requirement for 'transparency of delivery by both the operator and the Department'. Both need and transparency are essential criteria when considering the effectiveness and efficiency of services provided for older people and all those with special needs.

1. (3) 'The Department mustsecure that most public passenger transport services continue to be provided by the Holding Company and its subsidiaries.

The Explanatory Document indicates that three options for the organisational arrangements to delivery and sustain the reforms were considered and that the 'agency option offered best value for money' The Bill does not specify the nature of this agency or its relationship with the Holding Company. There is no indication as to why the Holding Company is deemed to be the most appropriate body to deliver transport services.

Applications

4 (1) An application for permit shall be made to the Department.

- Will the 'information prescribed as necessary for the application of a permit comprise a robust set standards for all applicants with which applicants must comply and indicate scrutiny that will be undertaken before a service permit will be granted. The current wording lacks sufficient clarity to ensure a transparent process.

Matters to which Department must have regard

6. (1) *In deciding whether to issue or refuse a permit or to attach conditions to a permit, the Department shall in particular have regard (where appropriate) to the following matters:-*

(d) *general effect: this should include 'users' as this has a particular relevance for older people, those with disabilities and those without other access to transport*

6 (2) *The Department shall also take into account*

'shall' does not appear to be strong enough in this context 'must' would seem more appropriate to ensure effectiveness and efficiency. –

Would it also not be appropriate to include representations from users of the service at this point?

Also from the Equality Commission for Northern Ireland who have responsibility for monitoring equal treatment of everyone in Northern Ireland within the 9 categories identified under S75.

Duration

7 (1) *a permit shall, unless previously revoked, continue in force for a period of three years from the date on which it is expressed to take effect or such other period as may be specified in the permit*

Should there not be a requirement to 'monitor annually'

Revocation, suspension and curtailment of permits

See 7 (1)

Should there not be provision for the public to make complaints which will be taken seriously in deciding on the continuation of the permit? There is no reference to the public or specifically to 'users' under this article.

Part 5

Grants

Services for benefit of certain sections of the public

33 (1) *The Department may pay grants towards expenditure incurred or to be incurred in -*

(a) *Provision of services*; Is there not an opportunity in the provision of services for the sharing of costs across Departments where a service specifically addresses a need for people to get to where the services of other Departments are being delivered..

34 (a) How will the Department define '*reasonable needs*'? This is not clear and would leave it to the Department to interpret, there needs to be robust structures with clear criteria for assessing such need.

(b) '*efficiently and economically*'; How will these criteria be assessed against the needs of individuals particularly older people without access to other forms of transport?

(c) *Persons providing*; This is very important for older people particularly those in remote and isolated areas where because of numbers services might be curtailed on economic grounds.

Supplementary

36. If the Department considers it appropriate in connection with any provision of, or the purposes of, this Act, but has not power to do so under any other provision of this Part, the Department may pay such grants to such persons as it considers appropriate.

This may be good legal speak but is obtuse when its meaning is trying to be deciphered.

Terms, conditions and approval of Department of Finance and Personnel

37 (1) Grants made under this Part shall be subject to such terms and conditions as the Department may, with the approval of the Department of Finance and Personnel, determine

(3) Subsection (2) has effect subject to any direction given to the Department by the Department of Finance and Personnel

While it may be necessary to give this power to DFP should there not be some requirement on that Department to take the advice of DRD or at the very least be required to give very clear reasons for not allowing payment where a clear need has been identified.

Part 6

Miscellaneous and Supplementary

Conduct of persons at bus stations

42. (1) The Department may make regulations

What about behaviour on the bus both of passengers and drivers?

Key Areas:

From the experience of the Older people's Advocate over the last twenty months it would seem that the main aims of a public transport system should be:

1. to be user-friendly and cost effective to everyone within society
2. to provide a first class service to its main users
3. to communicate clearly on the service it offers and ensure this is available to everyone
4. to strive to consider innovative ways to increase accessibility to public transport for those most marginalised

User Friendly

- Many people rely on public transport as they have no other means of accessing the services required to go about their daily lives. Access to a car is affected by household type as well as household income. This is particularly true for older people. UK figures reveal 20% of pensioner couples and 65% of single pensioners do not have access to or drive a car.¹
- 20% of people have said they experienced difficulties when using public transport in the previous 12 months.²
- The awarding and monitoring of contracts needs constant scrutiny to ensure their user friendliness

¹ <http://www.poverty.org.uk/75/index.shtml> *Ability to Travel*

² IBID

Access to the transport must be as easy as possible for all and should not be inhibited by lack of thought in design and placement of ticketing machines.

- The performance/criteria on which contracts are based must focus on need, affordability and quality of service

Cost Effective

- The Advocate recognises that fares should be regulated but costs must reflect a balance between making fares attractive to the passenger and covering the costs of providing the service
- In the regulation fares the needs of those from socially disadvantaged backgrounds must be considered so that they can avail of the public transport system. This would include the continuation of initiatives such as the Smartpass and Smartlink cards.
- These proposals should include a consideration of how depots and stations could be used as shared facilities to be used by both public and community transport vehicles
- There is an opportunity to look at transport provision more widely and try to integrate provision across Departments such as education and health to ensure best and most effective use of vehicles.

Providing a First Class Service

- Transport is an essential service which can be seen from the fact that 5% of those with cars report difficulties accessing supermarkets, post offices and doctors compared with around 20% for those without a car

20% of those with a car and 40% of those without a car report difficulties in attending hospital.³

- To provide an acceptable service for all will involve specific training to meet the specific needs of users e.g those with learning disabilities. Transport plays a key role in reducing dependency and increasing the independence of people with a learning disability. ⁴
- In providing services and to protect those who are properly regulated there must be adequate powers to ensure effective enforcement against unlicensed operators. ⁵

Communicate Clearly

- A survey carried out by Northern Ireland Statistics and Research Agency showed that 52% of disabled people over 60 said they found out about transport services through their family, friends or carers.⁵
- All parts of the public transport system should be able to provide information in different formats at stations and onboard buses and trains for those sensory impairment
- There is a need for a robust complaints mechanism in place which ensures that difficulties are addressed quickly and effectively and properly recorded.

³ <http://www.poverty.org.uk/75/index.shtml> Ability to Travel

⁴ IMTAC Report into the Impact of the Accessible Transport Strategy -June 2010.

⁵ NISRA - Northern Ireland Survey of Activity Limitation and Disability 2006/07 Analysis of Respondents Aged 60 and above

Marginalised Groups

To ensure greater inclusivity of all groups some actions require to be

taken:

- There is a need to provide assisted or concessionary travel to those with learning disabilities
- There appears to be a continuing accessibility problem which needs addressed. 73% of people disabled over 60 have said they had difficulty getting on or off vehicles or accessing stops and stations. Only 31% say they have noticed improvements to access with 61% saying they had seen no difference.⁶
- There is a need to look at providing contracts to other transport providers such as community transport in order to meet the needs of rural dwellers especially older women and carers. Rural dwellers are much more inclined to use their car especially if they are disabled and one of the reasons is the lack of access to transport.

Innovation

- There does need to be greater attention paid to the provision of shelters and good lighting especially in rural areas. Older people are afraid to go out where there is not good lighting and if you have to wait for a bus you need shelter
- More consideration should be given to providing integrated ticketing systems for those using various modes of transport in one day, one ticket to suffice for all.

⁶ IBID