



Department for
Transport

Review of Designated Bodies for Section 19 Permits:

Response to Consultation

December 2009

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Executive Summary

1. During the parliamentary stages of the Local Transport Bill¹ the Department indicated that it would review the list of 'designated bodies'² for the issuing of section 19 permits under the Transport Act 1985.
2. The permit system provides community transport operators with a means of operating a vehicle for the carriage of passengers for hire or reward, but at reduced cost and administrative burden in recognition of their 'not for profit' status.
3. Section 19 permits for vehicles adapted to carry no more than 16 passengers can be issued by 'designated bodies', along with VOSA, on behalf of the Traffic Commissioners. Designated bodies are listed in secondary legislation³ and currently comprise local authorities along with individual not-for-profit organisations such as the Scout Association and Age Concern.
4. The proposed reforms have been generally welcomed by those who responded. The Government's key conclusions include:
 - A clear desire for the permit regime, and the system of designated bodies, to be maintained;
 - An intention to reduce the number of bodies designated, whilst ensuring that the system remains open to those most likely to benefit; and
 - The introduction of a charter listing specific standards that designated bodies would have to 'sign-up' to in order to remain, or become, designated.
5. The Government is including, within this response, final proposals for designated bodies. It is intended that VOSA will approach existing and prospective designated bodies in due course inviting them to remain, be removed or added to the list. A new Designated Bodies Order will be drafted taking into account these changes; we expect this to be in force during the course of 2010.

¹Now the Local Transport Act 2008, <http://www.dft.gov.uk/pgr/regional/localtransportbill/>

² Bodies designated in an order made by the Secretary of State, or Welsh Ministers, under section 19(7) of the Transport Act 1985

³ See the Section 19 Minibus (Designated Bodies) Order 1987, (S.I. 1987/1229, amended by S.I. 1990/1708, S.I. 1995/1540 and S.I. 1997/535).

Introduction

6. This report summarises responses to the consultation seeking views on the Department's proposals to review the list of 'designated bodies', along with the Government's response.
7. The original consultation document can be found on the Department for Transport's website at:
<http://www.dft.gov.uk/consultations/closed/review-designated-bodies/> .
8. The Department proposes to update the list of designated bodies, which has not been reviewed for over 10 years. We felt it likely that there are now bodies that are no longer in existence, which are no longer actively issuing permits or no longer monitoring the use of permits they have issued.
9. It is also likely that other bodies might wish to be added to the list, to enable them to issue permits.
10. The formal consultation was published on the 21 July 2009 and closed on the 14 October 2009.
11. The document was circulated amongst a variety of interested parties, including those currently designated, and published upon the Department's website.
12. The Department received 57 responses; a number considered themselves to be in the following groups:
 - Local Government: 38 [*Including a number that operated community transport vehicles and issued section 19 permits*]
 - Community Transport Operators: 6
 - Third Sector Designated Bodies: 4
 - Representative Organisations: 2
 - Interest Groups: 2
 - Not for Profit Organisations: 1
 - Bus or Coach Operators: 3
13. It is disappointing that only a small number of third sector designated bodies responded to this consultation. It is the Government's desire to maintain the system of designated bodies to provide a less burdensome structure for third sector organisations; however, it is difficult to state that the sector values this concession, when so few of those who benefit chose to respond. We welcome the Community Transport Association's views, which were considered in their wider role as representative body for the sector.

Analysis of Consultation Responses and the Government's Response

Section 19 Permits and the Role of Designated Bodies

Q1: Do you have any general views on the designated body system and its effectiveness?

14. We received 48 responses to this question.
15. There was general support for the permit system to be maintained with examples of its importance and benefits.
16. Many did not want to see the issuing of permits centralised, with fears that doing so would be to the detriment of the community transport sector and its development.
17. However, a large number of respondents voiced concern over the accountability and standards of the system, and those issuing permits, wishing to see greater levels of checking and enforcement.
18. There was the emergence of two opposing views: one, that organisations should not be issuing permits to themselves, as standards could be ignored 'in-house'; the other, that allowing organisations to manage their own permits affords a greater level of familiarity of the vehicles and procedures in place, resulting in higher standards and compliance.
19. Some suggested that section 19 permits should be issued by local authorities, VOSA and only organisations that can provide the kind of support offered by the Community Transport Association.
20. Specific points made:
 - Some felt that the permit system was viewed with suspicion, especially by commercial transport operators. These concerns centred on the feeling that the system is presently un-monitored; that, for many designated bodies, providing transport was not a primary business function; and that there was a lack of guidance and overall control by a responsible body.
 - There was a perception that, for a variety of reasons, many designated bodies neither understood nor conformed to regulations.
 - There was a theme of concern regarding a lack of checking and enforcement of the permit system's standards, whilst acknowledging that the large number of permit holders made doing so difficult.

- Many respondents felt that issuing ‘permits for life’, along with limited records of permits issued, exacerbated the problem of enforcement. Some suggested there are presently too many designated bodies and that permits should only be issued by local authorities and VOSA.
- Finally, there was concern that the number of designated bodies allowed applicants to ‘shop around’ should they be considered unsuitable by one issuing authority, allowing unscrupulous operators into the system.

Government Response

21. The government is grateful for the large number of constructive responses to this question. The issues highlighted above reinforce our feeling that a review of the designated bodies system is needed.
22. We agree that since the permit system exempts community transport operators from full PSV requirements, it should be monitored to ensure safety is not compromised and that organisations do not abuse the system so as to challenge commercial operators.
23. However, there is a clear desire for the permit regime, and the system of designated bodies, to be maintained; it is the Government’s intention to ensure this.
24. We understand that there is some concern as to the type, and extent, of internal separation needed to ensure the system is not abused, whilst ensuring administrative burdens remain proportionate. We shall address this further in Section C, regarding the proposed Designated Bodies Charter.
25. The view that only ‘professional’ bodies, such as VOSA, local authorities and the Community Transport Association should issue permits is understandable. However, we feel that the system also offers real benefits to the larger not-for-profit organisations, where vehicles are used solely by their members, such as the Scout Association.
26. It is the Government’s intention to reduce the number of bodies designated, whilst ensuring that the system remains open to those most likely to benefit; we expect this to be not-for-profit organisations issuing a large number of permits.
27. It is also understandable that many perceive the permit system with suspicion or consider it unfairly lenient. However, we feel that often this belief is a result of not understanding the system fully, nor the limitations placed upon permit holders; it is our aim to clarify this.

28. The Government has already taken steps to strengthen the system. The Local Transport Act 2008, for example, introduced time-limited permits and the power to introduce a more structured recording system managed by VOSA. And this review of designated bodies will not only serve to highlight the standards expected of those issuing permits, but ensure those doing so are capable.
29. In terms of education, VOSA has recently re-published their guidance booklet PSV 385, *Passenger Transport Provided by Voluntary Groups*, which not only reflects changes originating from the Local Transport Act 2008, but aims to clarify important terms, such as 'not-for-profit', so permit holders are aware of their responsibilities. We also intend to hold a number of training events for designated bodies in early-2010.
30. Finally, we agree there is a perception that the present system allows permit applicants to 'shop around' should an application be refused. However, many designated bodies are limited in who they can issue permits too, limiting the scope for abuse. Furthermore, we expect a reduction in the number of designated bodies and improved record-keeping, introduced by the Local Transport Act 2008 and proposed charter, will increase confidence in the system.

Our Proposals

A. Reviewing the list of designated bodies

Q2: Do you agree that it is now appropriate to review the list of designated bodies, with a view to both adding new bodies and removing those who are no longer actively issuing permits?

31. We received 57 responses to this question.
32. All respondents agreed that now is an appropriate time to review the list of designated bodies. And that it was appropriate to allow organisations to leave or apply to join the list.
33. However, many re-stated the issues raised in question one. In addition, many thought this is a good opportunity to assess the ability of those currently, or applying to be, on the list. Some suggested the Government should clarify guidance and offer training.
34. Responses developed a distinct theme that the number of designated bodies should be reduced; in particular, reinforcing the earlier point that only VOSA, local authorities and the CTA should be issuing section 19 permits.

35. Specific points:

- Some respondents felt having a larger list made monitoring standards and enforcement more difficult and that reducing numbers would result in a 'core' of expertise with the result that the advice and support being provided would become more consistent.
- However, respondents were concerned that the permits issued by an organisation that was removed from the list would become invalid and that past, poor record keeping would make tracing such holders difficult. It was suggested time be allowed for those affected to be informed and re-apply.

Government Response

36. The Government is pleased that there is overwhelming support for this review along with our intention to invite organisations to be added, remain, or leave the list of designated bodies.

37. As stated in the response to Question 1, VOSA has recently updated guidance and we are proposing to hold a number of training events for designated bodies.

38. We agree that the list of designated bodies should be reduced. However, we believe that this should not be an arbitrary course of action, but instead a process to establish those more able to benefit from the system and maintain the standards proposed in the charter.

39. Finally, the Government understands that removing bodies from the list would mean previously issued permits becoming invalid. We are aware that this could have the unintended consequence of legitimate permit holders operating illegally without knowledge and are investigating ways to mitigate this. For example, removal could occur in two stages: the first withdrawing the power to issue new permits; the second would see them being removed fully at the next revision. We would expect the intervening period to be 5-years, by which time previously issued permits would have expired.

Q3: [If appropriate to your circumstances:] Bearing in mind the proposals set out in this consultation, are you likely to be interested in being added to, or removed from, the list of designated bodies?

40. We received 38 responses to this question.

41. Twenty-five would like to retain designated body status, and three who were not interested in becoming designated; the latter being community transport operators who easily obtain permits from existing sources.

42. The vast majority of those wishing to remain on the list were local authorities; the number of voluntary organisations that responded was very low.

43. Specific points:

- As in previous questions a number of respondents stated they would prefer that only local authorities and VOSA issue permits; one suggested that local authorities should be able to issue permits under all the available 'classes of person' categories.
- Another reoccurring point was the number of designated bodies: many thought that the current list was too large and that numbers should be reduced.
- One local authority has decided not to continue issuing permits and Transport for London expressed a desire to issue permits.

Government Response

44. We think the low number of respondents wishing to be added to the list of designated bodies reinforces the thought that there are well established, easy, affordable routes to obtaining a permit.

45. It is the Government's intention to maintain the designation of all local authorities; however, a local authority may choose not to issue permits, if they believe this is a reasonable course of action.

46. We welcome Transport for London's desire to be added to the list and the review period will offer them a formal opportunity to apply, along with other interested organisations.

47. The Government is disappointed that only a small number of third sector designated bodies decided to respond to this question; we feel that their views on this point would have been beneficial when considering options for the final composition of the list. However, a small number have subsequently contacted the Department to explain they are no-longer issuing permits and wish to be removed from the list.

B. Criteria for assessing suitability of applicants to become designated bodies

Q4: Do you agree with the idea of a charter? If not, why?

48. We received 55 responses to this question.

49. Fifty welcomed the idea of a charter and supported the Government's measures to improve the quality and training of those issuing section 19 permits. They thought this would give confidence to those outside of the system, such as commercial operators.

50. It was thought that the charter made clear what was expected of those designated and would encourage a level playing field by defining and clarifying roles.

51. The fact that the charter not only set out what was expected of designated bodies, but also from Government was considered a positive point. In particular, the need for Government to produce up to date guidance was welcomed.

52. Specific points:

- It was suggested that the charter set out minimum standards and that these should be checked and enforced.
- Evidence of standards was considered important alongside the suggestion of an annual report with a re-affirmation of compliance.
- One respondent suggested the charter should clarify the fees to be charged, whilst another thought that a 'clear separation' was not necessary and would not ensure compliance or standards.
- Another respondent, whilst agreeing with the idea of a charter, felt that it would place fairly onerous duties upon a designated body and that, therefore, only those demonstrating a good understanding of transport legislation should be included.
- There was a suggestion that the charter should extend to permit holders placing conditions, such as producing driver and vehicle documentation, upon them.
- Of the five who didn't agree with the idea of a charter, reasons included a feeling that it would be merely a document of intent and unable to ensure that bodies and permit applicants were really suitable.

- One respondent was not sure a charter would protect good designated bodies from unscrupulous ones. It was also thought that enforcement could be difficult with a preference for Traffic Commissions to decide who should be designated.

Government Response

53. The Government welcomes the support of its proposal to introduce a charter that will form the basis for assessing the suitability of those wishing to remain or be added to the list of designated bodies.
54. We agree that obtaining evidence of an organisations ability to adhere to the standards set out in the charter is important. The Government therefore proposes that an application form be used to measure this; it will also require organisations to 'sign-up' to the principles of the charter.
55. Whilst VOSA's enforcement of the standards will remain 'intelligence led', forms will be checked to ensure those applying for designated body status are aware of the standards expected, have provided evidence as to how they will be maintained and have given a written commitment to doing so.
56. We do not agree that fees should be stated upon the charter; it is for the organisation to decide what is a reasonable cost considering their own circumstances. We believe having a number of bodies offering permits will maintain a sensible price; Government intervention is not considered necessary.
57. Extending the charter to permit holders was not considered practical. The Government is also mindful that although designated bodies do have a responsibility to ensure that permit applicants meet the stated criteria, there is a continuing responsibility upon the permit applicant / holder to meet and maintain standards.
58. VOSA have undertaken to update their permit application form 'template' and include a checklist for permit applicants, which can be used by designated bodies to assess suitability.
59. The Government believes that the charter is more than just a 'document of intent'. At the very least, it sets out the standards expected of designated bodies and will serve as a criteria for not only allowing organisations to become designated, but for removing those who are unable to meet them.

Q5: Do you agree that an applicant's ability to adhere to the principles of the charter should be the main consideration when assessing suitability?

60. We received 54 responses to this question.

61. Fifty-two answered yes; only two respondents did not agree that adherence to the charter should be the primary consideration of suitability.

62. Many think the current arrangements are too loose and lacking credibility agreeing, as stated in the previous question, that applying the principles of a charter would raise standards.

63. It was felt important that standards are not only met, but maintained and that this should be checked and enforced. Those unable to adhere to the principles should be questioned and, if unable to reach the standard, removed from the list.

64. Specific points:

- Allowing access to vehicle and maintenance documents was considered, by some respondents, necessary to ensure standards were being met and that there should be regular checks.
- Many agreed that this was principally an issue of safety, both of the travelling public and other road users, and because of this, designated bodies should be made to demonstrate their ability to meet required standards.
- Some thought standards should include vehicle maintenance, permit issuing, dealing with enquiries, complaints, permit revocations and standard administration procedures.
- There was concern that a responsible body had not been nominated to ensure charter standards are met and maintained with a suggestion that this should fall to the Traffic Commissioners.

Government Response

65. The Government is pleased that the vast majority of respondents agree with its proposals and believe that a charter would raise standards.

66. We agree that standards should not only be met, but maintained. However, we feel that random checking for compliance would be disproportionate to the risk. It is VOSA's intention to continue with intelligence led enforcement. It's also important to remember that the greatest risk of abuse is from the permit holders and that these are subject to annual vehicle checks.
67. As mentioned earlier, we also feel the charter will not only raise standards, but serve as a tool to remove bodies considered not able to meet or maintain the standard; no such system has been in place before.
68. We do not feel that designated bodies should be checking vehicle and maintenance documents; such matters are the responsibility of the vehicle operator to ensure compliance.
69. The Government agrees that standards should include issuing permits, offering advice and information, dealing with complaints and enquiries and having a system in place to revoke permits.
70. It has been decided that VOSA will administer the application system for designated bodies and monitor enforcement and compliance; however, the Designated Bodies Order will be made by the Secretary of State.

Q6: Are there other considerations that should be taken into account when assessing suitability? Should there be a minimum threshold (e.g. 25 permits a year)?

71. We received 50 responses to this question.
72. Respondents generally agreed with the suggestion of a 25-permit minimum threshold, with some feeling that either ten or fifty permits would be more suitable.
73. However, there were a notable number of respondents who thought that a minimum threshold could not be linked to suitability and that the responsibilities and standards required were the same regardless of the number of permits issued.
74. Many felt that signing up to the charter principles would be enough.

75. Specific points:

- Some respondents felt that issuing only a small number of permits didn't necessarily mean the contribution was any less valuable; in particular, designated bodies in rural or sparsely populated areas contribute greatly to the local community, whilst only issuing a relatively small number of permits.
- One respondent considered the issuing of more than 25-permits could be deemed similar to a coach operator, but with less regulation. Whilst another felt that designated bodies should have a minimum number of vehicles (suggested 25) to be included on the list.
- A small number of respondents wanted to see a 2-year probation period with a minimum number of permits for those joining the list; others thought having a minimum number of permits could act as a 'target' that designated bodies would feel obliged to meet, with detrimental effects.
- Finally, there was a suggestion that the number of permits that a designated body is allowed to issue should be determined by the Traffic Commissioners upon application to the list; the number could be linked to the size and type of organisation and their ability to issue permits.

Government Response

76. The Government agrees that the number of permits issued cannot be directly linked to a level standard; however we feel that those issuing a larger number of permits will be more likely to have the resources and capacity, and to develop the expertise, to meet and maintain the standards proposed.

77. We also appreciate that the contribution of those issuing a smaller number of permits is no less valuable to their members. However, since permits will always be available from VOSA, and many local authorities, we do not feel that rural and more sparsely populated communities would suffer.

78. We do not agree that a designated body issuing more than 25-permits could be likened to a coach operator. Nor should a minimum number of vehicles be required. Not every designated body operates vehicles so the suggestion that suitability be conditional on vehicle numbers mistakes the role of a designated body.

79. The suggestion that a designated body issuing more than 25-permits is operating akin to a coach operator is misleading for many reasons: designated bodies can only issue permits for vehicles up to 16-seats; section 19 vehicles must be operated without a view to profit, and can only carry specified persons rather than the general public; as stated above many designated bodies do not operate their own vehicles, and those who do are often run by small groups of the organisation, for example scout groups.
80. We feel that managing a 2-year probation period or stipulating the number of permits allowed would be cost prohibitive and impracticable, not least because the legislation would need to be amended more frequently.
81. Whilst a target could be set for the minimum number of permits to be issued, this is considered unlikely to be helpful as designated bodies either have a large number, or small number, of potential applicants depending upon their type of organisation. And they would still have to meet the charter standards.
82. It is the Government's intention that, in addition to meeting the charter standards, designated bodies should expect to issue more than 25-permits each year.

Q7: Do you think the list should be subject to periodic review (e.g. every 5-years)?

83. We received 56 responses to this question.
84. There was overwhelming support for this proposal with many feeling 5-years offered a good balance between the need to review the list and ensuring administrative burdens are proportionate.
85. There was also a feeling that periodic review would help tackle past criticism of the designated bodies' arrangement, alongside the option of reviewing the charter contents and applying any new legislation.
86. A small number suggested having an annual review with the option to remove those no-longer deemed suitable. This, it was felt, could be accompanied by a small fee and confirmation of continuance of the charter principles.
87. Specific points:
- It was suggested that there be the option to remove organisations that become un-suitable within the 5-year period.
 - And that an annual report is sent by those designated to the Traffic Commissioners each year.

- One respondent thought the period review should be comparable to that within the PSV operator licensing system.

Government Response

88. The Government agrees that reviewing the list of designated bodies every 5-years seems fair and proportionate and we welcome the supportive comments.

89. Whilst we view an annual appraisal of the list as cost-prohibitive and impractical, it would be possible to amend the Designated Bodies Order to remove any body that no-longer wishes to issue permits, or who fails to maintain the charter's standards, within the 5-year period.

C. Designated Bodies Charter

Q8: To what extent do you consider that the designated bodies system currently strikes the right balance between the three objectives?

(The objectives were: passenger safety; protecting the permit system from abuse; and maintaining a proportionate cost.)

90. We received 51 responses to this question.

91. Eighteen respondents believed that the current system strikes the right balance; twenty did not. The remainder made general comments regarding the objectives and balance.

92. However, the vast majority of respondents agreed that the proposed charter, and this review, will go a long way to ensuring the objectives are met and the system strengthened for the future.

93. Two core themes were passenger safety and ensuring operations are not-for-profit; there was concern that these are not always prominent.

94. Many of those who considered the current system inadequate thought it lacked credibility with the professional transport industry, who viewed the system as unfairly lenient.

95. Specific points:

- Along with the proposals within this review, one respondent suggested designated bodies appoint a qualified transport manager.
- A small number considered the lack of prescriptive criteria for the issuing of permits had a detrimental effect upon the system.

- A number of others felt the move to time-limited permits, introduced by the Local Transport Act 2008, had strengthened the system and that designated bodies were issuing permits for less than 5-years, when this seemed reasonable to so do.

Government Response

96. Whilst we understand that many do not feel the current system meets the three objectives, the Government was encouraged by the majority that felt our review proposals will go a long way to rectifying this.
97. We agree that passenger safety and maintaining not-for-profit status are among key areas of importance and the Government will ensure that due prominence is given to these.
98. We feel that the perceived lack of credibility is being addressed by this review; and that the suggested need for designated bodies to appoint a transport manager again reflects a lack of understanding for the designated body role, which is to issue permits. However, for community transport operators, we feel this is a disproportionate request.

Q9: What are your thoughts regarding the contents of the draft charter? Do you have any suggestions as to how it might be improved better to meet these objectives?

99. We received 50 responses to this question.
100. Twenty-eight felt the content of the charter was fine; the remaining respondents made comments.
101. In general, the content was well received with many agreeing with the 'light touch' approach, although a small number of respondents wanted the charter to be longer and presented in a statutory form.
102. Some thought that the charter should be more specific; include monitoring criteria; extend to permit holders; and be accompanied by comprehensive guidance.
103. The debate regarding a 'clear separation' between issuing authority and applicant continued with calls for clarification alongside specific rules. This was together with the theme of continued checking and enforcement.

104. Specific points:

- A number of respondents thought the charter should be more prescriptive and mirror the requirements for commercial operators.
- Some suggested the auditing of balance sheets be completed annually and published to demonstrate 'not for profit' status is maintained. Along with a section regarding contract work for third-parties and ensuring this is conducted in accordance with the permit system.
- There were concerns that the charter would still allow too many bodies to be designated, meaning existing problems would continue, and that maybe requiring vehicle details upon application would help.
- One respondent suggested the charter be accompanied by a permit application form requesting evidence of compliance and good practice.
- RoSPA suggested that 'passenger safety' be widened to include 'drivers and all other road users', along with including a reminder of legal duties under health and safety legislation. RoSPA also recommended the charter require designated bodies to maintain a written risk assessment of the management of their minibus services.
- The CTA wanted the charter to reinforce the duty on designated bodies to have an adequate complaints procedure that was operated transparently and for a process to be in place for a designated body to react to a prohibition notice being issued by VOSA. The issue of revoking permits was raised by a number.
- The CPT did not believe a charter system was appropriate. They instead favoured a Traffic Commissioner developed system, including the review of accounts and a spot-checking of passengers, for bodies to acquire and maintain designation; although they felt the items set out in the draft charter would be a good start.
- Clarification was sought on arrangements to maintain vehicles and suitably trained drivers alongside guidance and examples.

Government Response

105. The Government welcomes the suggestions to improve the charter, including our intention to maintain a 'light-touch' approach.
106. Whilst understanding calls for the charter to be more specific, we are mindful that a broad range of organisations can be designated and wouldn't wish to exclude potential bodies with overly prescriptive conditions.
107. We agree that guidance should be offered; as previously stated, VOSA have recently re-published PSV 385, guidance for transport operators in the voluntary sector, and we intend to hold a number of training events for designated bodies in the New Year.
108. As with previous questions, clarity was sought as to the nature and extent of the 'clear separation' between issuing authority and applicant. The Government understands and supports the practice of designated bodies issuing permits to their own members, whether this be the Scout Association to individual groups, or local authorities to not-for-profit organisations wishing to operate school services. However, we feel that to maintain the integrity of the permit system there should be a clear internal separation between the part of the organisation issuing the permit and the part operating vehicles. The practice of, for example, a transport manager issuing permits for his own vehicles would not be acceptable; however, a group headquarters issuing to the organisations members' would be fine.
109. We do not agree that requirements should mirror those for commercial operators; that balance sheets or accounts should be examined; that the charter should be statutory; or that passenger numbers be spot-checked or vehicle details requested. The Government believes these suggestions would be disproportionately burdensome and costly to implement.
110. We agree that an application form should be produced for those seeking permits. VOSA already provides a form, and this will be updated better to reflect the standards expected of permit holders.
111. We also agree that the charter should mention Health and Safety and best practice guidance applicable to both designated bodies and permit holders. Along with placing a duty upon designated bodies to have in place an adequate complaints procedure, with the ability to revoke permits, if deemed necessary.

D. Status of the charter and its application to existing designated bodies

Q10: Do you agree that bodies wishing to remain on the list of designated bodies should be expected to provide some form of positive commitment to the principles of the Charter? What form of commitment might be most appropriate (e.g. a written statement of intent)?

112. We received 54 responses to this question.

113. Fifty-three agreed that a positive commitment should be given; thirty-eight favoured option (ii), a written declaration and four favoured option (iii), a demonstration of continued suitability (the remaining respondents provided comments).

114. There was overwhelming support for a positive commitment to be made by written statement for both those already on the list and those wishing to join. Some suggested this could be updated annually and maybe signed by a governing body, board, trust, elected representatives ... etc, or indicate responsible individuals.

115. Specific points:

- Some respondents felt it important that not only the charter be public, but also the statement of intent, with evidence of compliance, such as professional training and standards.
- One respondent suggested a training day or workshop be organised to highlight the charter and the roles and responsibilities expected of designated bodies.
- Many believed that the process would still need checking and enforcement to ensure compliance, with a suggestion that a standard declaration be made to VOSA or the Traffic Commissioners.

Government Response

116. The Government agrees with the overwhelming majority of respondents, who would like a positive commitment to be made in writing. As such, we are proposing that those wishing to remain, or be added, to the list complete an application form, including evidence as to suitability, and include a declaration by an individual with authority to sign on behalf of the organisation.

117. We propose that local authorities need not complete an application form as it is reasonable to expect that they will already have in place sufficient administrative procedures and resources to meet the standards.

118. We appreciate the desire that signed declarations be published; however, using a standard application form will eliminate this need. Those outside the system can be re-assured that designated bodies will have provided evidence as requested in the form along with a written declaration to adhere to the charter's principles.

119. As previously stated, we have undertaken to arrange a number of training days for designated bodies. And on-going enforcement will remain an intelligence led process, managed by VOSA⁴.

Additional Questions

Impact Assessment

Q11: Do you agree with the impact assessment's analysis and evidence regarding the costs and benefits of these proposals?

120. We received 51 responses to this question.

121. Forty-six agreed with the impact assessment's analysis of the proposals; five did not.

122. There was general agreement that the costs were very low and that the impact assessment gave a fair analysis of the proposals taking into account the issues of concern for designated bodies.

123. Specific points:

- Enforcement of standards both by VOSA checking designated bodies and designated bodies checking permit holders was highlighted as an additional cost; however, this could be kept low by having fewer bodies designated.
- It was felt that since permits last up to 5-years their annual cost was much lower than suggested.
- It was felt that describing the service provided by designated bodies as 'invaluable' was not correct as permits could easily be obtained from VOSA at a reasonable cost.
- Criticism of the impact assessment centred on the lack of monetary analysis and the failure to address the actual costs involved.

⁴ Anyone with evidence or concerns regarding the legitimacy of a transport provider can inform VOSA on: 0800 030 4103, or via www.vosa.gov.uk

Government Response

124. The Government welcomes the comments and suggestions regarding the impact assessment and will review its contents in light of these.

Q12: Would you like to propose evidence of further costs or benefits resulting from these proposals?

125. We received 51 responses to this question.

126. Forty-five did not wish to propose evidence of further costs and benefits; six made comments.

127. Specific points:

- It was thought that higher standards would be a benefit, with improved reputation and confidence, especially from the commercial sector.
- Increased enforcement, such as inspecting documents and spot-checks, would be an additional cost to both VOSA and those designated.
- Another benefit would be improved road, passenger and driver safety.

Government Response

128. As with the previous question, the Government welcomes the comments and suggestions regarding the impact assessment and will review its contents in light of these.

The replacement of permits issued before 6th April 2009

Q13: Do you have any comments regarding the replacement of pre-April 2009 permits, including the specific questions raised in paragraph 26?

129. We received 46 responses to this question.

130. The introduction of time-limited permits was generally well received and the regular scrutiny of permit holders welcomed.

131. However, there was concern that a lack of past records would make the process difficult to administer and that a major awareness raising campaign should be launched targeting designated bodies and permit holders alike.

132. Specific points:

- It was highlighted that permits often fade in the sun and become illegible; therefore they would need replacing every few years meaning the process could be administered naturally.
- Respondents felt that the re-call of permits issued before April 2009 should be administered at designated body level, overseen by VOSA.
- Some designated bodies, both local authorities and from the voluntary sector, had already begun replacing old style permits or were preparing to.
- Finally, there was a suggestion that recalling old permits would lead to widespread confusion, especially for those permit holders whose issuing authority is removed from the designated bodies list. It was thought that allowing old-style permits to be valid past April 2014 would be necessary, and reasonable.

Government Response

133. The Government is grateful for the large number of useful suggestions and offers to publicise changes.

134. It is concerning that not all designated bodies have adequate records of past permits issued; however, the Government is pleased to hear some designated bodies are already conducting a programme to recall and replace old style permits.

135. We are aware of the need to have a comprehensive plan in place to ensure the replacement of old style permits is gradual and does not place undue burdens upon those administering the change.

136. The Government is already working with VOSA to establish a strategy to publicise and administer the recall and replacement of old-style permits. We are also considering the risk that legitimate permit holders may unwittingly operate with old-style permits post-April 2014 and are developing options to mitigate this.

Conclusion

137. We would like to thank everyone who responded to this consultation and hope you feel your contribution has received acknowledgement. All submissions were carefully considered and helped to inform the proposals contained within this document.

138. In early 2010 VOSA will write to all existing designated bodies asking them to review their current status and whether, in light of this review, they would like to continue to be listed. There will also be an opportunity for prospective bodies to apply.

139. Any questions or queries about this process, or the policy we are proposing, may be addressed to:

Phillip London
Designated Bodies Review
Department for Transport
Zone 3/11, Great Minster House
76, Marsham Street
London
SW1P 4DR

Telephone: 0300 330 3000

Email: LocalTransportAct@dft.gsi.gov.uk

140. We endeavour to answer routine enquiries within 5 working days of receipt, and more technical policy questions within 10.

Annex I – Summary of Proposals

Below are the proposals announced in this document, with their corresponding paragraph number:

23. There is a clear desire for the permit regime, and the system of designated bodies, to be maintained; it is the Government's intention to ensure this.
26. It is the Government's intention to reduce the number of bodies designated, whilst ensuring that the system remains open to those most likely to benefit; we expect this to be not-for-profit organisations issuing a large number of permits.
39. The Government understands that removing bodies from the list would mean previously issued permits becoming invalid. We are aware that this could have the unintended consequence of legitimate permit holders operating illegally without knowledge and are investigating ways to mitigate this.
45. It is the Government's intention to maintain the designation of all local authorities; however, a local authority may choose not to issue permits, if they believe this is a reasonable course of action.
54. We agree that obtaining evidence of an organisations ability to adhere to the standards set out in the charter is important. The Government therefore proposes that an application form be used to measure this; it will also allow organisations to 'sign-up' to the principles of the charter.
58. VOSA have undertaken to update their permit application form 'template' and include a checklist for permit applicants, which can be used by designated bodies to assess suitability.
70. It has been decided that VOSA will administer the application system for designated bodies and monitor enforcement and compliance; however, the Designated Bodies Order will be made by the Secretary of State.
82. It is the Government's intention that, in addition to meeting the charter standards, designated bodies should expect to issue more than 25-permits each year.
88. The Government agrees that reviewing the list of designated bodies every 5 years seems fair and proportionate.
97. We agree that passenger safety and maintaining not-for-profit status are among key areas of importance and the Government will ensure that due prominence is given to these.

107. We agree that guidance should be offered; VOSA have recently re-published PSV 385, guidance for transport operators in the voluntary sector, and we intend to hold a number of training events for designated bodies in the New Year.

111. We agree that the charter should mention Health and Safety and best practice guidance applicable to both designated bodies and permit holders. Along with placing a duty upon designated bodies to have in place an adequate complaints procedure, with the ability to revoke permits, if deemed necessary.

116. The Government [*is*] proposing that those wishing to remain, or be added, to the list complete an application form that will request evidence as to suitability and include a declaration by an individual with authority to sign on behalf of the organisation.

117. We propose that local authorities need not complete an application form as it is reasonable to expect that they will already have in place sufficient administrative procedures and resources to meet the standards.

136. The Government is already working with VOSA to establish a strategy to publicise and administer the recall and replacement of old-style permits. We are also considering the risk that legitimate permit holders may unwittingly operate with old-style permits post-April 2014 and are developing options to mitigate this.

Annex II – Revised Designated Body Charter

Introduction

- Being a designated body comes with significant responsibilities: Designated bodies have the power to issue section 19 permits, which enable organisations to carry fare-paying passengers in vehicles adapted to carry more than eight but not more than 16 passengers and (at separate fares only) in smaller vehicles (cars) without the need to hold a Public Service Vehicle operator's licence. So by issuing a permit, the designated body is exempting that organisation from many of the usual operator licensing requirements that normally apply to PSV operators.
- People travelling on 'permit' services have a legitimate expectation that the vehicles will be operated safely – e.g. suitably-trained drivers and well-maintained vehicles.
- Businesses operating in the commercial bus and private hire markets have a legitimate expectation that the special arrangements for not-for-profit transport operators are not open to abuse (which could in turn create unfair competition).

Designated bodies

- Designated bodies, therefore, need to be responsible when issuing permits. They need to have systems in place to ensure that:
 - permits are granted only to organisations who are genuinely providing non-profit making services which do not carry members of the general public;
 - permits are only granted to bodies which come within the class of persons to whom the designated body is permitted to grant permits;
 - when issuing permits to parts of its own organisation, or to affiliated bodies or groups, that there is a clear internal separation between the part of the organisation responsible for issuing the permit and the part of the organisation to which it is issued. The practice of, for example, a transport manager issuing permits for his own vehicles would not be acceptable; however, a group headquarters issuing to the organisation's members would be fine;
 - permit applicants meet the prescribed standards, with suitable arrangements to maintain their vehicles properly;
 - permit holders only use drivers who are suitably trained, for example MiDAS, and meet the statutory licensing and health and safety requirements; and
 - individuals issuing permits are suitably trained.
- Designated bodies can also add value to the community transport operators to whom they issue permits – some issue leaflets and / or offer guidance to their permit-holders. It's recognised that some designated bodies will have more capacity than others to do this, but, as a minimum, designated bodies should be making sure their permit-holders are aware of how to access the main sources of information and advice that are available to them (e.g. through VOSA and the Community Transport Association).
- Designated body responsibilities should not end at the point the permit is issued: designated bodies also have the power to revoke permits and should be exercising that power if it becomes apparent that a permit-holder is no longer suitable or eligible, or no longer requires a permit. There should also be a process in place to deal with complaints regarding permit holders.

- The importance of an ongoing relationship between designated bodies and permit-holders is also emphasised by the new arrangements for time-limited permits, which means suitability needs to be reviewed at least every five years.
- Designated bodies should expect to have the necessary demand to be issuing more than 25-permits each year.
- Consistent with the arrangements set out in the leaflet *The Section 19 Permit System is Changing*,⁵ each designated body should inform VOSA:
 - annually: how many permits it has issued in the past year; and when it last issued a permit.
 - monthly: permits that have been issued and to whom, with serial numbers; any permits that have been replaced / reissued, with serial numbers; any permits that have been revoked and for what reason, with serial numbers; and any complaints received regarding permit holders⁶.
- In addition, it is requested that designated bodies inform VOSA monthly of any refused applications, with details of whom and why.
- Designated bodies should have a good understand the section 19 permit legislation and relevant guidance.

Health & Safety and Best Practice Guidelines

Health & Safety Executive / Department for Transport – *Driving at Work Guide*
 RoSPA – *Minibus Safety; Code of Practice*
 VOSA – *PSV 385, Passenger Transport Provided by Volunteer Groups*
 Health & Safety Executive – *Charity and Voluntary Workers: a guide to Health & Safety at work*
The Section 19 Permit Regulations 2009 (S.I. 2009/365)

⁵ Published by VOSA, 26th February 2009

<http://www.transportoffice.gov.uk/crt/repository/Permit%20Leaflet.pdf>

⁶ VOSA can supply Excel spreadsheet templates for designated bodies wishing to submit returns electronically permits@vosa.gov.uk

Government

- Designated bodies also have legitimate expectations of government.
- The Vehicle and Operator Services Agency (VOSA) will support designated bodies in their role by:
 - providing relevant, up-to-date guidance to designated bodies about their role, and to the community transport sector generally about how the permit system works; (in particular, maintain and update PSV 385)
 - providing an application form template that designated bodies can use as a guide to administer their own application process for potential permit holders.
 - responding to specific queries from designated bodies, where these are not answered by the guidance, in a helpful and timely manner within 15 working days;
 - publishing best-practice guidance for community transport operators (e.g. about vehicle maintenance, staff training, etc), and ensure that this and other sources of relevant information are readily available to designated bodies for onward dissemination to their permit-holders;
 - supply blank permits and discs to designated bodies within 10 working days of request;
 - take appropriate action where designated bodies (or anybody else) reports concerns about suspected abuses of the section 19 permit system;
 - have in place a system to inform the relevant designated body should one of their permit holders receive a prohibition notice or when an application has been refused.

VOSA can be contacted:

Telephone: 0300 123 9000 / 0113 254 3209

Email: Enquiries@vosa.gov.uk

Website: www.vosa.gov.uk

Annex III – Revised Impact Assessment

Summary: Intervention & Options

| | | |
|--|---|-------------------------------|
| Department /Agency: Department for Transport | Title: Impact Assessment of Designated Bodies Review | |
| Stage: Final | Version: 2 | Date: 30 November 2009 |
| Related Publications: Section 19 Minibus (Designated Bodies) Order 1987 | | |

Available to view or download at:

http://www.opsi.gov.uk/si/si1987/Uksi_19871229_en_1.htm

Contact for enquiries: Phillip London

Telephone: 0300 330 3000

What is the problem under consideration? Why is government intervention necessary?

Designated bodies issue permits to (not-for-profit) community transport operators enabling them to provide passenger carrying services for hire or reward without the administration and cost of holding a full PSV operator's licence. The current list of designated bodies has not been updated for over 10-years. Some details are now out of date and some bodies may no-longer want, or are no-longer suitable, to be designated. Also, there may be other organisations who wish to be added.

Secondary legislation is needed to amend the existing Designated Bodies Order.

What are the policy objectives and the intended effects?

We would like to maintain a designated bodies system that is accessible to those who meet the criteria, while not allowing abuse of the lighter-touch regulatory regime. This is an important balance as it helps to promote safety, while allowing genuine community transport operators a cost effective route to compliance ensuring they can provide and maintain much valued essential services that often benefit the most vulnerable in our society.

What policy options have been considered? Please justify any preferred option.

1. Leave the list unchanged
2. Update the list
3. Update the list specifying the standards expected of designated bodies

Our proposal is option 3, because (i) the list hasn't been updated for more than a decade; (ii) specifying standards expected of designated bodies will give a clear basis for considering organisations' suitability to be designated, as well as helping to support the policy objectives mentioned above.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? As part of wider post-legislative scrutiny of the Local Transport Act 2008, in accordance with "Post-Legislative Scrutiny - The Government's Approach" (March 2008, Cm 7320).

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

SADIQ KHAN MP

.....Date:

Summary: Analysis & Evidence

| | |
|-----------------------|---------------------|
| Policy Option: | Description: |
|-----------------------|---------------------|

| | | | | |
|--|---|--|-------------------------|--|
| COSTS | ANNUAL COSTS | Description and scale of key monetised costs by 'main affected groups' none monetised | | |
| | One-off (Transition) Yrs | | | |
| | £ none monetised | | | |
| | Average Annual Cost (excluding one-off) | | | |
| | £ none monetised | Total Cost (PV) | £ none monetised | |
| <p>Other key non-monetised costs by 'main affected groups' Organisations may find that meeting the standards expected of a designated body requires a small increase in one-off and annual costs. The decision to become designated is voluntary and permits can be obtained from other sources for those not designated (or un-designated), although maybe at a slightly increased cost.</p> | | | | |

| | | | | |
|--|--|---|-------------------------|--|
| BENEFITS | ANNUAL BENEFITS | Description and scale of key monetised benefits by 'main affected groups' none monetised | | |
| | One-off Yrs | | | |
| | £ none monetised | | | |
| | Average Annual Benefit (excluding one-off) | | | |
| | £ none monetised | Total Benefit (PV) | £ none monetised | |
| <p>Other key non-monetised benefits by 'main affected groups' Groups that feel the proposed standards are cost-prohibitive can be removed from the list and will therefore no-longer have to meet the criteria, with associated cost. Organisations wishing to become designated will have the option to do so; this could lead to them obtaining permits at a slightly reduced cost.</p> | | | | |

Key Assumptions/Sensitivities/Risks The extent of costs / benefits will depend upon organisations choosing to remain or be added / removed from the list. Those not on the list would not have the cost of being designated, which would be offset by the slightly higher cost of obtaining a permit elsewhere. The opposite is true for those on the list.

| | | | |
|--------------------|----------------------|--|--|
| Price Base Year | Time Period Years | Net Benefit Range (NPV) £ N/A | NET BENEFIT (NPV Best estimate) £ N/A |
|--------------------|----------------------|--|--|

| | | | | |
|---|------------------|-------|--------|-------|
| What is the geographic coverage of the policy/option? | Great Britain | | | |
| On what date will the policy be implemented? | TBC | | | |
| Which organisation(s) will enforce the policy? | DBs / VOSA | | | |
| What is the total annual cost of enforcement for these organisations? | £ none monetised | | | |
| Does enforcement comply with Hampton principles? | Yes | | | |
| Will implementation go beyond minimum EU requirements? | N/A | | | |
| What is the value of the proposed offsetting measure per year? | £ N/A | | | |
| What is the value of changes in greenhouse gas emissions? | £ N/A | | | |
| Will the proposal have a significant impact on competition? | No | | | |
| Annual cost (£-£) per organisation (excluding one-off) | Micro | Small | Medium | Large |
| Are any of these organisations exempt? | No | No | N/A | N/A |

| | | | |
|---|----------------------|-----------------------|-------|
| Impact on Admin Burdens Baseline (2005 Prices) | | (Increase - Decrease) | |
| Increase of £ N/A | Decrease of £ N/A | Net Impact | £ N/A |

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

Section 19 permits and the role of designated bodies

1. Section 19 permits, granted under section 19 of the Transport Act 1985, can be issued by 'designated bodies'¹ for the use of vehicles adapted to carry no more than 16 passengers (traffic commissioners may also issue permits for the use of such vehicles, and also for larger vehicles). These are listed in secondary legislation² and include local authorities along with individual not-for-profit organisations.
2. Designated bodies issue permits to (not-for-profit) community transport operators enabling them to provide passenger carrying services for hire or reward without the administration and cost of holding a full PSV operator's licence. The current list of designated bodies has not been updated for over 10-years. Some details are now out of date and some bodies may no-longer want, or are no-longer suitable, to be designated. Also, there may be other organisations who wish to be added.
3. Section 19 permits cannot be held by commercial organisations or used to provide services for the transportation of the general public. Designated bodies in general may only issue permits to bodies concerned with education, religion, social welfare, recreation or other activities for the benefit of the community, and each body, may only issue permits in accordance with restrictions specified in the designated bodies list.
4. It was estimated in 2007 that between three to five thousand section 19 permits are issued each year, with almost ninety-thousand in circulation.³ There are currently 72 designated bodies, excluding local authorities and councils.

Why Review Designated Bodies?

5. Community transport operators provide much valued essential services, often for the most vulnerable in our society. The Government recognises this along with the important role that designated bodies play, not just in the processing of certain permit applications, but also in providing important advice and guidance to their members.
6. The draft Local Transport Bill, published for consultation in May 2007, included various proposals intended to reduce the regulatory costs associated with the permit system. These included a suggestion that the issuing of all permits could be centralised with VOSA and the traffic commissioners. The community transport sector expressed significant concern about this proposal, making it clear that the sector values highly the role played by designated bodies.
7. In response to these concerns, the Government stated⁴ that it would retain the existing provisions allowing section 19 permits to be issued by designated bodies. It also committed to review the existing list of designated bodies, noting that this list was last revised more than ten years ago.
8. The Local Transport Bill received Royal Assent in November 2008 becoming the Local Transport Act 2008.

¹ Bodies designated in an order made by the Secretary of State, or Welsh Ministers, under section 19(7) of the Transport Act 1985

² See the Section 19 Minibus (Designated Bodies) Order 1987, (S.I. 1987/1229, amended by S.I. 1990/1708, S.I. 1995/1540 and S.I. 1997/535).

³ Community Transport Association response to Government consultation on Strengthening Local Delivery – Modernising the traffic commissioner system, October 2007

⁴ Published 8th November 2007 http://www.dft.gov.uk/adobepdf/165237/299192/vol1_Government_Response.pdf

Our Proposals

A. Reviewing the list of designated bodies

9. The list of designated bodies has not been updated for over 10 years. It is therefore likely that the list will include bodies which are no longer in existence or who are no longer actively issuing permits or monitoring the use of permits they have previously issued. It is also likely that other bodies might wish to be added to the list, to enable them to issue permits. We therefore propose, [in late 2009], to invite applications from bodies who wish to be considered for future inclusion in the list of designated bodies and from existing designated bodies who no longer wish to remain on the list.
10. A consequence of removing an existing designated body from the list would be that any permits issued by that designated body still in circulation would cease to be valid, and the holder would need to apply to another designated body, or to the traffic commissioners, for a new permit.

B. Criteria for assessing suitability of applicants to become designated bodies

11. It is important to recognise that the right to issue section 19 permits brings with it significant responsibilities, both when permits are issued and subsequently. Designated bodies need to satisfy themselves that their permit-holders are (and remain) eligible and suitable to hold those permits. Designated bodies also have an important role to play in helping their permit-holders to understand their legal obligations and in raising awareness of how to operate their vehicles safely. Accordingly, these responsibilities do not end with the issuing of a permit.
12. To address this, we propose to publish a charter that describes what is expected of designated bodies, and what they can expect from government in return. It is proposed that, when assessing applications to become a designated body, the key consideration should be whether the applicant demonstrates the ability to act in accordance with the principles set out in the charter.
13. In addition, we feel it reasonable that existing designated bodies should also be expected to adhere to the same principles.
14. Our proposals are intended to continue a 'light-touch' approach to this sector. We feel that the charter is proportionate taking into account the capacity and resource constraints that designated bodies are likely to face; it will not be enshrined in legislation.

Costs

15. Existing designated bodies may face a small increase in costs (i) initially to ensure their internal arrangements meet the standards required; and / or (ii) annually in maintaining the standard.
16. As the decision to remain designated is voluntary some organisations may consider that signing up to the charter would be prohibitively expensive; these organisations would be allowed to leave the list. However, the permits they've issued would become invalid and require replacing; these permit-holders would need to apply for a new permit from either the traffic commissioners, which could be slightly more expensive (the current fee is £11), or join another designated body, with associated membership fees and administration.
17. For organisations volunteering to become designated there would be the cost of submitting an application and putting in place the internal arrangements to meet the standards required.

Benefits

18. Although existing designated bodies may see a small increase in costs to reach and maintain standards, it is expected that they will still be able to offer permits to their members cheaper than elsewhere (e.g. obtaining from the traffic commissioners).

19. Any designated body wishing to leave the list would benefit from not having to meet / maintain the standards required.
20. Prospective designated bodies will have the opportunity to offer an invaluable service to their members including permits at a cost that is likely to be cheaper than that offered by the traffic commissioners.
21. Commercial transport operators will welcome the more consistent application of standards applied to designated bodies as this should reduce the risk of permits being issued to 'unsuitable' organisations and help reduce the potential for unfair competition.
22. Transport users may benefit as designated bodies would be more able to give advice and support to permit holders and passengers could benefit from improved safety and other standards of service.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

| Type of testing undertaken | <i>Results in Evidence Base?</i> | <i>Results annexed?</i> |
|----------------------------|----------------------------------|-------------------------|
| Competition Assessment | No | No |
| Small Firms Impact Test | No | Yes |
| Legal Aid | No | No |
| Sustainable Development | No | No |
| Carbon Assessment | No | No |
| Other Environment | No | No |
| Health Impact Assessment | No | No |
| Race Equality | No | Yes |
| Disability Equality | No | Yes |
| Gender Equality | No | Yes |
| Human Rights | No | No |
| Rural Proofing | No | No |

Annexes

Equality Impact Assessment Screening Proforma

| | | | | | | | |
|---|--------|--------------------|-----|------------|--------------------|--------------------|-------------|
| Name of the function, policy or strategy: Review of Designated Bodies List Current or Proposed: Current | | | | | | | |
| Person completing the assessment: Phillip London Date of assessment: 25/06/09 | | | | | | | |
| Purpose of the function, policy or strategy: 1. To amend (update) the Section 19 Minibus (Designated Bodies) Order 1987 2. To give organisations the option to remain, or to be added or removed from the list | | | | | | | |
| Questions - Indicate Yes or No for each group | Gender | Religion or Belief | Age | Disability | Ethnicity and Race | Sexual Orientation | Transgender |
| Is there any indication or evidence that different groups have different needs, experiences, issues or priorities in relation to the particular policy? | N | N | N | N | N | N | N |
| Is there potential for, or evidence that, this policy may adversely affect equality of opportunity for all and may harm good relations between different groups? | N | N | N | N | N | N | N |
| Is there any potential for, or evidence that, any part of the proposed policy could discriminate, directly or indirectly? (Consider those who implement it on a day to day basis)? | N | N | N | N | N | N | N |
| Is there any stakeholder (staff, public, unions) concern in the policy area about actual, perceived or potential discrimination against a particular group(s)? | N | N | N | N | N | N | N |
| Is there an opportunity to better promote equality of opportunity or better community relations by altering the policy or working with other government departments or the wider community? | N | N | N | N | N | N | N |
| Is there any evidence or indication of higher or lower uptake by different groups? | N | N | N | N | N | N | N |
| Do people have the same levels of access? Are there social or physical barriers to participation (e.g. language, format, physical access/proximity)? | N | N | N | N | N | N | N |

If you have answered “no” to all the questions, an EqIA is not required. If you have answered ‘yes’ or “not known” to any of the above questions, please complete an Initial EqIA.

Small Firms Impact Test

Becoming a designated body is voluntary and therefore will not impose costs upon small firms.

Annex IV – List of Respondents

| | |
|--------|---|
| 000001 | Oxfordshire CC |
| 000002 | National Association of Licensing and Enforcement Officers |
| 000003 | Islington Council |
| 000004 | Sutton Community Transport |
| 000005 | Mencap |
| 000006 | Halton Borough Council |
| 000007 | A & J Coaches |
| 000008 | Pouchan Dial a Community Bus |
| 000009 | Glasgow City Council |
| 000010 | Midlothian Council |
| 000011 | Keep Mobile Transport |
| 000012 | Wiltshire Council |
| 000013 | St Helens Council |
| 000014 | Milligan's Coach Travel |
| 000015 | Association of Transport Co-ordinating Officers |
| 000016 | Rotherham Metropolitan Borough Council |
| 000017 | Lothian Community Transport Services |
| 000018 | Gloucestershire County Council |
| 000019 | Essex County council |
| 000020 | Thurrock Council |
| 000021 | Dorset County Council |
| 000022 | Merseyside Passenger Transport Executive |
| 000023 | Hartlepool Borough Council |
| 000024 | Highland Council |
| 000025 | Manor West Youth Project |
| 000026 | Birmingham City Council - Adults and communities |
| 000027 | Birmingham City Council - Children, young people and families |
| 000028 | City of York Council |
| 000029 | London Borough of Tower Hamlets |
| 000030 | RoSPA |
| 000031 | Greater Manchester CT Forum |
| 000032 | Test Valley Borough Council |

| | |
|--------|--|
| 000033 | St John Ambulance |
| 000034 | Cambridgeshire County Council |
| 000035 | Perth & Kinross Council |
| 000036 | Hampshire County Council |
| 000037 | Cheshire West, East and Chester Councils |
| 000038 | Transport for London |
| 000039 | Cumbria County Council |
| 000040 | Lancashire County Council |
| 000041 | Aberdeenshire Council |
| 000042 | FirstGroup UK |
| 000043 | Community Transport Association UK |
| 000044 | North Yorkshire County Council |
| 000045 | East Ayrshire Council |
| 000046 | Tees Valley Rural Community Council |
| 000047 | The Girl Crusaders' Union |
| 000048 | Greater Manchester ITA and PTE |
| 000049 | Tees Valley Joint Strategy Unit |
| 000050 | Senior Traffic Commissioner |
| 000051 | Bury Council |
| 000052 | West Lancashire Borough Council |
| 000053 | Confederation of Passenger Transport |
| 000054 | Durham County Council |
| 000055 | Suffolk County Council |
| 000056 | Mole Valley District Council |
| 000057 | Northumberland County Council |

Annex V – Code of Practice on Consultation

The Government has adopted a Code of Practice on consultations. The Code sets out the approach Government will take to running a formal, written public consultation exercise. While most UK Departments and Agencies have adopted the Code, it does not have legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law).

The Code contains seven criteria. They should be reproduced in all consultation documents. Deviation from the code will at times be unavoidable, but the Government aims to explain the reasons for deviations and what measures will be used to make the exercise as effective as possible in the circumstances.

The Seven Consultation Criteria

1. **When to consult:** Formal consultation should take place at a stage when there is scope to influence the policy outcome.
2. **Duration of consultation exercises:** Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact:** Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises:** Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation:** Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises:** Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult:** Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

A full version of the code of practice is available on the Better Regulation Executive web-site at: <http://www.berr.gov.uk/files/file47158.pdf>