

**Ballymoney Borough Council  
Council Meeting No 924 – 2<sup>nd</sup> August 2010**

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**BALLYMONEY BOROUGH COUNCIL**

Minutes of Council Meeting No 924 held in the Council Chamber, Riada House, Ballymoney on Monday 2<sup>nd</sup> August 2010 at 7.00 pm.

**IN THE CHAIR:** Councillor B Kennedy, Mayor

**PRESENT:**

**Aldermen**  
F Campbell  
H Connolly  
C Cousley, MBE, Deputy Mayor  
J Simpson

**Councillors**  
A Cavlan  
R Halliday  
M McCamphill  
P McGuigan  
T McKeown  
A Patterson  
E Robinson  
I Stevenson

**APOLOGIES:** Councillor J Finlay

**IN ATTENDANCE:** Chief Executive  
Deputy Director of Borough Services  
Head of Corporate & Development Services  
Head of Leisure Services  
Committee Clerk

**Press**

**924.1 MINUTES - MEETING NO 923 – 5th JULY 2010**

It was proposed by Alderman Connolly, seconded by Alderman Campbell and **AGREED:**

*that the minutes of meeting No 923 - 5th July 2010, as circulated, be confirmed as a correct record.*

\* **Alderman Cousley and Councillors Halliday, Robinson, Stevenson and Storey joined the meeting at 7.05 pm.**

**924.2 CONSULTATION COMMITTEE NO 52 – 5<sup>TH</sup> JULY 2010**

*The minutes of meeting No 52 on 5<sup>th</sup> July 2010, as circulated, were received.*

**924.3 DEVELOPMENT COMMITTEE NO 217 – 5<sup>TH</sup> JULY 2010**

It was proposed by Alderman Campbell, seconded by Councillor McCamphill and **AGREED:**

*that the minutes of Development Committee Meeting No 217 on 5<sup>th</sup> July 2010, as circulated, be adopted and the recommendations therein approved.*

**924.4 HEALTH & ENVIRONMENTAL SERVICES COMMITTEE NO 362 – 5<sup>TH</sup> JULY 2010**

It was proposed by Councillor Robinson, seconded by Alderman Connolly and **AGREED:**

*that the minutes of Health & Environmental Services Meeting No 361 on 5<sup>th</sup> July 2010, as circulated, be adopted and the recommendations therein approved.*

**924.5 SEAL DOCUMENTS**

It was proposed by Councillor Stevenson, seconded by Councillor Robinson and **AGREED:**

*that the Seal of Council be affixed to:*

- 1. Grave registration certificate numbers 1208, 1209, 1210, 1211 & 1212.*
- 2. Lease for the agreement between Council and NIE PLC for site of substation at Greengage Lane, Ballymoney.*

**924.6 LEISURE SERVICES REPORT****6.1 Good Relations Grants**

The Head of Leisure Services advised that the following applications for grants have been received –

- i. Fab Femme for assistance towards a “Day of Reconciliation and Understanding on 23<sup>rd</sup> August 2010. Amount requested £350.00
- ii. Japanese Cultural Centre for assistance towards a Diverse Cultural Awareness Project on 20<sup>th</sup> August 2010. Amount requested £350.00

- iii. Ballymoney & District Community Playgroup for assistance towards a Media Initiative for Children – Respecting Differences programme commencing on 1<sup>st</sup> September 2010. Amount requested £350.00
- iv. Rasharkin Women's group for assistance towards a Movement of People through the Ages project commencing 6<sup>th</sup> October 2010. Amount requested £350.00.
- v. Derrykeighan & District Community Association for assistance towards their Summer Fete on 21<sup>st</sup> August 2010. Amount requested £350.00.
- vi. Bendooragh Apprentice Boys Cultural Society for assistance towards an Educational & Cultural Awareness programme commencing on 12<sup>th</sup> August 2010.  
Amount requested £350.00.
- vii. Castle Kidz for assistance towards a Derrykeighan History project commencing on 9<sup>th</sup> August 2010. Amount requested £350.00

***IT IS RECOMMENDED*** that the above 7 groups are granted £350.00 each.

It was proposed by Alderman Campbell, seconded by Councillor McCamphill and **AGREED:**

***that Council approve a grant of £350.00 each to the above 7 groups.***

The following individuals have applied for assistance for the following Youth Projects:

- a) Chloe Hughes and Dillon Jackson participating in the NEELB Youth Service Maine Cross Community Project.
- b) Connor Martin, Lisa McConville, Rosie McNamee and Aaron Henderson participating in the Dance United NI Project.

***IT IS RECOMMENDED*** that the above 6 young people are granted £75.00 each

It was proposed by Councillor Cavlan, seconded by Alderman Connolly and **AGREED:**

***that Council approve a grant of £75.00 each to the above 6 individuals.***

\* **Councillor McKay joined the meeting at 7.10 pm.**

## 924.7 AMENITIES REPORT

### 7.1 Ballymoney Cemetery Memorials

The Deputy Director of Borough Services presented the report, circulated, on applications received as undernoted for the erection of memorials in Ballymoney Cemetery.

Section 11 No. 132

Mrs. Sadie Stevenson, 8 Cambourne Drive, Ballymoney.  
All Polished Black Granite Headstone & Base.

Section 13 No. 117

Ms. Rosemary Watson, 119 Loughabin Road, Dunloy.  
Black Granite 'J' Design Headstone & Base.

Section 13 No. 135

Mrs. Charlene Owens, 10 Long Lane, Ballymoney.  
Grey Granite Headstone & Base.

Section 13 No. 131

Mr. Philip Rouke, 16 Williamson Park, Seacon, Ballymoney.  
Black Granite All Polished Headstone & Base.

Section E1 No. 63

Mr. John McCormick, 8 Knock Eden Court, Ballymoney.  
Black Granite All Polished Headstone & Base.

***IT IS RECOMMENDED*** that Council grant permission to the above applicants to erect memorials in Ballymoney Cemetery, subject to usual requirements.

It was proposed by Councillor Patterson, seconded by Councillor Robinson and **AGREED:**

***that Council grant permission to the above applicants to erect memorials in Ballymoney Cemetery, subject to usual requirements.***

## 9.24.8 CENTRAL SERVICES

The Chief Executive presented report, circulated, as undernoted:

### 8.1 Reduction in Resources Element of General Grant 2010/11

The Department of the Environment has written to Council advising of an in – year reduction to the Resources Element of the General Grant.

Due to severe and unprecedented economic constraints in all areas of the Public Sector the Minister has had to make the very difficult decision of an in-year £1.15m cut to the Grant.

The revised **estimated** resources grant for the Council for 2010/11 is £971,663.00 a reduction of £60,904.00 or 1.15% increase on the Rates. The Department will write shortly to the Council advising the exact amount involved. The Department further advises that whilst the Minister has undertaken to make every effort to protect the resources Element of the General Grant for the remainder of the financial year, that against current extreme and exceptional financial background, the possibility of further in-year cuts cannot be ruled out. The Corporate Management Team plan to identify savings in-year to off-set this cut in General Grant and will report to the Council via the Resources Task Group in due course.

The Mayor expressed concern at the impact this would have in the current year and the potential implications for Council at the next rates setting process, particularly if there was to be further reduction in grant. Councillor Stevenson concurred with the Mayors remarks.

The Chief Executive advised members that NILGA intends to make representations to the Minister about the proposed general grant cuts.

## **8.2 Conference attendance**

A request has been received from Councillor Robinson for approval to attend National Association of Councillors Conference and AGM at Clandeboyne Lodge Hotel. The fee for attendance is £75.00. Alderman Cousley and Councillor McCamphill also expressed interest in attending. At the request of Councillor McGuigan, the Chief Executive clarified the procedure for applications to attend conferences via Corporate & Central Services Committee.

It was proposed by Councillor Stevenson, seconded by Councillor Cavlan and **AGREED:**

***that Alderman Cousley, Councillor McCamphill and Councillor Robinson be authorised to attend the NAC Conference at a cost of £75.00 each, cost to be met from Council's conference budget.***

## **924.9 HEALTH & ENVIRONMENTAL SERVICES REPORT**

The Deputy Director of Borough Services presented the report, circulated, as undernoted:

### **HEALTH & SAFETY**

#### **9.1 Petroleum (Regulation) Acts (Northern Ireland) 1929 And 1937 Petroleum Spirit Licence (Renewals)**

Applications have been received for the renewal of petroleum spirit licences as follows: -

**Premises**

Moores,  
11 Main Street,  
Cloughmills,  
BALLYMENA BT44 9LF.

**Applicant**

Mr. D. Moore

Milltown Service Station,  
4 Milltown Road,  
BALLYMONEY BT53 6LF.

Mr. C. Henderson

Riverside Self Serve,  
2 Ballymena Road,  
BALLYMONEY BT53 7AB.

Mr. P. Trolan

The renewal of licences as detailed above is **RECOMMENDED** .

It was proposed by Councillor Cavlan, seconded by Alderman Connolly and **AGREED:**

*that council renew licences as detailed above.*

**LICENSING****9.2 Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 - Licence Application (Fourteen Unspecified Days) (Renewal)****Premises**

St. Patrick's Parochial Hall,  
77 Castle Street,  
BALLYMONEY BT53 6JT.

**Applicant**

Rev. Francis O'Brien, PP

**IT IS RECOMMENDED** that the Borough Council renew the Indoor Entertainment's Licence as detailed above. In addition to the Borough Council's "Conditions of Licence" adopted on 7<sup>th</sup> October 1985 the additional conditions detailed on the premise file also applies.

It was proposed by Councillor Stevenson, seconded by Alderman Connolly and **AGREED:**

*that Council renew Indoor Entertainment's licence as detailed above.*

**STREET TRADING****9.3 Street Trading Act (Ni) 2001  
Mobile Street Trading Licence - Renewals**

Applications for renewal of Mobile Street Trading Licences have been made as follows:-



**Purpose**

Ice Cream Van

Hot Food Trailer

**Applicant**Mrs. Drina Stewart,  
44 Margaret Avenue,  
BALLYMONEY BT53 6BY.Mr. Stephen Laverty,  
9 Royal Terrace,  
Balnamore,  
BALLYMONEY BT53 7QD.

***IT IS RECOMMENDED*** that the Mobile Street Trading Licences as applied for be renewed.

It was proposed by Councillor Patterson, seconded by Alderman Campbell and **AGREED:**

***that Council renew the Mobile Street Trading Licences as detailed above.***

**DOG CONTROL**

**9.4 Dogs (Northern Ireland) Order 1983  
Article 13 – Registration Of Dog Breeding Establishment**

Application as undernoted has been made to the Borough Council that the premises to which it refers be registered in accordance with the provisions of Article 13 of the Dogs (Northern Ireland) Order 1983 as a dog breeding establishment:-

**Applicant**

Mr. Robert Mervyn Dowey

**Premises**23 Drumlee Road  
Ballymoney, BT53 7LE.

***IT IS RECOMMENDED*** that the Borough Council register the above-mentioned premises accordingly.

It was proposed by Councillor Patterson, seconded by Councillor Robinson and **AGREED:**

***that Council register the above-mentioned premises accordingly.***

**9.5 Public Health (Ireland) Act 1878 As Amended - 1 Presbytery Lane,  
Dunloy.**

Further to a complaint received and a number of inspections by officers of this directorate we are satisfied of the existence of a nuisance adjacent to the above property arising from conditions prejudicial to health caused by sewage outfall from the above property accumulating on the public roadway.

***IT IS RECOMMENDED*** that an abatement notice be served on owner of the premises under Section 110 of the Public Health (Ireland) Act 1878 as amended with a time period of compliance of 28 days in order to remedy the condition thereat as described above.

It was proposed by Councillor Stevenson, seconded by Councillor Robinson and **AGREED:**

***that an abatement notice be served on owner of the premises under Section 110 of the Public Health (Ireland) Act 1878 as amended with a time period of compliance of 28 days in order to remedy the condition thereat as described above.***

- \* **The Deputy Director of Borough Services and the Head of Leisure Services left the meeting at 7.25 pm.**

#### **924.10 FUTURE FRIENDLY**

Councillor Robinson advised that the 4<sup>th</sup> Future Friendly Awards initiative is currently open to Community Groups to enter to win a bursary worth £10,000 in support of small-scale environmental projects. As part of a bigger initiative encouraging Britain to have a "Less Waste, More Reward" summer, the Award aims to reward those currently championing 'green' initiatives to help with their efforts. Entries close on 7<sup>th</sup> August. Further information can be obtained from [www.futurefriendly.co.uk](http://www.futurefriendly.co.uk)

#### **924.11 REFORM OF LOCAL GOVERNMENT (RPA)**

Report of the NILGA Engagement Event on 6<sup>th</sup> July 2010 was circulated.

#### **924.12 NORTHERN IRELAND ASSEMBLY – RENEWABLE ENERGY INQUIRY**

The Northern Ireland Assembly Committee for Enterprise, Trade and Investment has announced that renewable energy will be the subject of an inquiry.

The Committee will examine the barriers to the development of renewable energy production and its associated contribution to the Northern Ireland economy. Specifically, the Committee will:

- Consider the current mechanisms at national, regional and local level to support and assist renewable energy production;
- Compare the mechanisms for support and assistance in Northern Ireland with those in other EU member states considered to be in the forefront of renewable energy development;
- Examine the support and assistance available to SMEs in the renewable energy sector to develop renewable energy technologies;
- Examine the support and assistance available to SMEs in the renewable energy sector to grow and develop their businesses.

- Assess the appropriateness of current mechanisms to develop and grow both local renewable energy markets and export markets;
- Assess which EU member states are considered to be in the forefront of renewable energy development both overall and for each type of renewable energy; and
- Report to the Assembly with full findings, conclusions and recommendations for overcoming the barriers to the development of renewable energy production and its associated contribution to both the energy mix and the Northern Ireland economy.

Written evidence is invited by 8<sup>th</sup> August. The matter was referred to the Corporate Management Team and no evidence was offered.

#### **924.13 NORTHERN IRELAND ASSEMBLY – TRANSPORT BILL**

Northern Ireland Assembly Regional Development Committee has advised that the Committee Stage of the Transport Bill commenced on 30<sup>th</sup> June 2010 and Committee has published a public call for evidence, inviting written submissions on the clauses of the Bill. The final date, agreed by the Committee, for receipt of written submissions in response to the public notice is 16<sup>th</sup> August 2010, together with an indication if Council wants to have an oral briefing.

Following receipt of submissions, the Committee will schedule oral briefings throughout September and October with a view to reporting its findings to the Assembly following the 2010 Christmas recess. NILGA's draft response was circulated to members.

It was proposed by Councillor Robinson, seconded by Councillor McKay and **AGREED:**

***that Council endorse NILGA's draft response to the Bill, as set out at Appendix A.***

#### **924.14 DOE CONSULTATION ON THE FUTURE OF BUS OPERATOR LICENSING IN NORTHERN IRELAND.**

Councillor McKay drew members' attention to a consultation document on proposals by the Department to introduce a new Bus Operator Licensing system in Northern Ireland. The closing date for comments is 24<sup>th</sup> August. The consultation document can be found on the website at: <http://www.doeni.gov.uk/index/information/foi/recent-releases/publications-details.htm?docid=7605>

The Member reported on a recent Stakeholder's consultation event and advised that the bill, if introduced as proposed, would have an adverse effect on the voluntary and community sector operating transport.

It was **AGREED:**

***that the consultation document be tabled for discussion at the Consultation Committee meeting on Monday 16<sup>th</sup> August 2010.***

**924.15 NORTH EASTERN GROUP BUILDING CONTROL – BUILDING CONTROL NORTHERN IRELAND INTERNATIONAL CONVENTION**

The Building Control Northern Ireland International Convention is to be held on 12<sup>th</sup> and 13<sup>th</sup> October 2010 and notice has been sent directly to members by the Northern Group Building Control Office.

**924.16 BALLYMENA BOROUGH COUNCIL – PRESBYTERIAN MUTUAL SOCIETY**

Ballymena Borough Council has advised that it has been campaigning for some form of resolution for investors/savers in the Presbyterian Mutual Society and has recently been in correspondence with the Office of the First and Deputy First Ministers.

*“Council has again written to OFMDFM declaring its ongoing interest in this matter and advising that it believes that Government should offer assistance. I have been instructed to write to all Councils asking that your Council would consider contacting the OFMDFM urging the Ministers to continue to explore every option with a view to finding a satisfactory solution as soon as possible”.*

It was proposed by Councillor Stevenson, seconded by Alderman Campbell and **AGREED:**

***that Council support Ballymena Borough Council’s request to contact the OFMDFM urging Ministers to resolve the issue as soon as possible.***

**924.17 REPORTS**

A list of reports was circulated for members’ information.

**924.18 NILGA REPORTS/UPDATES**

A list of reports was circulated for members’ information.

Appendices attached:

Appendix A - NILGA draft response - NI Assembly Committee for Regional Development Call for Evidence on the Transport Bill

**The meeting closed at 7.40 pm.**

## APPENDIX A



**NILGA DRAFT response to the  
NI Assembly Committee for Regional Development  
Call for Evidence on the Transport Bill  
16<sup>th</sup> August 2010**

The following is the NILGA response to the Committee for Regional Development call for evidence and will be presented to the NILGA Executive Committee on 13<sup>th</sup> August 2010 for consideration.

The Transport Bill aims to create an effective, efficient and sustainable public transport system that contributes to the Executive's transportation, environmental, social inclusion and equality objectives.

I would be grateful if you could forward any proposed comments or amendments to the NILGA offices by 6 August 2010 to enable the NILGA response to be as robust as possible, but we are happy to receive views after this date, up to 16 August 2010.

**For further information or to discuss any of the issues highlighted, please contact Claire Bradley at the NILGA Offices:**

**Email:** [c.bradley@nilga.org](mailto:c.bradley@nilga.org)

**Tel:** 028 9079 8972

### **Introduction**

NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. NILGA represents and promotes the interests of local authorities and is supported by all the main political parties in Northern Ireland.

Public Transport provision is a key issue for local government due to the huge impact it has on our communities.

NILGA is pleased to be able to have an opportunity to present evidence on the Transport Bill, particularly as work has been undertaken previously by NILGA during the consultation stage of the proposed reforms, including holding a consultation event on 17 December 2009 in Craigavon Civic Centre. This event enabled members and officers from local government to develop their thinking on the future of public transport and to consider current problems and potential solutions.

## **Overview**

It is intended that the Bill will contain the necessary powers relating to the regulation of public transport service delivery in Northern Ireland. It will cover the duty of the Department to secure the provision of public passenger transport services, the power to enter into agreements and to award service permits for that purpose, the ability to attach conditions to and vary a service permit along with powers for the revocation, suspension and curtailment of service permits. It creates offences and provides enforcement powers in respect of contracting/ service permit regime. The Bill will also provide power for the Department to regulate fares, designate bus stations/ premises as shared facilities, regulate passenger conduct on bus premises, provide integrated and on-street ticketing systems, make grants for the provision of bus services of benefit to certain sections of the public, acquire and dispose of land, provide vehicles and facilities for public transport purposes and exploit commercial opportunities arising from its public transport functions.

## **Current Provisions**

At present all rail services and the majority of bus services are provided by a statutory public corporation, Northern Ireland Transport Holding Company (NITHC) through its subsidiary companies Ulsterbus, Citybus, (now operating under the commercial name "Metro") and Northern Ireland Railways (NIR). These companies operate collectively under the brand name Translink, which designs, plans and delivers the network for most public transport services.

The Department currently manages its relationship with NITHC/Translink mainly through an agreed Management Statement and Financial Memorandum and through the approval of the company's corporate and business plans.

The private sector share of the public transport market is relatively small when compared to Translink. There are currently 29 licensed private operators providing about 100 routes.

Services provided by private operators are limited mainly to niche routes that are not provided by Translink, such as university runs and some other localised services. For older people and people with disabilities the Department funds door-to-door transport services in all towns and cities with a population of ten thousand or more. These services are secured by way of public tender. Through the Rural Transport Fund, the Department also provides support for transport services designed to give people in rural areas improved access to work, education, healthcare, shopping and recreational activities. The Rural Transport Fund offers a range of specialised transport services to people living in rural areas who cannot avail of conventional public transport through subsidies for new rural services provided by Translink which would otherwise not be economically viable and revenue and capital funding for Rural Community Transport Partnerships that offer a range of complementary services to the public transport network for their members.

Public Transport provision is a key service to the community and economy in Northern Ireland and local government is keen to ensure that this service is provided efficiently, effectively and with value for money as a key principle, although this must always be balanced with the need for connectivity, and the role of public transport in overcoming isolation, particularly in rural areas. There are a number of concerns that local government has with the existing system and a variety of areas for improvement have been identified as local government priorities, which will be outlined in this document.

### Key Issues for Local Government

NILGA is keen to ensure that NI develops towards a more sustainable future within which public transport should play a key role. It is hoped that the Department applies due regard for sustainable development, encompassing economic, social and environment considerations when implementing the Transport Bill. NILGA would also encourage the Department to work closely with other departments, particularly DOENI, NIEA and OFMDFMNI to better utilise regional environmental and sustainable development policy and research. For example, air quality and pollution information could be used to show areas of traffic congestion and pollution information, indicating potentially viable new transport routes. NILGA would also encourage the development of better transport links for economic gateways such the airports and key towns and cities.

#### **Clause 1 - Provision of public passenger transport services**

*Clause 1 imposes a duty on the Department to secure the provision of public transport services in NI and provides mechanisms for the Department to do so through service agreements and service permits for public transport services, and agreements for services ancillary to the provision of public transport services. It also allows the Department to determine the general level and structure of fares for these services, to provide vehicles, ticketing machines and systems, and to exploit any commercial opportunities which the Department considers appropriate. This clause also creates an offence to operate unregulated services.*

Local Government is keen to ensure a more integrated approach to public transport on a number of levels. Public transport needs to be easy for the public to use and understand, and integration of provision is imperative in working towards this goal. There is a need to integrate the local and strategic view, and to link plans, resources, partners and procurement/ financial commitment.

It is believed that if we are to increase public confidence in, and use of public transport there must be an appropriate frequency of service. Whilst it is necessary to have a high frequency of service provision at peak times, it is the opinion of our members that service may be unsatisfactory or non-existent at other times, and that this can have a serious socio-economic impact, particularly in the evenings.

It is felt that services at present, particularly in rural areas, are dedicated to schools and less focused on commuters. Commuter services need to improve, and in particular between towns, rather than 'all roads leading to Belfast'. This will become more pressing if the recommendations of the Bain review of public sector employment are followed. Our members are extremely keen to overcome problems related to rural isolation and would encourage the Department to focus attention on addressing the transport requirements geared towards targeting isolation and enabling access to services, developing a system of links to the main arterial services. This is likely to require improved funding for community transport and other public transport providers. NILGA is aware that the provision of services on lesser used routes by Translink might be difficult to justify, but we are of the opinion that this may be a 'chicken and egg' scenario and may require the Department to move first, through enhanced provision of (for example) BusyBus routes.

NILGA is supportive of the proposals regarding integrated ticketing, which will allow for better planning. However, NILGA would seek assurance that an integrated ticketing system would not push costs to the consumer up, and are wary of the added expense of the iLink system already introduced.

**Clause 2 - Service Agreements**

*Clause 2 deals with service agreements in more detail. It provides the Department with the power to make regulations as to the content of service agreements. It also provides that service agreements can include the award of 'public service contracts' in accordance with EC Regulation 1370/2007 and allows the Department to make provision for the review of decisions made in respect of the award of service agreements.*

We welcome the provision of public service contracts and hope that contracts can be targeted at private contractors for services which may not be financially expedient for Translink to run. Availability is the key issue, with the potential for link services to arterial route services vitally important.

There is great potential for private sector providers to fill gaps and complement existing service provision and NILGA would encourage this approach, with better liaison and integration between public and private, and potentially profit sharing contracts. However, any move towards privatisation of the main provider will be vigorously opposed, particularly as there is the possibility that unregulated competition could lead to a reduction in the number of operators and ultimately a reduction in services that are non-profitable but of social benefit.

**Clauses 3 to 12 - Service Permits**

*Clause 3 to 12 deal with the process for granting service permits. These clauses provide for the information that an applicant will have to furnish in the application, the matters to be taken into account by the Department when considering an application, the attachment of conditions to a permit, disqualification of operators from being able to hold a permit, and the revocation, suspension and curtailment of permits for any reasonable cause and other specified grounds outlined. Clause 6 outlines that in deciding whether to issue or refuse a permit or to attach conditions to a permit, the Department should have regard for the sustainability of routes on which the service may be provided and the extent to which the needs of persons likely to use the service to be provided are already adequately and economically served. The Department will also have to take into account any recommendations made by the Consumer Council and any representations by persons already providing public passenger transport services on any road along or near the routes which are the subject of the application, the Chief Constable, district councils, any NI government department and NITB.*

Local government is concerned that the original concept of district council involvement has been diminished. The Outline Business Case provides a summary of the original intention and the partial shift in approach:

*"In August 2006 the then Regional Development Minister, David Cairns, announced the Government's intention to develop the bus and rail public transport services around the new three-tier model outlined above. The announcement was made against the backdrop of the Review of Public Administration (RPA) and it was envisaged that the new middle-tier body would be under the control of local Councils acting together in the form of a Passenger Transport Authority. Following the recent RPA local government review, however, the Executive has now decided that mainstream local roads functions will no longer be devolved to councils but instead retained within DRD. In light of this decision and the close interrelationship between public transport, roads and traffic management issues, the Executive agreed that the Minister should reconsider the future arrangements for public transport, including mechanisms for ensuring local government input to decision making."*



There is concern with the change in approach attributed to RPA changes in terms of the shift from local authority responsibility to a very limited involvement, and accountability confined to the Minister on the basis of the narrow strategic business case conclusions:

*"Although this was the favoured model [local authority control] for the previous administration, and would enable the achievement of many of the reform process objectives, it has been decided not to consider this model further due to recent RPA statements and implementation complexities."*<sup>1</sup>

The key to drawing up the details of the contracts and permits will be to consult on the service requirements for an area. There must be more involvement of the public transport providers in developing town master plans. The greatest opportunity for the community to influence service provision will be in the development of local transport plans between the agency and local councils.

There needs to be a strategic link between the proposed agency, DRD, Translink and local community planning/ local transport area planning structures. Local government, as a civic leader, rooted in the community, can easily identify the local issues and deal with those, with central government focusing on strategic policy. An effective link between the two within the community planning/ local transport area planning process will be the lynchpin of these proposals. There is a need to work more effectively locally, with a reporting mechanism to a strategic regional level. Although there is uncertainty as to the methodology and timeframe for taking community planning forward, it is clear that there is a strong link between the place shaping role of local councils and the provision of public transport. There must also be a mechanism for democratic approval of public transport plans. One of the chief concerns of NILGA regarding the proposed new Public Transport Agency is the lack of elected member involvement. It is the view of local government that democratic accountability of public transport structures will be key to developing a service that the public views as useful, responsive and appropriate to their needs, whilst ensuring value for money. Having meaningful elected member on the proposed new Public Transport Agency is critical.

#### **Clause 13 – Fees**

*Clause 13 deals with the payment of fees for permit applications and issuing of permits.*

It is important that fees are reasonable and reflective of real cost of processing applications and issuing permits in order to allow small operators to apply for such permits.

#### **Clause 14 – Permits not to be transferrable**

*Clause 14 provides that permits are neither transferrable nor assignable. It also allows the Department to make directions for the treatment of permit in circumstances where the permit-holder dies or becomes a patient under the Mental Health (NI) Order 1986.*

NILGA has no comment to make in regard to this clause.

#### **Clause 15 – Holding Companies and Subsidiaries**

*Clause 15 allows the Department to make regulations to provide that service agreements with and service permits held by a company or other body corporate also applies to services provided by any of its subsidiaries.*

<sup>1</sup> <http://www.niassembly.gov.uk/io/research/2008/10008.pdf>

We welcome the provision of public service contracts and hope that contracts can be targeted at private contractors for services which may not be financially expedient for Translink to run.

**Clause 16 – Forgery, etc.**

*Clause 16 creates the offence to forge, alter or use a permit with intent to deceive. It will also be an offence under clause 17 to knowingly make a false statement or produce false or misleading material in relation to an application for a service permit.*

NILGA agrees that this clause seems to be prudent and sensible.

**Clause 18 to 21 – Buses, Taxis and Trains**

*Clauses 18, 19 and 20 amend the function and name of the ‘Road Service Licence’ in the Transport Act (NI) 1967. Clause 21 deals with amendments to the Taxis Act (NI) 2008 as a result of the changes to the current ‘Road Service Licences’.*

NILGA has no comment to make in regard to this clause.

**Clause 22 – Provision of Railway Services**

*Clause 22 amends the duty of NI Railways under section 55 of the Transport Act (NI) 1967 to reflect that this duty will be exercised in accordance with any agreement under the Transport Act (NI) 2010.*

NILGA has no comment to make in regard to this clause

**Clauses 23 and 24 – Consumer Council**

*Clauses 23 and 24 provide arrangements for the production by the Consumer Council of a forward work programme in relation to its transport functions and for the production of a memorandum by the Department and the Consumer Council detailing arrangements for co-operation and consistent treatment of matters in relation to the Consumer Council’s transport functions.*

In broad terms, NILGA would support the role, function and intended responsibilities of the Consumer Council in this role. Local government is concerned that there is no reference to the role of councils in relation to the work between DRD and the Consumer Council.

Whilst there is a reference to the ‘Local Transport Plans’ in the Explanatory Memorandum paragraph 18: *“The Partial Regulatory Impact Assessment concluded that the reforms should generally have a positive impact on bus operators through the potential to participate in the development of local public transport plans...”*, it is a concern that there is no specific provision for such an important activity within the Bill or a prescribed formal relationship to councils in terms of the work of the Consumer Council. We would reiterate that whilst the Consumer Council may represent the wider interests on the Agency, democratic accountability is still of optimum importance to ensure effective implementation of the new proposals.

**Clauses 25 to 31 – Enforcement**

*Clauses 25 to 31 set out the provisions on the enforcement of the provision of public transport services. The Department will have the power to enter into and inspect certain premises that are being used in connection with the carriage of passengers and their luggage by road and to seize certain documents and obtain certain information. It will be an offence to obstruct and*

*authorised officer in the exercise of functions under the Act. Clause 31 provides for prosecutions for offences under this Act.*

NILGA has no comment to make in regard to this clause

**Clauses 32 to 37 – Grants**

*Clauses 32 to 37 deal with the payment of grants by the Department in relation to the provision of public transport services, provision of advice, information or training relating to public transport services and capital expenditure for the purchase of vehicles.*

NILGA welcomes the payment of grants by the Department, particularly when focused at those within the community at greatest need.

**Clauses 38 to 40 – Acquisition and disposal of land**

*Clauses 38 to 40 provide for the acquisition and disposal of land, including powers for the Department to obtain information as to ownership of land and to enter onto land.*

NILGA has no comment to make in regard to these clauses.

**Clause 41 – Appointment of directors of NI Transport Holding Company**

*Clause 41 applies section 18(2) of the Interpretation Act (NI) 1954 to appointments to the NI Transport Holding Company made under section 47 of the Transport Act (NI) 1967 to include power to remove or suspend persons from appointments under this section.*

NILGA has no comment to make in regard to this clause

**Clause 42 – Conduct of persons at bus stations**

*Clause 42 provides the Department the power to make regulations in respect of the conduct of persons at bus stations.*

NILGA has no comment to make in regard to this clause

**Clause 43 – Shared Transport Facilities**

*Clause 43 gives the Department the power to issue directions in respect of the shared use of facilities used for the provision of services under a service agreement.*

NILGA is of the view that a rolling programme of improvements and investment needs to be put in place for local bus stations. A lack of facilities in some areas needs to be urgently addressed, prioritising key routes: for example, provision of bus stations in Banbridge and Portadown.

It will be vital for community transport services to have access to bus stations to ensure integration of service provision, and certainly, community transport must feature significantly in the tendering of contracts process (particularly for rural areas).

**Clauses 45 to 50 - Miscellaneous and Supplementary**

*Clauses 45 to 50 contain a number of miscellaneous and supplementary provisions, including powers to make regulations. Clause 45 provides for the Department to make orders, subject to affirmative resolution, for any further provisions in connection with this Act.*

NILGA has no comment to make in regard to this clause

**Financial Effects of the Bill**

*The staffing costs of the new public transport agency are expected to be around £3.5m, of which almost £2m would be covered by the transfer of existing resources within DRD. The additional £1.5m is in relation to functions amounting to around £600k transferring from NI Transport Holding Company/ Translink and a further £900k required for new functions that are not currently being carried out – mainly in relation to local planning and the EC Regulation 1370/2007 requirement for contracts. This additional expenditure is necessary to create the structures through which longer term efficiencies and improved services will be achieved and sustained. Furthermore, the Strategic Outline Case for a Bus Rapid Transit identified 3 pilot routes for the Bus Rapid Transit system in Belfast, at an estimated cost of £147m.*

Better funding is required for public transport, which should be appropriately targeted, as value for money is a key consideration when utilising public funding. Furthermore, it is the NILGA view that more consideration needs to be given to funding for local transport plans, which must be developed in conjunction with community planning/ local transport area planning. It is imperative that funding is available to facilitate this process throughout, and not just in the short-term; costs must not be passed to the ratepayer through the district rate.

There must be an alignment of policy, citizen need and resource prioritisation, focusing on the issues of greatest need first. This prioritisation must be well-communicated to elected members and the public. NILGA is of the view that local councils must be given a meaningful role in local prioritisation of actions and resources, and should have an input into strategic regional decisions, as previously highlighted. A targeted budget is a necessity particularly in these austere times. NILGA would also query the source of the additional funding required to set up the new structures and new functions, particularly as the NI Assembly are facing a decreased budget for operation.

**Additional Comments**

Local government is also concerned with the proposed role for the new Agency in relation to Planning Applications and potential Development Plans. It is felt that this would be another potential level of complexity in relation to the determination of applications and what could be the discretionary application of any developer contributions.