

MobilityMatters



Mobility Matters is a campaign group that has been formed to lobby DfT and Government to oppose the proposed changes to s19 and s22 Permit legislation (GB) and s10B (NI). This news update bulletin has been produced by **TAS Partnership Limited** in support of the **Mobility Matters** campaign group.

Campaign Newsletter No.2 (10 October 2017)

A significant development for **Mobility Matters** was its letter to **Stephen Fidler** at **DfT** which was delivered on 21 Sept. The ultimate purpose of the letter is to seek a meeting with **DfT** at which the proposed changes to permit legislation can be fully explored. The letter highlights a number of legal inconsistencies in **Stephen Fidler's** initial letter to the sector, and draws attention to the unintended consequences of his interpretation of the legislation that would be devastating for the communities many CT operators serve. It was important for **DfT** to understand that its letter had *"caused considerable upset and confusion to all those who are involved in providing essential CT to vulnerable people as well as to those local authorities who procure CT services."* A major objective of the **Mobility Matters** campaign is to inform **DfT** of the extent of the damaging impact that the intended changes would wreak. Despite the best efforts of the CT sector over the last few years, a worrying lack of awareness persists. We understand that **DfT** is keen to pursue the idea of a meeting with us but we are waiting for a formal response.

On 22 Sept **John Taylor** addressed the meeting of **ATCO Scotland** (its CS&HT Sub-Committee and **CTA Scotland**) in Stirling. John's presentation sought to chart in fine detail the complex legal history of UK minibus legislation from 1977 to date. He then went on to explore the impact implications of the changes, both for CTs themselves and for local authorities. Issues for the latter include how to manage extant contracts, the procurement of new services, in-house operations and permit-issuing functions.

One of the annoying issues surrounding the **DfT** announcement of its intentions was the 'out-of-

the-blue' way that the letter of 31 July appeared. Yet one of the points that **Mobility Matters** has made is that **DfT** has had over 6 years' notice of the issue and has failed in the intervening time to engage with the CT sector on any kind of consultation, or give any kind of notice of the changes. This is confirmed in a **Confederation of Passenger Transport** newsletter from April 2011 where they state that they are approaching **DfT** for clarification of the meaning of *"exclusively for non-commercial purposes"* in 1071/2009 and whether this allows CTs to undertake profit-making work to subsidise their community activity.



With inauspicious timing, we note the launch of a campaign **Greater Than 8**, by minibus leasing company **Castle Minibus** which involves an online petition to Chris Grayling MP, Secretary of State for Transport. The campaign seeks to have all drivers of vehicles with 8+ seats hold a full D1 licence, ostensibly on the grounds of safety for the education sector. The campaign states: *"The D1 minibus licence category was introduced in 1997 after 12 children and their teacher lost their lives in a minibus crash on the M40."* Actually, D1 was introduced in 1991 and the accident occurred in 1993. There is no recognition of the significant contribution of **MIDAS** to safety standards since this time, but it would appear that **Castle Minibus** are quite happy to sell **MIDAS** training to their customers.

Ahead of DfT's GB consultation there has been a development in **Northern Ireland (NI)** regarding the 10B Permit system (NI equivalent of s19). The **Department for Infrastructure** has invited contributions to a consultation that is intended to seek CT sector's views on *"the Department's interpretation of the legislation and whether the revised guidance provided is clear, easily understood and covers all the circumstances in which minibuses are driven. We will pay close attention to any comments received during the consultation and will consider whether changes to the draft guidance are needed...The objective is to have the revised guidance in place by 1 January 2018."* The focus of the consultation is on driver training standards and implications of upgrading to full D1. The consultation document can be viewed at www.infrastructure-ni.gov.uk/consultations



Mobility Matters was invited to an informal meeting with CTA in Manchester on 5 Oct to discuss matters of mutual concern. We agreed that we continue to share the same ultimate goal of protecting the sector, we highlighted potential for improved communications and relayed information that has been put to us by CT operators.

We are pleased to welcome the support of **Beverley Bell** (former Senior Traffic Commissioner and TC for North West of England) to the **Mobility Matters** campaign. Beverley has specifically been able to provide expert advice for the campaign on the role and powers of the TCs and why some of the assumptions in the DfT letter are legally and procedurally flawed. We hope to benefit further from Beverley's expertise over the coming weeks.

New features to the MM website include an archive of media reference to the DfT letter and

the MM campaign and a facility for CT operators to submit information about their work and achievements. See <https://ctpermits.org/>

On 5 Oct Jesse Norman MP circulated a letter to fellow MPs seeking to explain DfT's intentions. This new letter does not provide any clarification on the position in DfT but it does state: *"It is important to emphasize that many local community transport operators should not be affected by this clarification, which is likely to affect larger operators in what may in effect be commercial operations."* It also says *"Moreover, there appears to be a misplaced perception among a few operators that the entire present permits system could end. That is not the case; the system is generally working well and we have no plans to change it. Rather, we will consult later this year on detailed changes to guidance and legislation, so that operators and the general public have the opportunity to air concerns and share ideas."* Finally, it states that *"The Government's commitment to this sector remains as strong as ever, and I would appreciate your support in making this clear to the community transport groups in your area"*. **Mobility Matters** is considering how to respond to this letter and it is likely we will send our own letter to MPs and we will update you when we have done so.

Our appeal to the CT sector for operational data has resulted in an encouraging number of responses so far – if you have not already done so, please let us know about your work and how the DfT changes will affect you

<https://ctpermits.org/request-for-information-of-the-likely-impact-on-ct-operations>

Finally, we need to alert all interested and sympathetic parties to the fact that **Mobility Matters** cannot sustain and intensify this crucial campaign without financial support. A small number of CTs have been very generous with some financial aid over the past month but the point will soon arrive when more funds will be required. We will be approaching all our supporters and stakeholders for assistance in the next week or so.

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