

REPORT OF DIRECTOR, NET

NET PHASE TWO TRANSPORT & WORKS ACT (TWA) ORDER

1. PURPOSE OF REPORT

- 1.1 This report provides the NET Promoters response to the Advisory Committee's representation to the Secretary of State for Transport regarding the NET Phase Two TWA Order.

2. RECOMMENDATION

- 2.1 It is Recommended that
- i) the report be noted; and
 - ii) members consider if the proposed change to the draft Order meets their wishes and inform the Secretary of State accordingly.

3. REPEAL OF GNLRT ACT 1994 PROVISIONS

- 3.1 At the meeting on 24th May it was reported that the draft TWA Order includes for the repeal of many provisions of the 1994 Act that authorised NET Line One. This included the provision contained in Section 74 of the Act, obliging the City and County Councils to establish the Greater Nottingham Light Rapid Transit Advisory Committee. As members will be aware, the purpose of the advisory committee was to provide a means whereby the users of the system (NET Line One) could make representations and that these would be considered and the Councils advised accordingly. Thus Section 74 further requires that the committee shall consider representations made to them by members of the public. There was no provision in the Act or the subsequently adopted Terms of Reference for the advisory committee to have a role in the construction and operation of extensions to the system.
- 3.2 Members considered that the Advisory Committee should continue and have the ability to consider issues regarding the whole system, not just Line One. The Advisory Committee resolved "that representations be made to the Secretary of State for provision to be included in the NET Phase Two Transport and Works Act Order for the establishment of an advisory committee for the whole of the tram network on a similar basis to that provision made under Section 74 of the 1994 Act".

4. PROPOSAL

- 4.1 The NET Promoters would wish to resolve this matter in advance of the Public Inquiry. Consequently, the Advisory Committee's representation has been duly considered and it is proposed that the draft Order be amended so as to include provision for the setting up of a successor body to undertake a similar user representative role for the extended NET system. An article has been drafted accordingly and is appended. If members are content with this, the article will be reported to the NET Project Board recommending it be incorporated into a marked-up version of the draft Order during the course of the Public Inquiry and the Secretary of State can be so advised.

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Nottingham Express Transit Phase Two Transport & Works Act Order

Article dealing with Nottingham Express Transit Users Advisory Committee

85.-(1) The promoter shall establish a body, to be known as the Nottingham Express Transit Users Advisory Committee (in this article referred to as “the Committee”).

(2) The purpose of the Committee is to advise the promoter on the operation of the authorised tramway and Line One (in this article referred to together as “the Nottingham Express Transit System”) and except in a case of special urgency where it is not reasonably practicable to do so, the promoter shall consult the Committee on the operation of the Nottingham Express Transit System.

(3) The members of the Committee shall be appointed by the promoter, and shall include representatives of users of the Nottingham Express Transit System and members of Nottingham City Council and The Nottinghamshire County Council.

(4) The term of office of a member of the Committee shall be three years from the date of his appointment and, on ceasing to hold office, he shall be eligible for re-appointment: Provided that a member of the Committee may at any time by notice in writing given to the promoter resign his office.

(5) The Committee may determine its own quorum and procedure and shall appoint the Chair.

(6) It shall be the duty of the Committee to consider representations made to it regarding the operation of the Nottingham Express Transit System by members of the public.

(7) The Committee may at any time refer or make representations or recommendations to the promoter regarding the operation of the Nottingham Express Transit System, whether or not the Committee has been consulted on the matter by the promoter.

(8) The promoter shall take into consideration any matter, recommendation or representation which may from time to time be referred or made to it by the Committee, whether or not the Committee has been consulted by the promoter on the matter, recommendation or representation so referred or made.

(9) When so requested by the Committee, the promoter shall give its reasons in writing to the Committee for disagreeing with any recommendation or representation of the Committee.

(10) The promoter shall provide the Committee with accommodation and pay all its reasonable secretarial and administration costs.

(11) In this article, references to the operation of the authorised tramway, Line One and the Nottingham Express Transit System include references to matters affecting their operation.