

Explanatory Memorandum and Regulatory Impact Assessment to the Public Transport Users' Committee for Wales (Establishment)(Amendment) Order 2009

This Explanatory Memorandum and Regulatory Impact Assessment has been prepared by the Department of Economy and Transport and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

(i) Description

This Order will amend the original Public Transport Users Committee for Wales (Establishment) Order 2009 which establishes the Public Transport Users' Committee for Wales as an independent body to advise the Welsh Ministers on public transport issues.

(ii) Matters of special interest to the Subordinate Legislation Committee

This Statutory Instrument corrects the drafting errors in the Welsh text of the original Order that were highlighted by the Subordinate Legislation Committee and reported under Standing Order 15.2. Specifically, that both articles 7 (1) (d), and article 8 (1) in the English text refer to "procedure" in the singular, whereas the equivalent provisions in the Welsh text refer to "procedures". The attached Order has now been amended so that the English and Welsh texts consistently refer to "procedure".

(iii) Legislative Background

The powers enabling this Order to be made are set out in Sections 8, 9 and 10 of the Transport Wales Act 2006. This statutory instrument follows the negative resolution procedure.

(iv) Purpose and intended effect of the legislation

Policy background

Establishing the Public Transport Users' Committee is an Assembly Government commitment set out in the coalition agreement *One Wales*. The aim of establishing the Committee is to enable the views of public transport users to influence Ministerial priorities, and the development of policy and service delivery. Specifically the Users' Committee will be asked to contribute to the Assembly Government's objectives of:

- supporting the integration of different modes of transport;
- making public transport services more attractive to individuals and communities;
- promoting social inclusion through the further development of an accessible public transport system and to remove access and mobility barriers; and
- encouraging the increased use of more sustainable modes of transport such as public transport, walking and cycling.

Objectives of the Legislation

The Order sets out the constitution, membership, allowances, expenses, appointment process, structure, and the reporting arrangements of the proposed Users' Committee.

(V) Implementation

It is intended that this Order will come into force on 25 November 2009. This Order applies only in relation to Wales. Distinct legislation on passenger users' representation has been made in England and in Scotland.

(vi) Regulatory Impact Assessment (RIA)

In order to achieve public engagement in the development of an integrated, attractive, accessible, sustainable public transport system two main options are considered below.

a) Options

- **Option 1:** Not to establish a Public Transport Users' Committee (the status quo)
- **Option 2:** To establish a Public Transport Users' Committee as a high level strategic body to influence Ministerial priorities

During the consultation (described below) a series of questions were asked concerning the establishment, structure, membership, remit, relationship with existing bodies, and the operation of the Users' Committee. The answers to these questions could result in small variations to the two main options. However, to avoid unnecessarily complicating this assessment the two main options are straightforwardly considered.

b) Benefits

Option 1

It is difficult to see how the status quo enables public engagement in the development of strategic policy. There are a number of existing organisations such as Passenger Focus (train users) Bus Users UK, and Consumer focus who represent the views of transport users in Wales. However, many respondents to the consultation felt that there was a need to establish a Users' Committee which could give an effective voice to public transport users in the development,

implementation and delivery of Assembly Government transport strategies whilst maintaining close ongoing relationships with relevant transport organisations.

Option 2

The overall benefit of establishing a Users' Committee will be to bring the views of service users closer to the Assembly Government leading to likely improvements in policy and service delivery. These benefits are, at this stage, not amenable to monetary quantification. However, there is a growing literature which supports the view that the development of citizen engagement can lead to tangible improvements in service delivery and policy development.

Establishing a Users' Committee will also contribute to the Assembly Government's duties to promote equality of opportunity and sustainable development. Specifically it will contribute to the Assembly Government's duties to adopt a proactive approach to mainstreaming disability into policy and strategy, and to encourage the participation by disabled people in public life. Subject to the appointment process at least two members of the Users' Committee will meet the disability criteria within the Disability Discrimination Act 1995.

c) Costs

Option 1

There are no additional costs associated with Option 1.

Option 2

The cost to government is estimated as £100,000 per annum. These costs will recur for each year the Users' Committee is in operation. There are no other costs to consumers, business, the third sector, or to the public in general.

d) Consultation

A 12 week consultation was conducted in 2007/08 on the proposals to establish a Public Transport Users' Committee. The consultation sought the views of the public, transport organisations and wider interest groups on the structure, remit, membership and day to day running of the committee.

56 responses to the consultation were received. This included sixteen responses from the third sector and non-government organisations, fifteen responses from transport groups, eleven from local government and government representatives, nine responses from private

individuals, four from the business sector and industry fora and one response from academia.

A copy of the consultation report can be downloaded from <http://wales.gov.uk/consultations/transport/publictransport1/?lang=en&status=closed>. The response Assembly Government to the consultation is set out in Pgs. 8-9. A further breakdown of those who responded is included in the report Pgs. 10-11. The responses to the consultation helped to determine the eventual structure, remit, and relationship to existing bodies of the Users' Committee.

e) **Post implementation review**

The Public Transport Users' Committee will be required to report to the Welsh Ministers on an annual basis. The work of the Committee will be evaluated after the first 3 years.

f) **Summary**

This Order will establish a Public Transport Users' Committee at a cost of approximately £100,000 per annum to the Welsh Assembly Government. Establishing the Committee by Order is seen as the most effective way of bringing the views of public transport users into the development, implementation and delivery of Assembly Government's transport strategies.