

ANGUS COUNCIL**ROADS COMMITTEE
PLANNING AND TRANSPORT POLICY COMMITTEE****8 JUNE 1999
8 JUNE 1999****DETR CONSULTATION DOCUMENT ON TRANSPORT SAFETY****JOINT REPORT BY THE DIRECTOR OF ROADS AND
THE DIRECTOR OF PLANNING & TRANSPORT****ABSTRACT**

This Report considers the implications of the DETR Consultation Document on Transport Safety.

1 RECOMMENDATIONS

It is recommended that the Committee agree:-

- (i) to note the contents of the DETR Consultation Document on Transport Safety;
- (ii) that this Report form the basis of Angus Council's response to the DETR;
- (iii) that the Council's response to the DETR be copied to COSLA for information as requested.

2 INTRODUCTION

The regulation of travel safety and investigation of transport accidents is carried out in the UK by a variety of public bodies, for most of which Government Ministers are ultimately accountable to Parliament. The House of Commons Select Committee on the Environment, Transport and Regional Affairs has recommended that a single independent transport safety authority should be established. This would have far-reaching implications for the present arrangements, and the Government announced in its Transport White Paper that it would review the arrangements for transport safety, including those for accident investigation. The review covers all of the modes of transport, and is UK-wide except for road and rail safety in Northern Ireland, which will be transferred to the local Assembly and Executive.

This consultation forms the first part of the review process. The review is not concerned with specific safety strategies or measures, but with the principles which should govern how transport safety is organised; with any institutional obstacles to better safety regulation; and with potential conflicts of interest between the different elements of the safety regime. Views are invited on these issues.

The review also considers the relationship between investigations and inquiries into transport accidents, and the pursuit of prosecutions. The interaction between these

two activities can give rise to tensions, when the need to avoid the risk of prejudice leads to the adjournment of inquiries, and to delay in the publication of reports. The Consultation Document invites views on how best to reconcile the need to establish the causes and learn quickly from all the circumstances of an accident, with the need to determine any criminal responsibility.

A copy of the full Consultation Document is available in the Members lounge.

3 DETAILS

3.1 Purpose of Review

The safety of those who travel is regulated and enforced in the UK, and accidents investigated, by a range of public bodies, operating under a number of different Acts of Parliament. From time to time it has been suggested that the process of safety regulation could be made more effective and efficient if the arrangements were more streamlined. Most recently, the House of Commons Select Committee on the Environment, Transport and Regional Affairs has recommended a new independent authority for transport safety.

The Government is determined that transport safety regulation and enforcement should fully conform to the principles it has laid out in its *Better Regulation Guide*. It underlined the importance of safety for the success of its new transport policy in its 1998 White Paper on the Future of Transport, and recognised that the Select Committee's recommendations had far-reaching implications for how matters are presently organised. It said it would review the arrangements for transport safety, including accident investigation, and would then produce a substantive response to the Select Committee's report. This consultation exercise forms an essential part of that review.

The review's terms of reference are:

“to consider whether a more integrated or unified approach to transport safety across modes would be more effective, produce a safer travelling environment and secure best value for money”.

The Government intends the review to take a strategic look at the arrangements for transport safety, taking into account likely changes in external factors such as developments in the European Union over the next few years. Change for the sake simply of administrative neatness may not be justified. But the Government believes that the travelling public and those who work in the transport sector should benefit from a level of safety, irrespective of the modes of travel that make up their journey, that is not compromised by administrative arrangements.

3.2 Scope of Review

The review will consider how safety is organised for all forms of transport (road, rail, air and water, including harbours and inland waterways, and the transport of dangerous goods), and for passengers as well as freight. It will

include the personal safety of those travelling, and of those working in transport, and also responsibilities for incident response.

Part Two of the document invites views on some particular issues bearing on the organisation of safety regulation and accident investigation, the present arrangements for which are summarised for convenience at Annex One of the document.

Part Three of the document then looks at the relationship in England and Wales between, on the one hand, transport accident investigations and inquiries, and on the other legal proceedings. The review will also address the recommendation made by the Select Committee in its November 1998 report on railway safety, that procedures be put in place to expedite criminal proceedings so as to allow inquiries to be held as swiftly as possible.

The review is UK wide, covering for the most part safety matters which are reserved to the UK Parliament but in which the new devolved administrations will have an interest, as well as some, mainly road safety issues, where responsibilities are mixed. The special position of Northern Ireland is described in Annex One of the document.

3.3 Summary of Issues on which views are invited

Views are invited on the following issues, which are discussed in Parts Two and Three of the document. They are not exhaustive: comments on other issues bearing on the review are also welcome.

whether or not grouping safety regulation activities for all or some of the different modes in a single independent body might increase their effectiveness and efficiency, and improve safety (para 2.15);

It is felt that each area of transport is very specialised with little in common with other modes of transport. It is felt therefore that there could be little benefit in such grouping.

the case for adding other modes of transport to the Health and Safety Commission/Executive's responsibilities for safety regulation (para 2.19);

It is felt that this is not justified because of previous comment.

whether or not bringing together accident investigation for all or some of the different transport modes in a single independent body might increase effectiveness and efficiency, and improve safety. Whether the existing arrangements give the investigative bodies sufficient independence (para 2.25);

There is scope for cross fertilisation of ideas but separate organisations are preferred.

the present arrangements for standard setting and enforcement in the UK transport safety regime (para 2.30);

There is no reason why the organisation responsible for setting standards should not enforce them also. Their actions would be subject to public and political scrutiny.

the relationship between transport industry sponsorship and safety regulation (para 2.33);

No comments.

the organisation of responsibilities for road safety, and the scope for road safety thinking and practice both feeding into and being informed by safety regulation in other modes (para 2.43);

Best practice from each mode and organisation should be transferred where possible. It is accepted however that each mode has its own unique requirements which would limit the scope for a unified approach.

arrangements for securing the personal security of those using public transport and those working in the transport sector (para 2.47);

Extend use of CCTV.

the right balance to strike between on the one hand the timely conduct of accident investigations (and publication of their reports) and public inquiries; and on the other the pursuit of criminal proceedings (para 3.10).

No comments.

4 FINANCIAL IMPLICATIONS

None.

5 CONSULTATION

The Chief Executive, the Director of Law and Administration and the Director of Finance have been consulted in the preparation of this Report.

6 CONCLUSION

The Consultation Document covers a wide range of transport issues, most of which Angus Council has no responsibility for or direct involvement in. The main issues in which Angus Council has a direct interest are Road Safety and bus transport safety. Comments are however also offered on the wider issues raised in the Consultation Document on the basis that while lessons can be learned by adopting best practice where it exists in the transport industry it would not be beneficial to attempt to unify the organisation and management of safety across all modes of transport.

Dr Bob McLellan
DIRECTOR OF ROADS

Alex Anderson
DIRECTOR OF PLANNING & TRANSPORT

NOTE

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report:-

DETR Consultation Document on Transport Safety – Issued March 1999.

FDCN/JSG
21 May 1999
REPORTS/detr.consult

