



Problem solvers

Are you facing a community transport problem? Perhaps you're assessing the implications of recent legislation or considering the specifications of a new vehicle. Whatever your community transport poser, *CTA Journal* can help.

Our problem solver Amanda Eastwood (pictured) is a member of the CTA's advice and information team. Every day the team members field enquiries from across the UK's community transport sector and have a

wealth of knowledge and experience to draw upon.

If you have a problem that you'd like solved on this page, please write to Problem Solvers at *CTA Journal*, Unit 4, 25a Vyner Street, London E2 9DG.

"I work for a local authority and I am seeking advice about the impact of the Road Safety Act 2006 which revokes the 'single contract' element of the Local Government (Miscellaneous Provisions) Act 1976. We have given a contract to a small community transport organisation to run car transport for social services and we have made use of this legislation. Are there any alternative operating regimes available that we can make use of in the future?"

The Local Government (Miscellaneous Provisions) Act 1976 has been used by local authorities to allow transport contracts to be given to both commercial and voluntary sector operators of vehicles constructed with fewer than nine passenger seats that did not have a taxi or private hire licence, where it was their one and only contract.

This has proved extremely useful and cost-effective, particularly where other (licensed) operators in the area were either unavailable or unwilling to undertake social services or education contracts. However, the legislation was not intended for this purpose and has never applied in London or Northern Ireland. Different rules apply in Scotland and we are not aware of any proposed changes.

The Road Transport Act 2006 revokes the relevant clause in the Local Government Act 1976 and the Department for Transport (DfT) recently asked for views as to when this should be implemented. The department

wanted to allow time for current unlicensed drivers, vehicles and operators to obtain taxi or private hire vehicle (PHV) licences or for alternative contractors to be engaged.

The change is expected to take place between May and November 2007, after which all vehicles operated on contract or for "hire and reward" with fewer than nine passenger seats will have to be appropriately licensed. The alternatives available to community transport schemes currently contracted to provide transport under the Local Government (Miscellaneous Provisions) Act 1976 are as follows.

Car sharing

The service could be operated as a social car scheme. However, in this case, any charge has to reflect only the running costs, including general wear of the vehicle. Keeping the charge at about 40p per mile, the vehicle would be treated as a private car rather than a taxi, private hire vehicle or public service vehicle. (Call the CTA for further advice.)

Licensed private hire vehicle (PHV)

The service could be operated as a PHV. In this case, the charge to the local authority would cover the hire of the vehicle as a whole (ie the vehicle does not take separate fares). Both the driver and the vehicle would require licensing for the relevant operating area. Unless the operator wished to ply for hire in the street, a hackney carriage licence would be inappropriate. The CTA understands that there is a proposal in some areas to issue PHV licences for a reduced fee that can only be used for local authority work. For

further information contact the taxi-licensing department within your local council.

Public Service Vehicle (PSV) licence

If the service operator already has a PSV operator's licence, the vehicle can be added to its PSV fleet by obtaining an additional blue vehicle disc. A PSV operator can use a vehicle with fewer than nine passenger seats as long as the operator also operates larger vehicles (such as minibuses or buses). There are no extra requirements for the driver of a car or MPV operated as a PSV.

Restricted operator's licence

Restricted operator's licences are obtained from the traffic commissioner and only allow the use of up to two vehicles that are constructed to carry no more than eight passengers. The operator does not need to satisfy the requirement of professional competence to get a restricted licence, but all other requirements are the same as for a standard licence. For further information see the Vehicle and Operator Services Agency (VOSA) publication number PSV 437 *Public Service Vehicle Operator Licensing*. www.vosa.gov.uk

Section 19/22 review

The CTA has requested that the DfT should include in the current review of sections 19 and 22 of the Transport Act 1985 the application of section 19 permits to vehicles with fewer than nine passenger seats. If this were to be eventually passed into law, cars and MPVs could then be treated in the same way as minibuses operating with a section 19 permit. Eligible not-for-profit operators could then undertake contracts for eligible passenger groups on behalf of other organisations, such as local authorities. The charge made for the transport would have to reflect the cost of both vehicle and driver but could not be operated with a view to profit. ■

The CTA advice and information service

The CTA's advice and information service covers the UK and the Republic of Ireland. It is open Monday to Friday from 9am to 5pm. There's also more information and advice on the CTA's website, www.ctauk.org. To contact an expert adviser, telephone 0845 130 6195, or email advice@ctauk.org. In Northern Ireland, telephone 028 9040 3535 or email adviceNI@ctauk.org.