



Department for Transport

Baroness Randerson
House of Lords
London
SW1A 0PW

Baroness Vere of Norbiton
Transport Minister for Aviation, International
and Security

Great Minster House
33 Horseferry Road
London
SW1P 4DR

Tel: 0300 330 3000
E-Mail: baroness.vere@dft.gov.uk

Web site: www.gov.uk/dft

3 June 2019

Dear Jenny

I promised to write to you following the Regret Motion to the Transport Act 1985 (Amendment) Regulations 2019 debated in the House of Lords on 20 May.

I would like to re-iterate that the Department believes that community transport operators provide vital services that both encourage growth and reduce isolation by linking communities, and vulnerable people, to existing transport networks, jobs, education, shops and services.

EU Regulation 1071/2009 ('the EU Regulation') has been part of UK law since 2011. Uncertainty about exemptions to the EU Regulation makes it harder for community transport operators to comply with the correct operating requirements and the Transport Select Committee acknowledged that this uncertainty has already impacted some community transport operators. As a result, there have been concerns about this in Parliament.

The Government has taken steps by enacting the 'short distance' exemption and publishing guidance about two of the exemptions to the EU Regulation, to protect the community transport sector and enable as many community transport operators as possible to continue to play a vital role in improving the lives of the passengers that they serve.

The Government continues to work closely with local authorities and organisations such as the Community Transport Association and the Mobility Matters Campaign to monitor impacts on the community transport sector. The Department has reconvened later this month its Local Authority Working Group, which we consulted on the guidance, to further consider the need for additional information, in particular on the 'short distance' exemption. Initial views are that some Working Group members appreciate the flexibility offered by the guidance to permit-issuers in order to account for local circumstances.

During your address to the House you highlighted aspects of the impact assessment which, you believed, could have benefited from more in-depth analysis.

The impact assessment touched upon issues such as the social impacts in the non-monetised costs. Officials from the Department are currently working with the Office for National Statistics as part of wider work on the Loneliness Strategy. This work may provide a broader range of data from which to further assess the impact of such issues on community transport operators and the passengers that they serve.

In your address to the House, you referenced some inconsistencies in the application of the guidance to the EU Regulation. It is important to stress that Traffic Commissioners are independent of Government and one of a number of bodies who can issue permits. Decisions on the suitability of individual applicants for permits are for the issuing body to determine, and not something in which Ministers can intervene. Traffic Commissioners must apply the law as made, subject to any interpretation by the higher courts. Officials from the Department have engaged and continue to engage with the Office of the Traffic Commissioner on those issues. We are not currently aware of any differences of opinion on the broad interpretation of the exemptions, but I would be grateful for any specific pieces of evidence on this topic in case there is anything we were not aware of.

I look forward to further engagement with you about the important issues raised for this vital sector.

I have copied this letter to Lord Rosser, and a copy will be placed in the libraries of both Houses.

Yours,
Charlotte

BARONESS VERE OF NORBITON