



HOUSE OF COMMONS

Transport Committee

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Jesse Norman MP
Parliamentary Under Secretary of State
Department for Transport
Great Minster House
33 Horseferry Road
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9 October 2018

Dear Jesse

Community transport commissioning and enforcement

The Transport Committee has taken a keen interest in the Department's proposed reforms to the licencing arrangements for community transport providers. As you know, the Department's letter to s.19 and s.22 permit issuers of 31 July 2017 caused widespread alarm in the sector. My Committee launched its inquiry last year in response to reports that the UK's unique, highly successful and hugely valuable approach to community transport was under an existential threat.

Our report welcomed the clarifications set out in the Department's November 2017 letter to local authorities, and I hoped that the Department's subsequent consultation signalled a period of reflection and evidence-gathering before any widespread changes to commissioning and enforcement practices came into effect.¹

I noted your reassuring words when our report and the Government's response were debated in May this year. For example, in response to concerns that councils may already be withdrawing or refusing to let contracts to permit holders, you said:

"[...] our judgement is that it would be premature for local authorities to withhold contracts pending further analysis and exploration of the legal complexities involved in this area. I cannot be clearer than that."²

¹ Transport Committee, First Report of Session 2017–19, *Community transport and the Department for Transport's proposed consultation*, HC 480, December 2017; DfT, *Consultation on the use of section 19 and section 22 permits for road passenger transport in Great Britain*, February 2018

² HC Deb, 10 May 2018, col 367WH



The Department's interim summary of responses to the consultation, published in July 2018, stated:

"While we explore these changes, it would in general be premature for any local authority to end or withhold community transport contracts".³

I was therefore deeply concerned recently to receive reports from the Community Transport Association (CTA) of widespread "pre-emptive and inappropriate activity from commissioners and enforcement agencies". The CTA has provided case studies in which local authorities have withdrawn contracts or rejected bids from permit holders:

- Herefordshire County Council (Plynlimon Trust);
- Central Bedfordshire Council (Link-A-Ride);
- Wiltshire County Council (Swindon Dial a Ride; Wessex Community Action);
- Surrey County Council (Waverly Hoppa);
- Kent County Council (Thanet Community Transport Association);
- London Borough of Havering (Havering Community Transport Limited).

The CTA reports that Herefordshire County Council sought advice from the Department before its decision to reject bids for contracts from Plynlimon Trust, in your constituency, but did not receive a response. Herefordshire County Council now reportedly excludes all holders of s.19 permits from its contract tendering systems.

The CTA also details three "enforcement case studies" in which Traffic Commissioners or the police have taken inappropriate action:

- Traffic Commissioner refused to issue s.22 permits to Mole Valley District Council (Surrey) "unless the Council surrendered their s.19 permits or provided an assurance that they would not use their s.19 permits to tender for services.";
- Traffic Commissioner for Wales refused applications for s.19 and s.22 permits from Accessible Caring Transport (Mountain Ash, Mid Glamorgan), which was told, without explanation, that it must obtain a PSV-O licence;
- DANSA Ltd Community Transport (south Wales) issued with two fixed penalty notices, totalling £380, by local police for "operating services 'without the correct licence'" while delivering a local authority school contract under a s.19 permit.

Given your various reassurances that widespread changes to practice would be premature before the Government comes forward with firm proposals later this year, and that the longstanding section of the official guidance (section 5.1 on

³ DfT, *Interim summary of responses: consultation on section 19 and 22 permits for road passenger transport in Great Britain*, July 2018, para 1.5



tendering for contracts) remains in place, I would appreciate your response to these concerning developments.

I should be grateful if you would set out steps the Department will take to investigate and rectify the specific cases in this letter and your broader approach to ensuring that local authorities and enforcement agencies do not act inappropriately or unnecessarily, to the detriment of community transport providers, before the Government has fully developed its policy.

As I said during the debate in May, it would be entirely unjust if even one provider of socially vital community transport services were to be lost as a result of confusion and upheaval caused the Department's handling of this issue since July last year. I would therefore be grateful for your reply as soon as possible, and **no later than 22 October**.

Yours sincerely,

Lilian

Lilian Greenwood MP
Chair of the Transport Select Committee