

promoting quality public transport.....

16th October 2008

LOCAL TRANSPORT BILL: RESPONSE TO DfT's PROPOSALS FOR SECONDARY LEGISLATION ON COMMUNITY TRANSPORT PERMITS

TWNW when responding in September 2007 to the White Paper ("Putting Passengers First") which preceded the Local Transport Bill had the following to say.

"5.1 TWNW supports proposals to widen the scope of Community Transport, but sees no reason why the proposed changes should be limited solely to the voluntary sector. The opportunity could be taken to address the complexity of the licensing of small passenger carrying vehicles with seats for eight or less passengers by the Traffic Commissioners (TCs), Local Transport Authorities (LTAs) and District Councils ¹ .

5.2 The proposals relating to Community Transport go some way to integrating small passenger transport vehicles with eight or less passenger seats into mainstream public transport where passengers pay separate fares. However the provisions in the Transport Act 1985 make it difficult for taxi and private hire operators to carry passengers at separate fares and so register local transport services. "Section 11" ² taxi buses can only be operated by hackney carriage licencees (and there are often quantity controls by some District Councils on these). It could help for Community Transport operators and the taxi trade to be able to obtain Restricted PSV Operators' licences from the Traffic Commissioners and use these alongside their taxi or hire car licences, or to be allowed to carry passengers at separate fares on registered local services howsoever they are licenced (by their Local Authority or TC).

5.3 Small passenger carrying vehicles have the potential, currently stifled by legislation, to offer public transport solutions in areas (or at times) of low demand, especially, but not exclusively, in rural areas. Town and Parish Councils, small communities and small local operators do not find it easy under current legislation to provide flexible and demand responsive local services.

5.4 Social Enterprises do have an increasing role to play in addressing rural isolation, but LTAs cannot rely exclusively on them."

¹ District Councils have a locus as Travel Concession Authorities

² Transport Act 1985

General observations

TWNW is pleased that many of its comments appear to have been taken into consideration in the drafting of the proposed secondary legislation.

Although technically outside this consultation, it is also pleasing to note that TWNW's proposal (underlined, at 5.2 above) is endorsed by clause 46 of the draft Local Transport Bill (Registration of Local Services and carriage of passengers at separate fares by Private Hire Vehicles), TWNW believe that this clause, although not as all embracing and as simple to enact as their suggestion, never the less has the potential to complement the aims of the secondary legislation and to materially assist Community Transport operations.

It has been a long standing and sensible aspiration of many "Section 19" Community Transport Permit Minibus operators to be able to use small passenger carrying vehicles with seats for eight or less passengers, and TWNW support this legislative easement.

Likewise TWNW agrees, subject to a reservation expressed at question 5, that Community Bus operators with "Section 22" Permits should be able to use Large Passenger Carrying Vehicles with 17 or more passenger seats and that the Drivers of Large Passenger Carrying Vehicles (see question 2) should continue to be required to have full 'Category D' PCV Driving entitlement,

Proposed amendment to the current system of replacing Permits of indefinite duration with five year Permits, and to require the statutory keeping of records by designated bodies and Traffic Commissioners are both sensible and needed controls.

TWNW concurs that it is now unnecessary for there to be separate Minibus Fitness regulations for both Community Transport and Community Buses, especially as these are now rapidly being overtaken and made redundant by EU whole vehicle type approval regulations,

Responses to DfT's specific questions

Qq 1 and 2 - PCV Driving Entitlements

A minimum age of 21 for drivers of small passenger carrying vehicles would sit uncomfortably with the minimum age of 18 for Category D (full PCV) and category D1 (Minibuses) when these are used on Registered Local Services. Perhaps an exception could be made to accommodate young driver training schemes.

TWNW agree there should be no driving entitlement exemptions for drivers of Large PCVs

Qq 3 and 9 - Use of pre April 1988 Minibuses

Because permits are not vehicle specific it is impossible to know if any pre 1988 vehicles are used on them, or indeed might be so used in the future! Operators of such “preserved” vehicles could perhaps be given “grandfather rights” at some stage (e.g. the 25th anniversary of registration)

Q4 - Certificates of Initial Fitness

TWNW agrees that all section 19 and section 22 Large PCVs should be required to have a Certificate of Initial Fitness (COIF)

Q5 - Large ‘section 22’ Community Buses

TWNW supports the proposed use by Community Bus Operators of Large Passenger Carrying Vehicles with 17 or more passenger seats. However it must be recognised that this is likely to raise issues of competition with commercial operators, especially as the Transport Act 1985 allows some “hire or reward” uses (e.g. contract hire for profit) of Community Buses to cover the overall costs of their operation!

Q6 Classes of passengers who may be carried

TWNW can see no objection to widening Permit classes to include other disadvantaged clients. The opportunity should be taken to address the anomaly preventing the use of section 19 Large PCVs for recreational purposes;

Qq 7 and 8 – Introduction of five year Permits

It should be possible to time limit Permits and discs issued from 1st January 2009 but not to retrospectively time limit existing discs and Permits. These could however be declared void by some more manageable future date,

Q10 - Matters on which further regulation might be needed.

The proposed Statutory Instruments (SIs) as they stand further complicate what is already a very complex legal framework. It would be helpful if they could be consolidated into a single SI, perhaps based on TWNW’s suggested derogation for all small passenger carrying vehicles to be able to carry passengers at separate fares.

Overview

Useful secondary legislation which TWNW consider likely to be helpful to

- social enterprises, Community Transport and Community Bus Operators providing unremunerative but socially desirable services, especially in rural areas and
- Local Transport Authorities in procuring these.

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