



**Cymdeithas  
Cludiant  
Cymunedol  
Community  
Transport  
Association**

## **Draft response to the National Assembly for Wales**

### **Consultation on Proposed Provision of Bus and Coach Services Legislative Competence Order**

Closing Date: 12 September 2008

## The Community Transport Association

The CTA is a rapidly growing UK wide 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 across 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. CTA Cymru/Wales is core funded by the Welsh Assembly Government's Integrated Transport Unit. It has offices in Clydach and Rhyl.

### **CTA's Response to Consultation**

CTA Cymru/Wales welcomes the opportunity to contribute to the National Assembly for Wales' consultation process. Any queries regarding this response should be directed to:

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Q1. Do you agree with the principle that legislative competence for “the provision of bus and coach services” in Wales should be conferred on the National Assembly for Wales?

**The CTA agrees with this in general.**

**The re-regulation of buses is likely to bring many benefits to bus-users in Wales, by giving powers to ensure that bus services are fully accessible as well as safe, clean, modern and regular. Although this could bring some initial disadvantages to bus companies, evidence from London has shown that once the new rules are established, local bus companies, including some CT operators, are thriving. The proposed LCO would also provide opportunities for third sector transport providers to develop as social enterprises.**

Q2. If you agree with the principle, do you think that the wording of the proposed legislative competence order is correct, or do you think it is too broad or too narrow?

**a) The CTA would like to see the words “fully accessible” and “frequent” added to the adjectives “regular, modern and safe bus service”. For many people in Wales, particularly urban areas, the local bus services are generally regular, modern and safe. However, they are often not fully accessible, and not always frequent, and these issues are exacerbated in rural areas. CT schemes often provide alternative and flexible transport services for those disadvantaged by location, age, mobility and even poverty.**

**b) The CTA would also like to see the words “or co-operative /mutual models” replaced by “or third sector models”. The specific mention of these two types of structures is too limiting, and should be broadened to include all appropriate third sector models.**

Q3. Do you think that the National Assembly for Wales should be given competence over some or all of the exceptions listed above in relation to the provision of bus and coach services in Wales?:

**The CTA has concerns about giving the National Assembly for Wales competence over driver licensing and PSV operator licensing.**

**This is a difficult area, since the current system in the UK is based on EU legislation, which allows for considerable latitude in the way in which EU law is interpreted for not-for-profit organisations. A significant number of exemptions have been specially arranged by the DfT which have been incorporated into UK law, and which are very important for the community and voluntary sector.**

**A recent example is the new EU requirement to hold a Driver CPC as well as a vocational driving licence in order to drive vehicles with more than 8 seats. In this case the DfT has ‘interpreted’ the EU legislation to allow drivers of S19 small minibus permit vehicles used by not-for-profit operators to be exempt from this requirement. Similar examples can be found in operator licensing legislation.**

**In the view of the CTA, if the National Assembly for Wales were to change the way in which any of these exemptions are used, (either to tighten or relax**

**requirements) it could bring an unwelcome focus in other parts of the UK with possibly unfavourable outcomes for the voluntary and community sector across the whole of the UK, especially if any dispute was referred to the EU.**

Q4. What are your views on the main objective of the proposed LCO which is to introduce a bus franchising system in Wales?

**The TA agrees with this.**

Q5. What are your views on the use of the proposed LCO to provide the Assembly with the necessary powers to improve school transport safety?

**The CTA agrees with this, and this is an area again which could provide greater opportunities for community transport operators.**