

Agenda Item	<b>25</b>
Report No	<b>EDI/37/18</b>

## HIGHLAND COUNCIL

**Committee:** Environment, Development and Infrastructure

**Date:** 17 May 2018

**Report Title:** Department for Transport Consultation on Section 19 and Section 22 Permits for Road Passenger Transport

**Report By:** Director of Community Services

### 1. Purpose/Executive Summary

- 1.1. This report outlines the content of a consultation from the Department for Transport on Section 19 and Section 22 Permits for non-commercial buses, with a closing date of 4 May, and encloses a response submitted on behalf of the Council (**Appendices 1a and 1b**).

### 2. Recommendations

- 2.1. Members are invited to homologate the response attached, which was submitted to the Department for Transport.

### **3. Introduction**

- 3.1. The Transport Act 1985 defines two types of Permits which allow buses (usually, but not necessarily, minibuses) to be used for non-profit-making purposes without the need for a Public Service Vehicle Operator's Licence. Section 19 Permits allow use by voluntary organisations and public bodies (including Councils) in relation to education, religion, social welfare, recreation or other activities of benefit to the community, but not for general public use. Section 22 Permits allow operation of community buses as public services.
- 3.2. Section 19 Permits are widely used by community groups and by the Council. Section 22 Permits are less common but there are some routes operating on these permits in the Highland area.
- 3.3. European Regulation 1071/2009 governs the scope for exemptions from PSV Operator Licensing. Subject to that Regulation, legislative power in this matter is reserved to the UK Parliament.

### **4. Background to consultation**

- 4.1. Regulation 1071/2009 exempts from PSV Operator Licensing "undertakings engaged in road passenger transport services exclusively for non-commercial purposes or which have a main occupation other than road passenger transport operator". "Non-commercial" has usually been taken to mean the same as "not for profit" but following a legal challenge (the details of which have not been disclosed as it is ongoing) the Department for Transport are now interpreting this phrase much more tightly. They are proposing guidance which would place significant restrictions on the scope under a Permit to provide services which cover their costs, and would prevent local authorities from awarding contracts to Permit operators unless (a) there can be shown to be no interest from commercial operators, or (b) transport is not the main activity of the not-for-profit organisation. There could also be restrictions for Permit operation under grant funding.
- 4.2. Operators whose vehicles all have less than 9 passenger seats are not affected.

### **5. Consultation and response**

- 5.1. A consultation, including a draft Statutory Instrument, was issued on 8 February and is available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/680319/section-19-section-22-permits-consultation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/680319/section-19-section-22-permits-consultation.pdf). The closing date was 4 May and the response submitted by the Council is attached.
- 5.2. A key emphasis in the response submitted is the need for a definition of "non-commercial", which is missing both from Regulation 1071/2009 and the proposed Statutory Instrument. The response also highlights concerns about the restrictive interpretation of 'non-commercial' proposed for revised guidance, the threat to the continued existence of many community transport groups if the proposals are implemented, and the consequential disadvantage to many of the more vulnerable people in our community. A need for clarity regarding Council in-house operations is also stated.

## 6. Comments on proposals

- 6.1. Although not all Community Transport operators will be affected, the Government's proposals, if adopted, will have a significant effect on the ability of groups which operate minibuses as their main activity to continue their services. In principle, groups could convert to operating under PSV Operator's Licences, and in some cases this may be the appropriate action, but there are significant costs in doing this. Most Community Transport operators in the Highland area operate small-scale services which are not in a contestable market and which are well within the spirit and purpose of Permit operation as it has hitherto been understood. It would seem therefore that the effort for a voluntary organisation in gaining an Operator's Licence is disproportionate to the nature of the activity.

## 7. Implications

- 7.1. Resource There could be significant implications for the cost and availability of transport provision, and community transport in particular, if the proposals become law or are adopted in revised guidance.

There are no other known legal, climate change/ carbon, risk or Gaelic implications arising directly from this report.

Designation: Director of Community Services

Date: 8 May 2018

Author: David Summers, Principal Transport Officer

Background Papers:

Department for Transport consultation "Section 19 and 22 Permits: how to apply EU Regulation 1071/2009"

Community Transport Consultation  
Buses and Taxis Division  
Department for Transport  
Zone 2/12, Great Minster House  
33 Horseferry Road  
LONDON SW1P 4DR

Please ask for: David Summers  
Email: [public.transport@highland.gov.uk](mailto:public.transport@highland.gov.uk)  
Our Ref:  
Date: 3 May 2018

Dear Sir / Madam

### **Section 19 and 22 permits: how to apply EU Regulation 1071/2009**

I am pleased to enclose The Highland Council's response to the above consultation.

The Highland Council is the local authority for most of north-west Scotland, with a land area greater than Wales and a population density of 9.1 persons per km<sup>2</sup>. We support a diverse range of 25 community transport schemes, and we have some contact with some other schemes which we do not currently support financially. In our remoter areas, public transport is infrequent and community transport performs a vital and complementary role. Even in our urban areas, community transport meets needs of people who are unable to use conventional bus services.

We also operate minibuses directly under Section 19 Permits. We operate a small number of home-to-school routes (the great majority are contracted out to the private sector), and many of our schools have minibuses which are used for curricular and extra-curricular trips.

We have a policy of supporting and encouraging community participation, including expansion of community transport, which we see as vital for our area.

We are submitting a detailed response, but for convenience, our key points are summarised below.

- There is no legal definition of "non-commercial". This is fundamental to our response. To protect and preserve the community transport sector, a definition is required in legislation, rather than merely producing guidelines which appear intended to steer the sector away from anything which might be considered commercial in the broadest sense of the word.

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#### **Community Services**

The Highland Council, Glenurquhart Road, Inverness, IV3 5NX  
Tel: 01463 702951 e-mail: [public.transport@highland.gov.uk](mailto:public.transport@highland.gov.uk) [www.highland.gov.uk](http://www.highland.gov.uk)

- Full cost recovery should be permitted, and any community transport service which does not at least cover its full costs should be considered non-commercial.
- The exemption for services where commercial operators have shown no interest should be extended to include cases where the only other tenders received are unrealistically high, where quality measures are included in tender evaluation and the competing tenders do not reach a similar quality standard, and services designed for people with mobility difficulties by their nature do not effectively compete with more conventional bus services.
- Community transport organisations must be able to cover their costs in order to survive.
- The position of local authorities operating vehicles under Permits should be addressed and clarified.
- Any consideration of short distance as grounds for exemption should take account of rurality, e.g. distance to nearest town.
- The proposals, if not significantly modified, will threaten the existence of many community transport organisations which are not competing with the commercial sector, and will disadvantage many people who depend on them for reasons of age, infirmity, low income and/or rural isolation.

I would be happy to discuss further if you require any clarification or further information.

Yours sincerely



David W Summers  
Principal Transport Officer

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**Community Services**

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# Section 19 and 22 permits: how to apply EU Regulation 1071/2009

## Consultation response form

Your name: The Highland Council

Your e-mail address: [public.transport@highland.gov.uk](mailto:public.transport@highland.gov.uk)

### Question 1

**Do you have any comments on how the proposed guidance clarifications in respect of organisations “...engaged in road passenger transport services exclusively for non-commercial purposes” could be further improved or clarified? In particular, do you believe there are further examples of “non-commercial” activity which we should include?**

Fundamentally, Regulation 1071/2009 does not define “non-commercial”. Without a definition of “commercial” or “non-commercial” any revised legislation would also be very unclear and open to interpretation. The Impact Assessment recognises a lack of clarity, but the proposed change to legislation gives no definition, and so does not resolve this problem.

No details are given in the consultation paper of the legal challenge (or the nature or status of it) or the reasons for the Department’s view that the previous assumptions are not sustainable. Nor have details of the operation of the community transport operator investigated by the DVSA and cited in the Department’s letter of 31 July, been published, so it is difficult to know how relevant these findings are to other operations. We understand that this case has not led to a Court judgment or a Traffic Commissioner’s Public Inquiry – and indeed that the relevant Traffic Commissioner has decided not to call the operator in question to a Public Inquiry – so has not resulted in any case law. As the letter of 31 July states, “it is important to emphasise that this decision applies to the operator concerned after investigation of its specific circumstances. Other cases will need to be considered on their own facts.”

The Impact Assessment refers to allegations from private sector businesses of permit holders having an unfair advantage when competing for local authority work. We are aware that such allegations have been made, but no evidence is presented of whether these have been found to be valid or of the scale of any such advantage. In our area some smaller operators have expressed concern about losing work to the CT sector but this seldom materialises, either because the CT operator’s price is

higher than that of the other operator or, more often, because the CT organisation does not wish to operate the route in question.

Therefore we are not convinced that the steps proposed are either necessary or proportionate; as the Chair of Parliament's Transport Select Committee put it, the Department "must not use a sledgehammer to crack a nut".

The Department's letter of 9 November letter says "in our view" certain situations could be considered to be non-commercial. While we agree that those listed are reasonable examples of non-commercial operation, we are concerned that the list is unduly restrictive and excludes other operations which we would not expect to be regarded as commercial. We do agree that some possible activities of CT organisations could easily be considered commercial, and that these should require a PSV licence.

We would urge the Government to include a definition of "non-commercial" in legislation, and that that definition should aim to preserve the scope for "not for profit" operation as far as possible.

The letter of 31 July refers to salaried drivers, but the relevance of this is not stated (except regarding the need for a Driver CPC). We see no reason to link a driver's salary with the question of whether an operation is commercial, unless the driver is self-employed. We ask for confirmation that payment of a wage or salary is not to be considered as "commercial", if in other respects the service is defined as non-commercial.

Regarding the proposed categories of exemption:

**The service is free of charge**

This is clearly non-commercial.

**Any charge for service is substantially less than cost**

There should be little dispute that services where the charge is less than 90% of costs are not commercial. However, we would argue that the exemption should apply to any service where income does not exceed costs. No commercial provider sets out to operate at a loss. (Some years ago one of our small commercial contractors terminated a contract with us after his accountant pointed out to him that it was earning 5p per day. It was profitable – only just – but not enough to justify him running it.)

"Less than cost" leaves scope for interpretation. We believe that the guidance should be clarified to confirm that Full Cost Recovery is permitted, i.e. including overheads, contribution towards vehicle replacement, etc. Alternatively, a surplus on direct operating costs should be allowable provided that this is clearly used to contribute towards overheads or to support a related transport provision.

"Income from unconditional grants" in the proposal also requires clarification. It would be very rare for grants to be given with no conditions at all. If a grant is given, for example, to support provision of transport within a specified area for the use of

people who have difficulty in accessing general public transport, this should be treated as an unconditional grant for the purpose of this exemption. On the other hand, where a local authority awards a contract, this is the purchase of a specified service. We propose that services should qualify for this exemption if:

- The grant conditions state the general purpose and duration of the grant, and require compliance with the law and the objectives of the grant-awarding and recipient bodies, but do not specify a timetable or other specific details of how the service should be provided;
- Restrictions on competing with other services are also included if relevant.

### **Any charge for service equals (or exceeds) cost**

The proposal to exempt services for which there is no competition from commercial operators is welcome but should be broadened. It is possible that commercial operators could bid for a service, but at a price which makes it uneconomic for the authority to award a contract. This could be, for example, because of the distance from the operator's base or because aspects of the contract (such as catering for individual needs of passengers) are outwith the commercial operator's usual scope of activity. It would not be appropriate to define a service as "commercial" simply because an unusually high tender has been received from a commercial operator.

A CT service may operate on a similar route to a commercial bus service, but take much longer for the end to end journey, because of making diversions on demand, and allowing time for passengers with mobility impairments to board and alight, possibly assisted by the driver. In most cases such a journey would be unattractive to anyone who is able to use the conventional bus service, and this would support the case for it being non-commercial or at least not entering a contestable market.

In awarding contracts, if there are clearly defined quality criteria in the Invitation to Tender, and a CT operator is evaluated as offering the most economically advantageous tender, this should be acceptable as demonstrating a lack of (effective) competition. It would be perverse to award a contract to a supplier offering a lower standard of service (even at a lower price, which could occur) in these circumstances.

It should be made clear (not mentioned in the consultation document, but contrary to the footnote in Appendix 1 of the Department's letter of 9 November) that competition from taxi or PHV (or in Scotland, PHC) operators would not affect the non-commercial exemption. Taxis and PHVs/PHCs are outwith the definition of "road passenger transport operator" in Regulation 1071/2009. There should be no reason to favour one type of operator against another if neither is a road passenger transport operator within the meaning of the Regulation.

### **Occasional services**

We would question the requirement for the driver to be unpaid. Drivers might be driving during other employment (for example, a janitor driving pupils on a school trip, or a care assistant taking care home residents out), and this should not disqualify from Permit operation. Overtime may well be paid in some of these cases.



## **Incidental services**

This proposal is sensible. There is likely to be overlap with “occasional services” but compliance with one category or the other should be sufficient.

## **Test applied to every service**

We accept that in principle this follows from the word “exclusively” in the derogation. However, the proposed exclusion of raising income by occasional private hire is a severe interpretation of the Regulation if the income so raised is only enough to subsidise other journeys provided by the group. It is not realistic to expect an operator to operate all their services at a loss: groups would soon go out of existence.

## **Question 2**

**Do you have any comments on how the proposed guidance clarifications in respect of organisations “...which have a main occupation other than that of road passenger transport operator” could be further improved or clarified?**

We recognise that the guidance is primarily written for voluntary sector groups, but we believe that local authorities should also be specifically mentioned in it. Although road passenger transport is clearly not the main purpose of a local authority, clarification of the position of local authorities, including confirmation that we fall within this category, would be welcome.

One of the proposals in Transport Scotland’s “Local Bus Services in Scotland” consultation last year was “In order to clarify the powers of transport authorities ... we propose to legislate to enable them to be able to run bus services directly and/or to be able to set up arms-length companies”. The Scottish Government is planning to introduce a Bill this year which would include this measure. We welcome this as a useful power which we may choose to adopt if we see it as appropriate to our circumstances. However, implications for journeys operated under Section 19 Permits (for example, school trips, driven by teachers or other school staff) would need to be considered.

If only a small number or limited range of transport is provided in-house (such as home-to-school transport or school trips, or weekly shopping trips for a remote community), it may be that operation under a Section 19 or 22 Permit would be more appropriate than obtaining an Operator’s Licence.

Regarding voluntary organisations, in most cases it will be clear whether or not road passenger transport (as defined in Regulation 1071/2009 i.e. operation of vehicles of more than 9 seats) is the main activity of an organisation. However, where this is a significant part of an organisation’s activity, an assessment will be required. This would be analogous to the assessment by a Traffic Commissioner of whether an applicant meets the “not the principal activity” criterion to hold a Restricted PSV Operator’s Licence, but may require a range of factors to be considered, such as staff and volunteer time, assets, expenditure and income. Further guidance may be needed on this aspect.

### Question 3

**Do you have any views on whether and how the category "minor impact on the transport market because of the short distances involved" could be used in practice?**

This is difficult to assess. In an urban area, many short distance trips may be made by bus, but in a rural area bus routes are more likely to be to or from the nearest town than to a small village. It could be appropriate to exempt services which do not go as far from their starting point as the nearest town of a certain population (of, say, 5000).

### Question 4

**Based on how the Department proposes to apply the exemption for organisations "...engaged in road passenger transport services exclusively for non-commercial purposes"<sup>1</sup> (Table A, paragraphs 3.14 on page 12 to 3.18 on page 14), does your organisation fit into this exemption?**

We provide home-to-school transport free of charge in accordance with the Education (Scotland) Act 1980. We also charge a mileage rate for non-entitled pupils who wish to use these services.

Other trips are mostly occasional trips, and charges may be either for a contribution to costs or aiming to cover the full cost of the trip.

We do not operate incidental services.

### Question 5

**Based on how the Department proposes to apply the exemption for organisations "...which have a main occupation other than that of road passenger transport operator"<sup>2</sup> (Table B, paragraphs 3.19 to 3.21 on page 15), does your organisation fit into this exemption?**

Yes.

### Question 6

**Based on how the Department proposes to interpret the exemptions to the Regulation, do you think that there could be impacts for specific groups in society?**

It is astonishing that the Impact Assessment expects no implications for equalities or health and well-being. Community Transport essentially exists to serve people who

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<sup>1</sup> Regulation 1071/2009 Article 1 (4) (b)

<sup>2</sup> Regulation 1071/2009 Article 1 4 (b)

do not have their own transport and are not reached by mainstream transport operators. While we agree that some CT organisations have broadened their types of activity beyond what existed in 1985, the proposed guidance would restrict the operations of many CT groups who are not generally seen as competing with the private sector. This will have a serious adverse effect on people who are elderly, in poor health, unable to drive, living in an isolated area, or for whom lack of transport makes it difficult to take up employment. Many CT services provide essential transport to people with mobility difficulties who may be unable to walk to their nearest bus stop, even if that distance is less than 400m.

We agree with the Community Transport Association that “the UK Government now faces the very real prospect of a legal challenge from some of our most isolated and vulnerable citizens for not having paid sufficient attention to how these reforms will impact on them.”

If the proposals are implemented, the short term consequences for CT operators will be severe. It takes time and a significant cost to obtain a PSV licence and to train drivers. Many groups would have to suspend all or a significant part of their operations, leading to a loss in transport provision for people who depend on them. Some of our CT groups have expressed concern that downsizing to vehicles of below 9 seats would result in poorer accessibility for their passengers. The longer term implications are likely to be that some would adapt (at a cost to funders and users, or by reductions in service) while others would cease to operate. Ultimately it is the users of these services who would lose out.

### **Further comments**

On page 8 of the Impact Assessment it is stated that “a mechanism is needed ... that invalidates permits without the need for them to be reported to the DVSA or Traffic Commissioners first.” This would seem to contravene natural justice. It is certainly inequitable when compared with PSV operator licensing, risks creating further uncertainty and insecurity for CT operators, and therefore undermining transport provision for the people who they exist to serve. If there was a clear legal definition of “non-commercial”, there would then be a sound basis for revoking permits where the operation did not comply.

We believe that the costs of the preferred option are seriously underestimated in the Impact Assessment. As the Department is gathering data from operators and has accepted (at at least one of the consultation events) that the Impact Assessment will need to be updated, we are not going into detail here, but simply pointing out a need to review the figures.

Although it is in principle possible for affected CT operators to convert to operation under a PSV Operator’s Licence, and this may well be the appropriate course of action for some, in our area it is generally considered that the costs of doing so would be disproportionate to the scale and nature of their activity. Difficulty of finding drivers would be increased, and there is a real risk that they could train drivers only to lose them to commercial operators.

Under the “Do Nothing” option the Impact Assessment states “Confusion about the circumstances in which road passenger transport operators can be exempted from the requirements of the EU Regulation ... would continue”. While accepting that revised guidance would partially address this, we believe that in the absence of any more precise legislation, a level of confusion would still apply, and that guidance cannot be taken as defining the legal position.

# Consultation Context Questions

These context questions are only for organisations who provide services using a section 19 permit or section 22 permit. Please answer these questions, illustrating the circumstances of your organisation as of 31<sup>st</sup> January 2018.

## Details of Organisation

### **Question 1**

*Please provide your organisation's name, address and charity number if appropriate.*

The Highland Council

Glenurquhart Road

Inverness

IV3 5NX

**Type of Organisation**      Local authority

### **Question 2**

*Is the primary activity that your organisation carries out the provision of transport services?*

*Please determine this question by virtue of activity and not the type of organisation you consider your organisation to be i.e. a charity or social enterprise.*

No.

*If your organisation also provides other (non-transport) services e.g. social care services, please provide details of the other services.*

Full range of local authority functions.

## Permit Numbers

### **Question 3**

*Which of the following permit types do you use?*

*Section 19 standard permit*

*How many of this type of permit have been issued to your organisation?*

*Which organisation(s) issued these permits?*

We have issued over 80 Section 19 permits to our schools and for in-house provision of Home-to-School Transport under the statutory obligation contained in the Education (Scotland) Act 1980.

*Section 19 large bus permit*

*How many of this type of permit have been issued to your organisation?*

None.

*Section 22*

*How many of this type of permit have been issued to your organisation?*

None.

## **Local Authority and Other Contracts**

### **Question 4**

A. *Did your organisation gain any of its current work through tendering for contracts in competition with holders of PSV licences?*

No.

B. *If so, please name the local authority or other public sector body you are carrying out work for so that we can establish whether some authorities or bodies could be affected more than others, and how.*

## **Charges**

### **Question 5**

A. *Does your organisation charge either passengers or a third party for providing transport services using section 19 permits?*

We offer spare seating ("privilege places") on in-house operated vehicles under a Section 19 permit to non-entitled children. The seats will only be available to children attending the destination school and may be withdrawn if the seat is required for entitled children.

Schools may charge pupils for travel on school trips.

B. *Does your organisation charge either passengers or a third party for providing transport services using section 22 permits?*

N/A

C. *If so, is the charge substantially less than the cost of providing the services?*

The charge for a privilege place is determined by a mileage scale for a child return fare and will generally be less than the pro rata cost of the provision.

Charges for school trips are fixed by schools and may be a contribution towards costs or aiming to cover the full cost, depending on circumstances.

D. *Is there any other information about the way in which you charge for services which you think might be relevant to this consultation?*

No.

## **Vehicle Numbers**

### **Question 6**

A. *How many vehicles does your organisation operate using section 19 permits, adapted to carry up to 8 passengers?*

None.

B. *How many vehicles does your organisation operate using section 19 permits, adapted to carry 9 to 16 passengers?*

67 in various locations across Highland.

C. *How many vehicles does your organisation operate using section 19 permits, adapted to carry 17 or more passengers?*

None.

D. *How many vehicles does your organisation operate using section 22 permits?*

None.

## **Driver Numbers**

### **Question 7**

A. *How many drivers does your organisation use in total?*

We have a record of 2215 approved drivers across Highland. This consists of HC staff, teachers and volunteers who may drive pupils to events and drivers of HC supported groups.

B. *How many of your organisation's drivers are paid more than out-of-pocket expenses?*

We have 7 paid drivers for home to school routes. Other staff may in some cases be paid for their driving time.

C. *How many of your organisation's drivers are unpaid volunteers?*

773 of our drivers are recorded as volunteers. Others are staff who are likely to be doing at least some voluntary driving.

## **The Rural Impact**

### **Question 8**

*The Department for the Environment, Food and Rural Affairs defines rural areas at: <https://www.gov.uk/government/statistics/defining-rural-areas>*

*The definition and types of rural area are quite complex so if you don't know whether you provide services in one, when answering the next question simply give the name(s) of the area(s) you think is rural, and we will check whether or not it is a rural area.*

- A. *Does your organisation provide services in rural areas under section 19 permits? If so please name the rural area(s)*

The link above is relevant to England only. However, we provide services in some of the most deeply rural areas of Europe, particularly Sutherland. See covering letter for more detail.

- B. *Does your organisation provide services in rural areas under section 22 permits? If so please name the rural area(s)*

No.

## **Developing the Short Distance Exemption**

*This is to help to develop the short distance exemption discussed at pages 15 and 16 of this consultation document. This exemption is about mileage travelled from a starting point.*

### **Question 9**

- A. *Looking at all the routes you operate, what is the furthest distance in miles between the start and end points (ignoring any return journey)?*

Longest regular home to school route operated by our own vehicles is 19 miles.

- B. *What proportion of the services which you operate would fall within the 'short distance' exemption, if the exemption were to apply to journeys which are within the following distances from your operating centre:*

*a 5 mile radius?*

*a 10 mile radius?*

*a 15 mile radius?*

*a 20 mile radius?*



Not possible to answer as many trips are organised by schools on an occasional basis.

## **Transport Managers**

*A Transport Manager is an individual with a Transport Manager Certificate of Professional Competence (TMCP) qualification who 'continuously and effectively' is responsible for managing an organisation's transport activity. Their duties include ensuring appropriate driver licensing is regularly checked; keeping drivers hours and working time records; and scheduling and keeping records of vehicle safety and preventative maintenance checks. A Statutory Guidance note on Transport Managers can be found at:*

<https://www.gov.uk/government/publications/traffic-commissioners-transport-managers-september-2017>

### **Question 10**

*How many qualified Transport Managers (who hold a TMCP) qualification) does your organisation employ?*

One with a Passenger Transport Manager qualification. (Our Fleet team also has staff with the Freight TMCP) qualification.)

### **Question 11**

*How many staff does your organisation employ who carry out all the duties of a Transport Manager but who do not hold a TMCP) qualification?*

None, although some carry out some of these duties.

### **Question 12**

*The suggested amounts of time below are a starting point as to what Traffic Commissioners might expect in terms of hours worked by Traffic Managers. They are intended as a prompt to operators/applicants and the nominated TMCP) holder to discuss what time is actually required to carry out their duties.*

#### **LEVEL OF AUTHORITY**

<i>Motor Vehicles</i>	<i>Proposed Hours (per week)</i>
<i>2 or less</i>	<i>2-4</i>
<i>3 to 5</i>	<i>4-8</i>
<i>6 to 10</i>	<i>8-12</i>
<i>11 to 14</i>	<i>12-20</i>
<i>15 to 29</i>	<i>20-30</i>
<i>30 to 50</i>	<i>30-Full Time</i>
<i>Above 50</i>	<i>Full Time and additional assistance required</i>

- A. *Based on the above guidelines, how many of your staff do you anticipate would need to get TMCPD qualified, in order for you to keep delivering the services that you are currently delivering?*

No requirement, provided that “not main occupation” exemption applies.

- B. *Would you expect those staff to need training before taking the TMCPD or take the test immediately on the basis of their experience?*

If applicable, training would be required.

### **Traffic Areas**

*A list of Traffic areas can be found in Annexe 14, pages 51 to 54, of the Public Service Vehicle Operator Licensing Guide for Operators.*

*The guide can be found at: <https://www.gov.uk/government/publications/psv-operator-licensing-a-guide-for-operators-psv437>*

*An operating centre is the base or centre where your organisation’s vehicles are normally kept.*

### **Question 13**

*In how many traffic areas, does your organisation have an operating centre?*

One.

### **Time for Compliance**

#### **Question 14**

*How much time do you believe your organisation will need, in order to comply with the proposed changes to legislation and guidance?*

No requirement, provided that “not main occupation” exemption applies.

### **Separation of Commercial and Non-Commercial Activities**

#### **Question 15**

*Has your organisation separated (or are you considering the separation of) commercial operations which require a PSV licence from non-commercial operations which rely on permits, through the use of separate corporate entities?*

*If so, please explain the corporate structure and the process by which you have separated (or are proposing to separate) those entities.*

This may be considered, but no further detail available at present.

## **Consultation responses**

Send this completed response form:

Via email to [buses@dft.gsi.gov.uk](mailto:buses@dft.gsi.gov.uk)

Or by post to:

Community Transport Consultation  
Buses and Taxis Division,  
Department for Transport,  
Zone 2/12,  
Great Minster House,  
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London  
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