



**Community
Transport
Association**

**Response to the
Office of the Traffic Commissioner**

**Consultation on
Revised Senior Traffic Commissioner's Statutory
Guidance and Directions incorporating
amendments as a result of the new EU
Regulations**

Closing Date: 22 November 2011

The Community Transport Association

The CTA is a national charity giving voice and providing leadership, learning and enterprise support to member organisations, which are delivering innovative transport solutions to achieve social change. CTA UK promotes excellence through providing training, publications, advice and information on voluntary, accessible and community transport.

Voluntary and community transport exists to meet the travel and social needs of people to whom these would otherwise be denied, providing accessible and affordable transport to achieve social inclusion.

The CTA is the representative body for third sector passenger transport operators in the UK. CTA Member organisations are involved in the provision of transport, especially accessible services.

The CTA is the UK's largest provider of training, advice and information on accessible, voluntary and community transport provision. The CTA is part-funded by the Department for Transport, the Welsh Assembly Government and the Department for Regional Development (Northern Ireland).

CTA's Response to Consultation

The CTA welcomes the opportunity to contribute to the Office of the Traffic Commissioner consultation process. After reading through the consultation we have decided to respond on those specific areas that we believe would have a marked effect on our sector.

Contact Details

Any queries regarding this response should be directed to:

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Community Transport Association
Highbank
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Cheshire
SK14 2NY
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Annex A

CONSULTATION RESPONSE FORM



Please fill in a separate form for each Direction and/or Guidance that you are responding to – thank you

This response relates to Guidance and/or Direction Number:	1 2 3 4 5 6 7 8 9 10 11 12 PLEASE CIRCLE ONE (ONLY)
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Name	Keith Halstead
Address	Highbank, Halton Street, Hyde, Cheshire
Postcode	SK14 2NY
Email address	keith@ctauk.org
Company name or organisation (if applicable)	Community Transport Association
If you would like your response or personal details to be treated confidentially please explain why:	

Question 1: Do the amendments to the documents relating to the EU Regulations meet the needs of all affected parties?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Answer 1:		

Question 2: Do any parts of the guidance and/or directions relating to the EU Regulations require clarification? If so, please refer to the paragraph number and explain why.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Answer 2:		
<p>In promoting best practice in the voluntary sector many organisations operating Section 19 and 22 services have staff members who hold a Transport Managers CPC. The CTA would like clarification as to whether these CPC holders would be considered to be “managing a road passenger transport undertaking” as referred to in Annex 2: EU Legislation point 6 and therefore would not need to undertake retraining to update their knowledge of current developments of the legislation.</p> <p>We would also like clarification as to whether the UK would consider the promotion of periodic training at 10 year intervals to ensure transport managers are aware of developments in the sector.</p>		

Question 3: Is the content of the guidance and directions relating to the EU Regulations easy to understand and follow? If not please refer to the paragraph number and explain why not.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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Answer 3:

Question 4: Are there other provisions relating to the EU Regulations that are not included that should be included? If so, please explain what they are.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Answer 4:

Please send your completed form to: sstc@otc.gsi.gov.uk or by post to:

The deadline for responses is: 22 November 2011

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<p>Point 9 of the Guidance suggests that if a limited company changes its name that the legal entity of the company remains the same as this is reflected in the company number remaining the same. Clarification on this would be appreciated as guidance in PSV 385-01 Passenger transport provided under Section 19 or Section 22 permits states that "...if an organisation changes its name or entity you should apply for a new permit to reflect the change". Therefore if a company changes their name should that company seek to replace their O Licence?</p> <p>Point 25 of the Guidance refers to the Inland Revenue in Scotland maintaining a public index of bodies which are recognised as charitable. This information is out of date with the introduction of the Office of the Scottish Charity Regulator (OSCR) in April 2006. The</p>		

legislation behind OSCR is the Charities and Trustee Investment (Scotland) Act 2005 which was approved by the Scottish Parliament and received Royal Assent on 14 July 2005.

Point 25 also misses out unincorporated associations and the Scottish Charitable Incorporated Organisations, which are more common than charter bodies or charities set up by Act of Parliament.

The bulleted list at point 25 does not apply for Scotland as every organisation seeking charitable status has to register with OSCR and the Church Commissioners only deal with England.

The Guidance does not provide any information on Community Interest Companies, which were formed under the Companies Act 2006 and are becoming a popular model with social enterprises, many of which will be seeking an operator's licence as it is recognised that they cannot, in many instances, provide transport using Section 19 or 22 Permits.

Point 84 of the Directions again refers to the Inland Revenue holding a register of charities in Scotland which needs to be changed to reflect the information about OSCR, as above.

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