



Minutes of Board Meeting

Held by video conference on Friday 17 April 2020

Present: Mr Fred Barry (Chairperson), Ms Anne Graham (CEO), Mr Hugh Creegan (Deputy CEO), Mr Owen Keegan (CEO, Dublin City Council); Mr David Gray; Mr Pat Mangan, Ms Sineád Walsh, Ms Ann Fitzgerald, Mr Frank O'Connor, Mr Brian McCormick, Mr Kevin Kelly.

Apologies: None

Staff in attendance: Mr Philip L'Estrange, Director, Finance & Corporate Services / Board Secretary; Mr Tim Gaston, Director, Public Transport Services; Dr Declan Sheehan, Chief Information Officer; Ms Wendy Thompson, Director, Transport Regulation; Mr Bernard Higgins, Director, Transport Technology; Mr Barry Dorgan, Head of Ticketing, (Items 6, 7); Ms Anneliese Jones, Public Transport Regulations Officer (Item 8); Mr Karl Seeber (Minutes).

Others in attendance: None.

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1. Declarations of Interest

None.

2. Minutes of previous meeting

The draft minutes of the Board meeting on 21 February 2020 were approved subject to the replacement of the first sentence of the second paragraph of item 8 (Commencement of public consultation on the Draft Taxi Regulation for the acceptance of Cashless payments) with the following:

Ms Thompson explained that the Authority is statutorily enabled to make regulations with regard to the methods of payment of fares including cashless payment acceptance in taxis.

3. Matters Arising & Board Schedule

The Chairperson recalled that it had been necessary to cancel the March Board meeting due to the COVID-19 emergency. However, he noted that in the interim the Board had considered and made the following decisions using the written process provided for in the Authority's Corporate Governance procedures: -

- a. To award a contract for the provision of Leap operations services to CUBIC Transportation Systems Limited for a period of 5 years from the operational services start date. The contract will include an option for the NTA to extend the term for a further period or periods of up to 5 years in total, in accordance with the provisions of the contract.

- b. To award of contract to Credit Card Systems Ireland Limited for the provision of order management services, production and distribution of personalised young adult, student and child 16-18 Leap Cards.
- c. To commence a public consultation process on a draft standalone amendment to Regulation 31 (Maximum Permissible Age Requirements) of the Taxi Regulation (Small Public Service Vehicle) Regulations 2015.

The Chairperson drew attention to updates provided by the Executive on items and issues raised by Board members at previous meetings. The Board also reviewed the matters due to be considered at future meetings. The Chairperson indicated that in the case of significant issues, the Executive will arrange background briefing sessions for Board members in advance of the relevant Board meetings.

4. CEO Report

The Chief Executive outlined the impact of COVID-19 on the operation public transport services to date and the measures which have been implemented to keep customers and staff safe. She confirmed that the Executive has commenced planning for the anticipated gradual process of relaxing travel restrictions, which could begin during May. She explained that the Authority will continue to be guided by the advice of Government and the HSE on the measures needed to ensure that people can safely use public transport. She cautioned that this new phase will place additional demands on operators and their staff. She agreed to keep the Board updated on developments.

The Chief Executive outlined proposals for a new yellow and green livery for double deck buses and new yellow and green bus flags and carousels to be installed on stainless steel bus poles. Mr Creegan advised that discussions had taken place with the National Council for the Blind (NCBI) in relation to the bus stop designs and while various design enhancements had been incorporated, NCBI had indicated that it does not support the use of stainless steel bus poles at bus stops. However, he noted that stainless steel had been chosen due to its durability and low maintenance needs and the absence of a suitable alternative. The Chief Executive noted that discussions are due to take place with operators regarding the proposed new livery for double deck buses. Mr Kelly indicated that he did not support the proposed new bus stop designs.

The Chief Executive confirmed that the Authority is examining solutions for Tax saver customers who have not been able to use their tickets due to the COVID-19 emergency.

5. Finance & Corporate Governance

- a. Mr L'Estrange outlined the main points of the Management Accounts for Q1 2020, which were not impacted significantly by the COVID-19 emergency. He then presented the Executive's initial assessment of the implications of the emergency for the Authority's 2020 Budget. He noted that discussions are taking place between the Department of Transport, Tourism and Sport and the Department of Public Expenditure and Reform on the provision of additional funding for PSO services. During the discussion that followed, the Board noted that the emergency may have an even more significant financial impact in the event of prolonged social distancing and travel restrictions. The Board expressed concern about the impact of the emergency on Bus Éireann's financial position and asked the Chief Executive to draw the attention of the Department of Transport, Tourism and Sport to the important role that the operator plays in the delivery of bus services nationally. The Chief Executive noted that the Authority's assessment did not include any consideration of the impact on public transport provision nationally in the event that commercial bus operators, who play a significant role in the provision of public bus services, were forced to withdraw services.

- b. Mr L'Estrange outlined changes to the Authority's Corporate Risk Register including the addition of a new risk relating to the COVID-19 emergency. He also presented the results of a detailed assessment of risks arising from the emergency and advised that work is underway to prepare an assessment to capture the risks to the Authority's suppliers. He agreed to circulate the assessment to the Board in due course. Mr L'Estrange noted that the Authority's staff had successfully transitioned from office to home working. During the discussion that followed, the Board noted that the emergency is likely to have a serious impact on the future funding of the Authority, which could generate a financial risk to the Authority. Mr L'Estrange then presented a summary of the Board's risk review meeting which took place last January. The Chairperson indicated that it is planned to hold a further risk review meeting in the autumn.
- c. Mr O'Connor noted that the Audit and Risk Committee had met on the previous day by video conference. He noted that there had been a significant improvement in the number of issues raised by the internal auditors during the last three years. He indicated that the Committee planned to hold a special meeting on the issue of the COVID-19 emergency within the next couple of weeks.
- d. The Board noted the contents of the Audit and Risk Committee's Annual Report for 2019.
- e. The Board approved changes to the terms of reference of the Audit and Risk Committee as presented to it, subject to one minor modification.
- f. The Board approved the text of the Authority's Annual Report for 2019, subject to such edits as may be required during the preparation of the document for publication. The Chairperson noted that he and the Chief Executive plan to amend the forewords nearer to the time of publication in order to address the impact of the COVID-19 emergency.
- g. Mr L'Estrange explained that the Authority is responsible for a lease in respect of 35 Fitzwilliam Square, which is the subject of a rent review. He noted that the lease was originally entered into by the Commission for Taxi Regulation prior to its dissolution and the transfer of its functions and staff to the Authority in 2011. The premises are currently sublet to a third party. Mr L'Estrange then outlined the negotiations which had taken place on the rent review. Following discussion, the Board approved a revised annual rental of €0.204 million effective from 27 April next for the final five years of the lease in respect of 35 Fitzwilliam Square.

6. Procurement

- a. Mr L'Estrange presented a report on non-competitive procurements in 2019 in accordance with the requirements of the Revised Code of Practice for the Governance of State Bodies. He explained that a non-competitive procurement is one for which there is a valid reason while a non-compliant procurement is one for which there is no valid reason. He noted that the Authority has procedures in place to ensure compliance with procurement policy and guidelines and he confirmed there were no instances of non-compliant procurements in 2019. Mr L'Estrange stated that similar reports will be presented to the Board on a quarterly basis going forward. The Board noted the contents of the report.
- b. Mr Dorgan presented details of a proposal to procure the development of a TFI Leap Top-Up app for iPhone users along the lines of the very popular Leap Top-Up app for Android smartphones. Mr Dorgan explained that the development of such an app had only recently become an option following a decision by Apple to allow third party apps to use their on-phone near field communications (NFC) technology. Following discussion, the Board approved the award of a contract to Vix Technologies Limited, with Snapper Services Limited as a

subcontractor, for the provision of NFC system subject to the VEAT notice period not resulting in any objections.

7. Next Generation Ticketing (NGT) Procurement Strategy

Mr Dorgan outlined the scope of the procurement, the procurement strategy and anticipated expenditure in respect of NGT, which will ultimately replace the existing Leap Card system. Mr Dorgan explained that the implementation of NGT will greatly simplify the existing Leap system architecture, provide a more efficient and less costly system for the Authority and operators and enable customers to use a contactless card or mobile device on public transport services. NGT will be implemented across all public transport services nationally on a phased basis over a 20-year period. The first phase would be implemented as part of the BusConnects Dublin Programme. In that regard Mr Dorgan noted that the existing ticketing equipment in use on Dublin Bus and Go-Ahead Ireland buses is approaching the end of its life and will need to be replaced soon. Mr Dorgan explained that the first stage of the procurement process will involve the publication of a Pre-Qualification Questionnaire (PQQ) in the EU Official Journal with a view to shortlisting bidders with whom the Authority will engage in a secondary competitive dialogue stage.

During the discussion that followed, the Board noted that Government approval for the project will be required given the costs involved over the lifetime of the NGT project. The Board noted a significant element of the NGT programme is included within the business case for the BusConnects Dublin Programme.

Summing up, the Chairperson noted the Board's support for the proposed procurement strategy as outlined but requested more detailed information regarding the expected costs and benefits of NGT over its lifetime. The need for further consideration of NGT resourcing requirements and governance arrangements was also highlighted.

8. Licence conditions for commercial public transport services related to accessibility

The Chief Executive and Ms Jones outlined the conclusions of a report on the outcome of the public consultation undertaken in late 2019 on potential changes to the licence conditions for public bus passenger services with regard to accessibility. However, they noted that the report's recommendations and timelines were finalised prior to the COVID-19 emergency, which has had a significant negative impact across the bus transport sector. Accordingly, the Board was being asked to approve the recommendations subject to further consideration by the Executive on the appropriate timescale for their introduction.

During the discussion that followed the Board reviewed the recommendations contained in the report and stated its strong support for the speedy implementation of measures to ensure that people with disabilities can access all public transport services. However, the Board also noted the need for caution in the imposition of additional costs on the commercial bus sector given the on-going impact of the COVID-19 emergency. Noting that the report includes recommendations to explore public funding to assist operators in meeting the proposed new requirements relating to accessibility, the Board requested that the Chief Executive engage with Department of Transport, Tourism & Sport on draft proposals for improving accessibility of licensed public bus services prior to board making a final decision on the matter.

The Chief Executive confirmed that the Authority has also commenced an examination of the need for measures to reduce vehicle emissions by commercial bus operators and in due course will bring forward recommendations for consideration and public consultation. However, she noted that this process is at an early stage.

9. Any other business

None.

10. Meeting without Executive

None.

Next Meeting: Friday 22 May 2020 @ 10.30am.

Signed: _____
Chairperson

Dated: _____