



**Community
Transport
Association**

Responding to the Department for Transport's Consultation

March 2018

Contents

This guidance document is in two parts:

- 1) The first looks at things to consider before responding to the Department’s consultation.
Please read this part first.
- 2) The second contains CTA’s guidance on answering the questions within the Department’s consultation.

Introduction	2
Background	2
Using this document.....	2
What to consider before responding	3
Helpful hints	4
Responding to the consultation questions	6
Question 1.....	6
Question 2.....	11
Question 3.....	15
Questions 4 and 5.....	17
Question 6.....	19
Consultation responses	21

Introduction

Background

On 31 July 2017, the Department for Transport (DfT) issued a letter to section 19 and 22 permit issuing bodies which attempted to deal with complaints about what rules should be followed when fulfilling contracts for local authorities.

The implication is that those operators competing for local authority contracts using section 19 and 22 permits may need to do this under a PSV Operator Licence in future. It is also suggested that drivers who undertake paid work would also need to obtain a Driver Certificate of Professional Competence (Driver CPC). The impacts of the reforms explained in this letter will be far-reaching.

In response to this action, the House of Commons Transport Select Committee launched an Inquiry to explore the impacts of a revision to the previous settlement on how transport run on a not for profit basis should be regulated. The Transport Select Committee is made up of MPs from different political parties who scrutinise the work of the UK Government, and make recommendations on important issues such as this. [You can access their final report here.](#)

Following the oral evidence stage of the Transport Select Committee on the 27 November the Department for Transport released a further letter on section 19 and 22 permits to all Local Authorities. [You can read the letter here.](#)

Finally, on Thursday 8 February, the UK Government launched its much-awaited consultation on the use of section 19 and 22 permits. This sets out how it intends to change its guidance following its reinterpretation of how the EU regulations (1071/2009) on passenger service vehicle (PSV) operators should be applied **in England, Wales and Scotland**. [You can access the consultation here.](#)

Using this document

This document is intended to support CTA members to respond to the UK Government's consultation. It explains our take on why the questions are being asked, what we think of the issues they address and suggests the types of information you could use to illustrate the nature and value of your services as well as your views on the proposals. This document is structured to follow the questions being asked in part one of the consultation.

What to consider before responding

We would advise that, for the following reasons and for your own convenience, you download the consultation in Word format and complete, then submit it via email.

Please note: If you choose to complete the consultation response online...

- You will have to answer the context questions about your operation and vehicles first, some of which cannot be skipped.
- You are unable to save your answers and return at a later date.
- You are unable to state that any information provided is commercially sensitive.

The DfT consultation questions are in two parts. The first is to gather feedback on the proposed changes to guidance and the second (context questions) seeks to gather information about community transport operators as a means of helping DfT understand the likely impacts of these reforms.

There are lots of concerns in the sector of how the information in the second part will be used and if it will lead to enforcement action directly, or through third parties submitting FOI requests. In response, CTA are working with the Mobility Matters campaign who are seeking to collect data themselves. [CTA shared this request for data with our members click here to view.](#)

The information provided in response to this consultation, including personal information, may be subject to publication or disclose in accordance with the Freedom of Information Act 2000 (FOIA) or Environmental Information Regulations 2004.

If you believe information which you are submitting could be viewed as confidential or harm the commercial interests of any person you will need to state this and explain why you regard the information as confidential and/or commercially sensitive. Please note as above you are unable to do this online.

(The Department states within its guidance it is unable to assure that confidentiality will be maintained in all circumstances.)

Before answering the questions, we suggest looking through the prompts below and consider your responses before completing:

- Have you used CTA's [impact flowchart and cost calculators](#)?
- What could these changes mean for services, passengers, jobs and income?
- What do you need to know more about in order to have a better picture of the situation? Is it something CTA could help with? Another CT in your network?
- If forced to change how you operate what changes would you need to make or would this lead to immediate closure?

- Looking at the proposed exemptions, can you see how they apply to your operation and how they differ from what you may have thought or understood in the past?
- Has the detail in this consultation provided you with sufficient clarity and information on the future implications for your organisation and services? If not, what is unclear or missing?
- Explain the relationship between commercial and community operators. In particular, please share any examples you have of positive and mutually beneficial relationships you have with commercial operators in your area. Especially if you do not view each other as competition or delivering different services and outcomes.

Helpful hints

The responses which the UK Government departments receive to their consultations are vital for informing the development of well-informed policies and design of effective services. We have detailed some helpful hints of what to consider whilst completing your response.

1. Short responses that just cover key issues

It is acceptable for an organisation to produce a response that just covers the issues where you feel you can offer a unique perspective. A number of UK Government departments have pointed out that some of the most useful responses they receive consist of a few clear and concise points from the point of view of an expert. Don't feel you have to answer every single question.

2. Give priority to the consultation answers

Background information on your organisation can be useful – but is not generally considered as part of the core analysis of responses. It's suitable to include this information, but it is best included at the end, so departments can easily access the key parts of your response.

3. Responses from individuals are welcome but most responses come from organisations

Responses from service users or other charities you work with or support are equally welcome and are read in the same way as the others.

4. Collaborative and joint responses are encouraged

If you are a member of a community transport forum or know of other CTs in your area who may not respond, creating a joint response can save time for all organisations involved, especially if others might otherwise not respond. Joint responses can also help departments to understand how widely and strongly views are held.

5. Ensure you provide references for evidence and research used

If it is unlikely that a department will have seen the evidence or research you are referring to in your response, you should ensure that it is referenced in full so departments can look at it first-hand and in its entirety.

6. There is no 'right' format

It will help departments if you respond to the consultation in the same structure as the consultation paper. Use subheadings, answer the questions in the same order and then add your views.

7. Be clear, succinct and jargon-free

Don't worry about being direct if you have a particular message you wish to convey (as long as you stay within the boundaries of libel/defamation law and decency!). A minor comment which is considered offensive might lead to the whole submission being disregarded.

8. Responses are often logged, read and considered as soon as they arrive

With this in mind, it can be useful to try to submit your consultation before the deadline (though we appreciate this can be challenging when consultation periods are shorter).

9. Do share your views on how consultation processes could be improved

Feedback about what works in terms of the process is useful – include these thoughts at the end of your response.

Responding to the consultation questions

Question 1

Do you have any comments on how the proposed guidance clarifications in respect of organisations “...engaged in road passenger transport service 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?

This question relates to pages 12-15 (section 3.14-3.18)

What is this question about?

The question relates to three areas:

- The DfT’s general principle (in Table A) which asserts that passenger transport services for payment are commercial regardless of an operator’s status.
- The non-commercial tests (page 13 and 14) – which gives descriptions of circumstances in which services can involve payment in some form but still be considered non-commercial.
- The commercial operator veto - 3.15-3.18 (page 14).

Views from CTA

The general principle

There are two points to contend with here. We don’t agree that payments always make something commercial. We also believe the wording of the exemption ought to apply to the status of the organisation rather than its services.

We disagree with the DfT’s claim in its letter of 31 July 2017 that “non-commercial” in the context of Regulation 1071/2009 is “quite distinct from the colloquial use of the same term”. The phrase ‘non-commercial’ is not legally defined and so is interpretable, in a reasonable way. The everyday meaning of words should be the starting point for a proper interpretation.

The legal interpretation of the EU regulation and how it applies to UK law is not settled and the DfT have not set out their basis for the legal assumption articulated in the consultation. There is no evidence from EU or domestic law to support that general principle that payment automatically renders a service commercial.

We believe in the principle that the non-commercial status of an operator is the best and fairest means of reaching a judgement that its services and activities are all non-commercial and that is worth

defending. We also need to remake the case for this in our responses, even though the UK Government now deviates from holding that view itself.

The UK Government has not made a strong enough case for why it is deviating from its previous position of supporting this commonly accepted view. If it's going to put many thousands of organisations and services at risk of closure, then the bar should be set pretty high for the quality of evidence and argument for doing so. All we have to go on is legal advice which has been mentioned, but not published, and one piece of case law about a man towing a rally car in Sweden which has no read across to carrying passengers here in Great Britain. We also have no evidence that all possibilities have been explored and that this is the only viable means of the DfT settling this matter with the European Union before we leave it next year.

The non-commercial tests

Generally, all of these examples lack a real world view of how charities work and how commissioning and procurement works. Looking at each in turn:

'The service is free of charge'

CTA cannot see a workable example of how this would apply given everything involved some form of financial transaction which the wording of this suggest would need to be absent. Even voluntary donations and unconditional grants could still be classed as a payment. The reference to grants is confusing as it is unclear whether Bus Service Operator Grant and Bus Service Support Grant (Wales) could be included under this exemption, and whether concessionary fare passes meet this exemption?

Any charge for service is substantially less than cost

The phrases "As a broad rule-of-thumb, "substantially less than cost" are unclear. The Department has not given an explanation as to why they have reached 10% as their figure. The existing guidance, has encouraged permit operators to use the full cost recovery model to establish fare models and ensure that they keep to the requirements Transport Act of not operating with a view to profit. The draft exemption makes it unclear if this model would still be permissible. This would dismantle some long-standing principles around full cost recovery which successive UK Governments have supported commissioners and charities to work.

Any charge for service equals (or exceeds) cost

The Transport Act, as amended clearly states that section 19 and section 22 permits cannot be used to operate services with a view to profit. In addition to this a major concern is the fact that an organisations ability to operate will be decided by PSV Operators instead of a need for transport by passengers. The presence of an existing PSV Operator does not mean that they can provide a suitable service which meets the needs of the passengers or purpose of the service. We explain below why it is unfair and unworkable for the DfT to use the commercial operator veto in the way it has proposed.

Occasional Services

Operators will need a clearer definition of “occasional service”. It is unclear what “operated on a voluntary basis” means, and also why the exemption makes reference to using “an unpaid driver”.

Occasional private hire

This is described in the bottom paragraph in the table. It is unclear from the exemption if this is referring to both section 19 and 22 permits and to what type of service it is referring to.

We know there is the provision at section 22(1)(b) of the Transport Act 1985 to carry passengers for hire or reward where this will directly provide financial support for the provision of the community bus service. If the DfT are applying this provision to the exemption, then some section 22 services will no longer be viable due to “occasional private hire” not complying with the exemption. Section 22 services are, in the main, delivered where commercial bus companies have already pulled out of the market due to the service being unviable.

The commercial operator veto

There is the potential for commercial operators to refuse permission to community transport operators for a variety of different reasons which do not include a competitive market. It is unfair and unworkable for the DfT, operators and local authorities to rely on commercial operators to decide whether there is a competitive market. The presence of an existing PSV Operator does not mean that they can provide a suitable service which meets the needs of the passengers or purpose of the service. It also encourages commercial operators to collude and inhibit competition which the community transport operator having to gather the evidence themselves will have no means of policing. Alternative ways to determine whether or not a competitive market exists should be explored, for example, giving local authorities discretion over whether there is in fact a contestable market for transport services, and not have to rely on operators who might indicate an interest or even submit a bid which is economically prohibitive.

Ways to respond

We think it's worth everyone giving their opinion on the contents of this proposed guidance, even if you have questions about the fundamental principles about these reforms.

This could include:

- Providing information on your charitable status and why it is important that you deliver services through this model rather than by a commercial trading arm.
- Outline each of the different services you provide (Dial a Ride, group hire, community bus services, local authority contracts etc.) giving information and evidence as to why you consider this service non-commercial - this could include the type of passengers, the use of community and charity resources etc.
- How would your services be delivered differently if they had to be provided on a commercial basis, do you have any examples in your area of how a service changed when a commercial operator took over a previous contracted service which was operated under section 19?
- How do community transport services differ from commercially operated services? This could include the level of personal attention given to passengers by CT drivers, the level of consistency of care given by CT staff to passengers and vulnerable adults. What is it that makes community transport what it is?
- If you have any specific stories which highlight the non-commercial aspect of your service, include them in your response (*please ensure that you have permission of passengers before you include this information*).

Thinking about your local area, how practical would it be to obtain the agreement of commercial operators to prove the existence of a non-commercial market?

- How many commercial operators are there in your area?
- How time consuming would it be for your board to undertake research and compile a report?
- Is it realistic to assume that commercial operators would assist your charitable organisation? For example, they may be competing with your charity or others for other services

How clear are the non-commercial exemptions on page 13 of the consultation document? Do you as an organisation understand them? If not explain what is unclear and why it's confusing.

A Community Interest Company told us 'To retain our non-commercial exemption, we need more specific advice on 'occasional' services section with regard to what would be considered "members of a recreational club"; nor do we understand why hiring out our bus driven by volunteers is considered a commercial activity which would invalidate a community bus permit". Do you have any specific question and concerns about the proposed exemptions? These should be included in answering this question.

What additional information would you require to make the exemptions understandable and easily implemented? A CTA member said “We need some form of recognisable acceptable evidence to prove that we are complying with the requirements.” What evidence do you think would be helpful in understand your legal requirement better?

If you provide a mixture of services, where some would not meet the “non-commercial” exemptions proposed in the new guidance, then you would not be eligible to run any services under a section 19 or 22 permit. How this affect your organisation? How easy would it be for your organisation to set up a separate trading arm?

Included in this pack is the cost calculators, giving you information about how much a PSV O license may cost your organisation. After you have applied the calculators for your organisation, tell the DfT how much it would cost, are you able to meet those costs? If not what would the impact of the extra cost be for your organisation, how would services be affected, would you have to cease some or all of your services, what would the effect of this be for your community and passengers?

Do you have any drivers who would be unwilling or unable to complete the Driver CPC? What are the years and level of experience lost to the sector if these drivers retire? Do you have any stories of these drivers going beyond what would be normally expected of a driver? You may wish to include this in your submission.

Question 2

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

This question relates to pages 15 (sections 3.19 -3.21)

What is this question about?

This question relates to the proposed guidance in Table B. It contains three ways of judging if an organisation can rely on this second part of the exemption from 1071/2009 by proving main occupation is not that of a road passenger transport operator. These are organisations that are often described as ‘secondary purpose’ as their transport provision is secondary to some other function or service. The fourth bullet says that if it’s not clear then the permit issuer has to consider the case on its own merits.

The question is seeking your views on:

- Any ideas you have in clarifying how this exemption should operate.
- What criteria can be applied by permit issuing bodies on a case-by-case basis to determine if an organisation is an undertaking which has a primary occupation other than road passenger transport?

The question fails to address the issue of Driver CPC and the requirement of paid drivers in secondary purpose organisations to obtain a Driver Qualification Card.

Views from CTA

Most users of section 19 permits, and a minority of users of section 22 permits will fall into this exemption because it’s obvious from what they do (i.e. a school) or from what their governing document says (a youth charity). It is also seen to cover local authority in-house fleets as a Council’s main occupation is not transport provision. This enables DFT to assert that the majority of organisations will be unaffected by the changes, if you overlook how changes to the rules on driver licensing will affect them.

How this exemption could be applied becomes less clear for those organisations that deliver the mainstay of community transport journeys, who could say they exist for some other purpose than transport provision. Many of them will have governing documents that describe the problem they are set up to alleviate – for example rural isolation or inequality of access to public transport – and enabling people to make journeys is merely a means to that end. This is fundamentally distinct from the

activities of a private company which is ultimately about paying a dividend to the owner or shareholders – however it may wish to market itself.

Those organisations, even with community transport in their name, may wish to argue for this exemption to apply to them. Permit issuing bodies would find it difficult to turn down an application from an organisation whose governing document made transport secondary to some other cause or issue.

However, there may be risks with such an approach. If charities rely on this exemption and attempt to fulfil local authority using Permits, then it just moves the threats and challenges from the anti-community transport lobby to another arena rather than bringing the challenges to an end. Under the current consultation guidance organisations which have a main occupation other than that of road passenger transport operator could competitively bid for contracts under a section 19 permit. This only serves to further exacerbate confusion for the sector and leaves the guidance open to abuse. It will also be a bitter pill to swallow for some charities to be inhibited from using the same rules as other charities because of subtle nuances in the way their activities are seen or described.

As the consultation does not say how the DfT intends to apply the same reforms to driver licensing this question provides an opportunity for organisations that may be hit by the changes to driver license rules, even if they can still use a permit. Previous communications from DfT have said that their new view of what non-commercial means would also be applied to driver licensing legislation and the need for Driver CPC for any driver who is paid and drives a minibus. This would certainly affect a large proportion of section 19 or 22 operators, the CTA estimate 84% of operators would require Driver CPC.

There is a national shortage of drivers who hold a Driver CPC so these drivers would have to be trained using existing staff at organisations such as community transport operators, schools, other third sector organisations. A charity told us ‘Many of our employees have joined us as their second career and feel unable to make a long term commitment to justify the cost of training’.

Ways to respond

There are a number of ways you could respond to this question and your views may be influenced on the degree to which you are confident this part of the exemptions applies to you OR could with some alterations.

If you believe this clearly applies to you, for example, you are a school, an Age UK or RVS branch then here are some things to consider:

- Look at the first three bullet points in the proposed guidance in Table B on page 15 of the consultation document. Are you clear which of these you would rely on as proof you were exempt and able to continue providing your services or activities using a section 19 or 22 permit? Could the language be made clearer on any of them?

- Do you feel the three bullets don't describe the grounds for you relying on this exemption well enough and an additional criterion may be needed? If so, it's important to get that across in your response?
- In relation to the last bullet point in Table B - consider your relationship with who you would ordinarily get your Permits from and how they are likely to enforce this guidance. Could anything additional be said that would help them do this effectively?
- Lastly, as we've said in CTA's view part above, organisations relying on this exemption are still likely to be affected by the DfT applying the same reforms to driver licensing, even though they have decided not to deal with it now in this consultation. If the people who drive are employees and people pay for the trips you run, then it could affect you. You can get a better idea using the cost calculator labelled 'Driver Licensing Only' we distributed with this document and use the results to highlight the cost of driver licensing changes for your organisation.
- Highlight your concerns over the lack of clarity in the consultation on the issue of Driver CPC requirements and disappointment that the consultation has not only been unclear on driver training requirements. A school told us 'In a school environment, this will cripple our ability to transport students around under our own power. I would have to hire coaches in the short term until staff are trained'. You could demonstrate your concerns using a similar statement which relates to your organisation.
- If you are located in a rurally isolated area, you could state how far away your nearest PCV D1 test centre is. This will demonstrate how difficult it is for drivers to gain the required training and test.
- Given the pass rate for PCV D1 is 59% you may wish to highlight the amount of staff time and cost for covering staff during training that will be required to ensure compliance. If your staff have particular specialisms e.g. teaching you may wish to highlight the disruption to teaching of children and the cost of covering specialist occupations.

If a significant part of your day to day activities are the provision of transport, but you want to make the case that you exist for some other purpose that would enable you to rely on this part of the exemption then here are some things to consider:

- Even if your organisation uses the term 'community transport' in its name, is your organisations primary purpose something else? You could provide information about the type of work which your organisation does, including the care element of the service which you provide. Do you have any examples of passengers who you transport that require additional assistance to support your response? For example, a charity has told us "that a driver's job is 33% driving, 33% caring for people with disabilities and 33% operating safety equipment." You could supply similar information to demonstrate the purpose of your community transport operation and how that extends beyond just providing a transport service. For example, is your service primarily aimed at ending social isolation and exclusion of which transport plays a part? Do you have any evidence or stories from passengers that support a case that your service is primarily engaged in another purpose other than passenger transport?

- Look at the first three bullet points in the proposed guidance in Table B on page 15 of the consultation document. Could you rely on any of these as proof you were exempt and able to continue providing your services or activities using a section 19 or 22 permit? Could any alterations be made that would make this clearer?
- Do you feel the three bullets don't describe the grounds for you relying on this exemption well enough and an additional criterion may be needed? If so, it's important to get that across in your response.
- In relation to the last bullet point in Table B - consider your relationship with who you would ordinarily get your Permits from and how they are likely to enforce this guidance. Could anything additional be said that would help them do this effectively and allow you to rely on this part of the exemption?
- Are there any organisations who would qualify under this exemption in your area who have won local authority contracts? You could use this to highlight that the exemption and draft guidance does not deal with competitive markets but rather allows organisations whose main occupation is not road passenger transport to continue to bid for contracts under section 19 permits whilst your organisation would require a PSV O license.

Question 3

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

This question relates to pages 15 and 16 (sections 3.22 – 3.27)

What is this question about?

The question is asking:

- Could the exemption on minor impact on the transport market because of the short distances involved be implemented in the UK?
- Short distances are not defined by the EU. The DfT have indicated they are prepared to consider a radius of 15 to 20 miles.

Given this exemption has never been applied by any EU nation state, the DfT are asking for any creative ways this could be implemented within the road passenger transport market of the UK.

Views from CTA

CTA’s understanding of this exemption is that it was designed to accommodate organisations which are commercial but providing transport services which is not provided by the transport market. As no member state has currently applied this exemption to their bus market, it would be difficult to comment as to how it may work in practice.

CTA would welcome further information from the DfT on how this may be used by community transport operators including further scrutiny of the original exemption’s purpose. The DfT would need to take into consideration demand responsive transport where a service is not end to end, and the issue of dead mileage particularly in rural areas and how this exemption could apply in that situation.

This criterion also takes no account of very rural areas where a service operating under a permit links two very small communities which are several miles apart (e.g. in the South of Scotland, Highlands, rural Aberdeenshire, Angus and Perthshire).

If DfT takes a flexible approach to this exemption CTA believes this could provide a workable basis for many local services to continue without the need for regulatory change.

Ways to respond

When answering this question, you could provide the following information:

The number of services you operate which wouldn't fall into this proposed exemption because the radius is more than 15 miles.

- What type of service falls into the proposed radius?
- If your service is operated in a wide geographic (partially rural) community how many 'dead miles' do your vehicles travel? In particular, for very rural services, are there occasions when your service travels for 15 or more miles between two stops?
- Are there periods during the day when no passengers are on the bus?
- Do you operate a hybrid rural/urban service? Where the urban service fits the proposed radius but the rural service does not? What is the proportion of rural to urban mileage in your service?

Do you operate any services unique to your organisation that meet the requirement of being within a 15 to 20 mile radius that you would be prepared to share with the DfT to help develop how this exemption could be applied to other organisations?

Do you agree that a short distance is 15 to 20 miles? If not can you provide any evidence from your own organisation that would support a short distance as being defined as more than 20 miles?

We have combined the guidance for questions four and five as the information would be the same for each.

Questions 4 and 5

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**”¹ (Table A, paragraphs 3.14 on page 12 to 3.18 on page 14), does your organisation fit into this exemption?

This question relates to Table A (paragraphs 3.14 on page 12 to 3.18 on page 14)

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**” (Table B, paragraphs 3.19 to 3.21 on page 15), does your organisation fit into this exemption?

The question relates to Table B (Paragraphs 3.19 to 3.21 on page 15)

What are these questions about?

In question four the DfT want you to say whether the first part of the exemption (related to services being for exclusively non-commercial purposes) based on their descriptions and examples applies to your organisation. We’ve already said what we think of this in our guidance for question one. In question five it asks the same in relation to the exemption for organisations whose main occupation is not road passenger transport operators and, again, we’ve shared our thoughts in the question two guidance.

Views from CTA

Given the questions and concerns about the clarity and workability of the proposed guidance many organisations, especially those whose main day to day activities involve providing transport, will feel unable to say with any certainty which of the exemptions they can apply to their services. We know many operators feel it lacks real-world relatability and deviates from so many commonly accepted conventions without anyone really understanding why.

DfT needs to pause and reflect on the information gathered from the consultation to understand that the proposed exemptions cannot be applied in the manner they are currently proposing.

The DfT need to use the consultation process to understand the concerns of the sector and how the needs of passengers can be better addressed.

Ways to respond

When answering these questions, you may wish to consider:

- Do you understand the draft guidance? If you have doubts or concerns, you should use this question as an opportunity to explain why the proposed exemptions are unclear and what further information needs to be included by the DfT to bring clarity to the exemptions.
- If you do not understand how these exemptions could be applied to services which you run, you should use this question to express this concern. Provide information as to why you think the draft guidance is unclear.

If, however, you think it is clear that the exemptions apply to your organisation state in your response to this question how they apply to your organisation.

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?

What is this question about?

The DfT want to understand the impact on your organisation and your passengers of applying the exemptions as described in the consultation.

This question provides you with an opportunity to share your story and how the proposed guidance will uniquely affect your organisation.

Views from CTA

Community transport organisations deliver essential services, on a charitable basis, to groups of beneficiaries in charitable need – the young, the old, the vulnerable and the disadvantaged. Typically, a true market would not deliver such services with requisite: coverage, quality and affordability for the public and/or the service users, or sustainability. The existence of not-for-profit services is itself evidence of market failure or the limitations of a purely commercially-driven approach. Judging not-for-profit providers in commercial and competitive terms is therefore a completely wrong-headed approach.

We are talking about risks to the continuity of the services of hundreds of charities that employ thousands of people and serve tens of thousands of our most vulnerable citizens that rely on community transport to have a decent quality of life and feel that they belong.

The Department for Transport needs to have a clear understanding of what the implications of the proposed changes are and that once the changes have been implemented, with devastating impact on the elderly, vulnerable and disadvantaged, they cannot be undone.

These changes will have a far reaching and long lasting imprint on our communities: the Department needs to reconsider the approach outlined in the proposed exemptions to ensure that unintended consequences of the proposed guidance do not become reality.

Ways to respond

When answering this question, you may want to:

- Explain how the loss of any of your services and activities could have an impact on your service users. If you have permission, you could also share examples which paint a picture of what difference you make for individuals in your community.
- Explain how extra financial constraints placed upon your organisation by the draft guidance will negatively affect service
- In the past, many CT operators have been asked to start new services to fill gaps left by the withdrawal of commercial or subsidised bus services. Please share any examples you have where you have been asked to set up these types of services and what the impact has been in enabling people to retain their independence and stay mobile.
- Has the uncertainty already created by the DfT's letter in July affected your organisation? Do you have any examples of contracts being cut, money being lost, legal action taken against your organisation, increased fear among staff and board members? Has the uncertainty about driver regulation made it more difficult for you to retain or recruit new drivers? This question provides an opportunity to articulate those fears.

A CTA member expressed their view 'Community transport is a vital resource for disabled community members in accessing priority services that are passenger focused, reliable and cost effective. There is no commercial alternative for these passengers' No one can tell your story better than you! This is your opportunity to tell the DfT about the difference your organisation makes and the importance with which it is held in your local community.

Do you have any personal stories that your passengers want to share? Encourage them to write their own response to the consultation as well as contributing to your response.

Consultation responses

Please send responses, using the consultation response template on the GOV.UK website, via email to buses@dft.gsi.gov.uk. Written responses can also be sent to: Community Transport Consultation, Buses and Taxis Division, Department for Transport, Zone 2/12, Great Minster House, 33 Horseferry Road, London SW1P 4DR.

When responding, please state whether you are an individual or representing the views of an organisation. If responding on behalf of an organisation, please clarify who the organisation represents, and where applicable, how the views of members were assembled.

Please also send a copy of your response to the Community Transport Association (hello@ctauk.org) or post this to us: Community Transport Association, 12 Hilton Street, Manchester M1 1JF.

Closing Date

This consultation started on 8th February 2018.

The deadline for responding is 4 May 2018.