

## **Explanatory Memorandum to The Public Transport Users' Committee for Wales (Abolition) Order 2014**

This Explanatory Memorandum has been prepared by the Department for Economy, Science and Transport and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Public Transport Users' Committee for Wales (Abolition) Order 2014.

Edwina Hart AM MBE CStJ  
DATE

## **1. Description**

This Order provides for the abolition of the Public Transport Users' Committee for Wales. The Committee was established by Order in 2009, under the Transport (Wales) Act 2006. As a statutory body established by Order, another Order is required for its abolition.

In future, advice on public transport users' matters will be provided by a non-statutory Public Transport Users' Advisory Panel.

## **2. Matters of special interest to the Constitutional and Legislative Affairs Committee**

There are no matters of special interest to the Constitutional and Legislative Affairs Committee in this Order.

## **3. Legislative background**

Section 8 of the Transport (Wales) Act 2006 provides that the National Assembly for Wales (now the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006) may create a corporate body known as the Public Transport Users' Committee for Wales (PTUC). Section 9 of the same Act makes provision for the functions of the PTUC, and provides power to the Welsh Ministers to confer, amend or remove those functions. Section 10 of the Transport (Wales) Act 2006 provides power to the Welsh Ministers to issue guidance and directions to the PTUC, but this section is not of direct relevance to the proposed abolition Order.

The PTUC was set up by the Public Transport Users' Committee for Wales (Establishment) Order 2009/2816. This Order was amended by the Public Transport Users' Committee for Wales (Establishment) (Amendment) Order 2009/2915. The amending Order was to correct inaccuracies in the Welsh text, only and did not materially affect the provisions of the original order.

There is no procedure specified in the enabling legislation, however by virtue of paragraph 35 of Schedule 11 to the Government of Wales Act 2006, the abolition Order will follow Assembly negative procedure.

## **4. Purpose & intended effect of the legislation**

The PTUC became operational in 2011 and is approaching the end of its third full year of operation. Its aim was to be an advisory committee which offered advice to Welsh Ministers about strategic issues relating to public transport services in Wales. Its intention was to provide a perspective that is based on the experiences and needs of people who use public transport as part of their everyday lives. The PTUC was responsible for providing advice in the following areas:

- Advising Welsh Ministers, from the public transport users' perspective, on all aspects of public transport services and facilities, to, from and within Wales, either on their own instigation or at the request of Welsh Ministers, providing option based solutions. Public transport services refers to journeys by train, bus, taxi private hire vehicles, community transport, air travel, ferries, and walking and cycling where these journeys interconnect with public transport services.
- Making recommendations to the Welsh Ministers on ways to: increase the appeal of public transport; promote social inclusion through public transport services; improve accessibility, safety and mobility of public transport services; encourage sustainable travel and support integrated transport and encourage a shift from using the private car to using public transport.
- Advising Welsh Ministers on relevant aspects of information and communication regarding public transport in Wales
- Reviewing and evaluating how the Welsh Government transport policies and programmes affect the needs of passengers
- Advising Welsh Ministers on the effectiveness of the Welsh Government transport policies and programmes and areas for improvement.
- Being aware of the different needs of passengers and their travel experiences such as those of young people, older people or the disabled and to consider for example, the regional, business and tourism travel experiences.
- Engaging with and complementing the work of existing, proposed and new bodies as mentioned in paragraph 5.5, as well as users and providers.
- Representing the views of passengers from all backgrounds.
- Gathering evidence of issues and concerns regarding public transport services across Wales and identifying areas of commonality.
- Undertaking and commissioning research particularly in relation to multi-modal transport (different types of public transport including for example, buses, trains, taxis, and community transport) and to review evidence from existing sources of information and the strategic review of public transport complaints.
- Contributing to the development of national and regional transport strategies and to comment on their implementation;
- Producing an annual report for Welsh Ministers highlighting good practice in the field of public transport and areas for further improvement.
- Responding to Welsh Government consultations as appropriate.
- Referring matters to Welsh Ministers for consideration as appropriate.

The full Committee met at least four times a year. The meetings were held on a rotational basis in the four transport regions of Wales (North, Mid, South West and South East Wales). Each meeting generally lasted one full day.

The Committee consists of non-executive members, including a chairperson and currently nine (up to a maximum of twelve) Committee members. The Welsh representative on the Disabled Person's Transport Advisory Committee (DPTAC) is automatically also one of the PTUC members. Additional members can be co-opted onto sub-committees. The current Chair's appointment has recently been extended to the end of March 2014 and the majority of members' appointments came to an end in February 2014.

In 2013, to inform her decision about its future, the Minister for Economy, Science and Transport commissioned Viv Sugar to carry out a review of the PTUC. The review looked at the following issues:

- the extent to which the PTUC fulfils its role as specified in its Terms of Reference: this should consider aspects such as the outputs of the PTUC, their quality, as well as its reach
- the underlying reasons why it does not fulfil its role, if that is the case
- any overlap with other bodies
- the appropriateness of the Terms of Reference and operating arrangements
- the extent to which the PTUC made efficient and effective use of its budget
- recommendations for the future

Viv Sugar carried out the review over the summer of 2013, gathering evidence by reviewing the papers associated with PTUC, attending meetings and interviewing a wide range of people with an interest in the PTUC and its work. She submitted her report on 20 September, setting out her findings and making recommendations for the future.

The report highlighted that, although the PTUC members and Chair had worked very hard, their impact had been limited and their work not sufficiently strategic. A range of factors had contributed including the breadth of the remit; the expertise and capacity of members and the level and consistency of support available to them and some confusion around the status of the PTUC as a Ministerial advisory committee and what that implied for its work.

On the basis of the assessment set out in the report, it was not possible to justify the PTUC's continued operation.

Viv Sugar's report recommended establishing a non-statutory, unpaid Public Transport Users' Advisory Panel as an alternative mechanism to secure input from a user perspective.

The Minister for Economy, Science and Transport agreed this approach and work has been underway to establish the new Panel. The panel will:

- be made up of representatives of organisations with relevant expertise and organisational capacity to support their contribution to the Panel – this responds to the weaknesses identified in Viv Sugar’s report around capacity and level of strategic engagement
- be non-statutory and members would be unpaid (except the Chair who will be publically appointed)
- have an independent, publically appointed Chair who will also act as an expert adviser to the Minister on public transport user matters – this responds to issues identified by Viv Sugar about a lack of a clear focal point to draw together issues and advice to the Minister
- meet twice or three times a year to take stock of issues and report to the Minister
- be available for the Minister to draw on for Task and Finish Groups to examine specific topics in depth

The panel should be up and running early in the next financial year. The panel will provide continuity of advice on public transport user issues, from a perspective external to the Welsh Government.

## **5. Consultation**

As the PTUC is an advisory panel for the Minister, there are limited stakeholders who would be affected. All stakeholders directly affected were contacted in the development of the report by Viv Sugar, and the PTUC were engaged directly in discussions on their replacement.

The powers within the Transport (Wales) Act 2006 to establish and operate the PTUC are concerned with the legal mechanism for providing advice to Ministers, rather than the provision of that advice. Advice on the experience of public transport users will continue to be given to the Minister albeit by an external group under a non-statutory framework.

## **6. Regulatory Impact Assessment (RIA)**

A Regulatory Impact Assessment is not required for this Order. The Order imposes no costs or no savings on the public, private or charities and voluntary sectors, as the PTUC will be replaced by a non-statutory panel. The same functions will be carried out, but through an alternative model.

The legislation has no impact on the statutory duties of the Welsh Ministers within sections 77 -79 Government of Wales Act 2006 or on the bodies and/or schemes required to be established by the Welsh Ministers by virtue of sections 72-75 Government of Wales Act 2006).