

ANNEX 2

Consultation Response Form

Consultation on:

EC Road Transport Package

PART 1 - Information about you

Name	Bob Telfer
Address	South Yorkshire Passenger Transport Executive, 11 Broad Street West, SHEFFIELD
Postcode	S1 2BQ
Email	bob.telfer.office@syppte.co.uk
Company Name or Organisation (if applicable)	South Yorkshire Passenger Transport Executive (response is on behalf of the Passenger Transport Executive Group)
Please tick one box from the list below that best describes you/your company or organisation.	
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
<input type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group
<input checked="" type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):
If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members: pteg has six member organisations (the six English PTEs) and four associate bodies (Transport for London, Strathclyde Partnership for Transport, and Leicester and Nottingham City Councils)	
If you would like your response or personal details to be treated confidentially please explain why:	

YOUR COMMENTS

PART 2

IMPORTANT: Although we are seeking views on any aspect of this consultation document, we would particularly appreciate your responses to the key questions outlined below.

CHAPTER 1 – TRANSPORT MANAGERS

Chapter 1 – Transport Managers	Yes X	No <input type="checkbox"/>
Q.1 Are the new definitions of 'internal' and 'external' transport manager clear? Is the 4/50 rule for 'external' transport managers understood?		
Please explain your reasons or add any additional comments you wish to make:		

Chapter 1 – Transport Managers	Yes X	No <input type="checkbox"/>
Q.2 Do you have any views on the list of core topics for the 'external' transport manager contract at Annex A of Chapter 1?		
Please explain your reasons or add any additional comments you wish to make:		
We support the suggested list.		

Chapter 1 – Transport Managers	Yes X	No <input type="checkbox"/>
Q.3 Do you agree that an 'internal' transport manager should have the flexibility to work, on a part-time basis, as an 'external' transport manager?		
Please explain your reasons or add any additional comments you wish to make:		
We see no objection to this flexibility being allowed in the case of associated companies. In other circumstances we feel this should be at the discretion of the Traffic Commissioners.		

Chapter 1 – Transport Managers	Yes X	No <input type="checkbox"/>
Q.4 Are the new arrangements for disqualifying transport managers clear?		
Please explain your reasons or add any additional comments you wish to make:		

Chapter 1 – Transport Managers	Yes X	No <input type="checkbox"/>
Q.5 Do you have any views on the guidance at Annex B of Chapter 1 for deciding whether an individual is an 'internal' or 'external' transport manager?		
Please explain your reasons or add any additional comments you wish to make:		
We feel the guidance is clear enough.		

Chapter 1 – Transport Managers	Yes <input type="checkbox"/>	No X
Q.6 Are there any other areas or issues where you feel further explanations would be useful?		
Please explain your reasons or add any additional comments you wish to make:		

CHAPTER 2 – FINANCIAL STANDING

Chapter 2 – Financial Standing	Yes X	No <input type="checkbox"/>
Q.1 Do you agree that the no further guidance is necessary on completing certified annual accounts?		

Please explain your reasons or add any additional comments you wish to make:

Chapter 2 – Financial Standing

Yes X

No

Q.2 Do you consider that new applicants providing a certified opening balance is a proper demonstration of financial standing for the first year of trading?

Please explain your reasons or add any additional comments you wish to make:

Chapter 2 – Financial Standing

Yes X

No

Q.3 Do you agree that Traffic Commissioners should allow financial standing to be demonstrated via a financial guarantee? Are there any other forms of guarantee that should be added to the list at Annex A of Chapter 2?

Please explain your reasons or add any additional comments you wish to make:

Chapter 2 – Financial Standing

Yes X

No

Q.4 Is the guidance clear at Annex B of Chapter 2 on who is properly qualified to certify annual accounts?

Please explain your reasons or add any additional comments you wish to make:

CHAPTER 3 - CERTIFICATES OF PROFESSIONAL COMPETENCE, THIRD PARTY QUALIFICATIONS AND 'GRANDFATHER RIGHTS

Chapter 3 – CPCs, Third-Party Qualifications and Grandfather Rights	Yes X	No <input type="checkbox"/>
Q.1 Do you agree that the Department should continue to allow existing third-party qualifications to provide an exemption from the CPC examination?		

Please explain your reasons or add any additional comments you wish to make:

Chapter 3 – CPCs, Third-Party Qualifications and Grandfather Rights	Yes <input type="checkbox"/>	No X
Q.2 Should the Department continue to offer 'grandfather rights' as an exemption from the need for exam qualification?		

Please explain your reasons or add any additional comments you wish to make:

We believe 'grandfather rights' should be progressively phased out, not only for those making new claims after December 2013.

Chapter 3 – CPCs, Third-Party Qualifications and Grandfather Rights	Yes X	No <input type="checkbox"/>
Q.3 Do you agree with the two tests in paragraph 10 as a means of proving an entitlement to grandfather rights? If not, what alternative tests would you propose and why?		

Please explain your reasons or add any additional comments you wish to make:

Chapter 3 – CPCs, Third-Party Qualifications and Grandfather Rights

Yes X

No

Q.4 Do you agree that the 'window' to claim grandfather rights should not extend beyond December 2013? If not, what date would you propose and why?

Please explain your reasons or add any additional comments you wish to make:

We cannot see the case for retaining this 'window' for as long as December 2013 and would prefer to see an earlier date.

Chapter 3 – CPCs, Third-Party Qualifications and Grandfather Rights

~~Yes~~

~~No~~

Q.5 Which of the two options in paragraph 14 of Chapter 3 would you prefer for transport managers providing proof to a prospective employer that they have grandfather rights?

(a)

Please explain your reasons or add any additional comments you wish to make:

We believe this gives greater control to the Traffic Commissioners and reduces the scope for abuse of the system.

Chapter 3 – CPCs, Third-Party Qualifications and Grandfather Rights

Yes X

No

Q.6 Do you agree that the additional derogations listed in paragraph 17 should not be pursued?

Please explain your reasons or add any additional comments you wish to make:

We believe other measures proposed offer adequate control of the CPC regime.

CHAPTER 4 – ESTABLISHMENT AND OTHER ISSUES

Chapter 4 – Establishment and Other Issues	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Q.1 Are there any other details that operators would wish to provide, as an alternative to operating centre or correspondence address?		

Please explain your reasons or add any additional comments you wish to make:

As we are not an operator we are not responding to this question. However we can see a difficulty with operators being required to have premises before an 'O' licence is granted as operators will in some cases not wish to 'sign up' for premises until they are confident that they have an 'O' licence which will allow them to trade. For this reason we suggest that 'provisional' premises may be accepted in conjunction with appropriate assurances.

Chapter 4 – Establishment and Other Issues	Yes <input type="checkbox"/>	No X
Q.2 Does the abolition of the use of PO Box addresses and third-party administrators to prove establishment cause specific problems? How might they be resolved?		

Please explain your reasons or add any additional comments you wish to make:

Chapter 4 – Establishment and Other Issues	Yes <input type="checkbox"/>	No X
Q.3 Is there any additional documentation that operators should be required to be kept at their specified premises? Like vehicle		

test certificates and registration documents, TM CPCs, driver licences, maintenance records, safety inspection programme, copies of prohibitions, lists of directors, driver rosters, driver defect reports, etc		
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Please explain your reasons or add any additional comments you wish to make:

Our concern would be to ensure that appropriate documents can be produced quickly on demand but we would not extend this to stipulating which premises documents should be kept at.

Chapter 4 – Establishment and Other Issues	Yes <input type="checkbox"/>	No X
Q.4 Does the requirement to provide proof of possession of at least one vehicle cause problems? How might this be addressed?		

Please explain your reasons or add any additional comments you wish to make:

Chapter 4 – Establishment and Other Issues	Yes <input type="checkbox"/>	No X
Q.5 Do you agree that undertakings involved in road passenger transport services exclusively for non-commercial purposes or which have a main occupation other than that of road transport operator should remain outside the scope of the Regulation? If not, why?		

Please explain your reasons or add any additional comments you wish to make:

We feel this regulation should apply to all commercial road transport operations, irrespective of whether this is the main occupation of the operator.

Chapter 4 – Establishment and Other Issues	Yes X	No <input type="checkbox"/>
Q.6 Do you agree that the maximum fine for operating a PSV without a valid O-licence should be increased from £2,500 to £5,000?		

Please explain your reasons or add any additional comments you wish to make:

Chapter 4 – Establishment and Other Issues

Yes X

No

Q.7 Should the maximum fine for PSV and goods vehicle operators not declaring a notifiable conviction be the same as for operating without an O-licence?

Please explain your reasons or add any additional comments you wish to make:

CHAPTER 5 – NATIONAL REGISTERS

Chapter 5 – National Registers

Yes

No x

Q.1 Do you agree that until 31 December 2015 we should only include the most serious infringements as part of the national register requirement?

Please explain your reasons or add any additional comments you wish to make:

We feel it is desirable to achieve this at a much earlier date.

Chapter 5 – National Registers

Yes

No X

Q.2 Do you have any comments on our interpretation of the data required to be held on the UK national register, as set out in the Annex to that chapter?

Please explain your reasons or add any additional comments you wish to make:

ANNEX 3 – DRAFT IMPACT ASSESSMENT

Do you agree that the draft impact assessment accurately estimates expected costs and benefits from introducing these regulatory changes?	Yes X	No <input type="checkbox"/>
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Please explain your reasons or add any additional comments you wish to make:

Please send this completed form to: steve.blackmore@dft.gsi.gov.uk

or by post to:

EC Road Transport Package Consultation

Department for Transport

Zone 2/14

Great Minister House

76 Marsham Street

LONDON

SW1P 4DR

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The deadline for responses is: 17.00 on Friday 20 May 2011