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## Members Meeting

Wednesday 14 July 2021 at 10:30 - Via ZOOM

### Present

Stephen Telling	UKCOA Chairman
Mark Anderson	Anderson Travel
Amy Baker-McCormack	Leoline Travel
Mark Ballam	Alexander Dennis
Richard Bamber	Anthony's Travel
Andrew Bassom	Golden Tours
Jim Baxter	London Pullman
Sarah Bell	Traffic Commissioner for London and the South East
David Blake	Blakes Coaches
Peter Bradley	Managing Director – UKCOA
Jamie Brown	Princess Coaches
Peter Brown	Princess Coaches
Alan Cooper	Coopers Tours
Blaine Betts	Coopers Tours
Andrew Bliss	Bliss Travel
Peter Bovington	D J Coaches
Darren Curd	Wrightsure
Clive Edwards	Taf Valley Coaches
Peter Evans	MET Coaches
Paul Flisher	Ready Tours Ltd
John Furzeland	Head of the TC Corporate Office
Nathan Hadley	Prospect Coaches
Del Haggarty	DH Team Ltd
Tina Hailstone	Hailstone Travel
Julie Hartley	Irizar
Illir Hoxha	Big Ben Coaches
David Hull	Wrightsure
Tom James	York Pullman
Ian Jones	Backhouse Jones
Zigmas Juksta	Travelmaster
Danny Kenny	Southgate and Finchley Coaches
Timothy Lambkin	Travelmaster
Laura Li	Membership and Administration Officer -UKCOA

Anthony Maret	Maretts Chariots
Paul Martin	Abbey Travel
Richard Matthews	Princess Coaches
Geraldine McIntyre	Golden Boy Coaches
Terry McIntyre	Golden Boy Coaches
Andy Palmer	A Palmer Associates
Sanjay Patel	Mazza Coaches
Mark Peace	Cheney Coaches
Neil Pegg	City Circle
Marc Preston	SBC Coaches
Nicole Reese	Tates Coaches
Sarah Reilly	Bliss Travel
Peter Rice	Southgate and Finchley Coaches
Elaine Scrivens	Southgate and Finchley Coaches
Ivan Shears	Chalfont Coaches of Harrow
Val Sheppard-Evans	Longmynd Travel
Stephen Spiller	Centurion Travel
Justin Stott	Aircono Ltd
Ceri Taylor	Applegates Coaches
Ivan Thomas	Edward Thomas and Son
Jackie Thomas	Edward Thomas and Son
David West	Westway Coaches
Robert Whelan	Corbel of London
Kevin Wilde	Mitcham Belle
John Williams	Williams Coaches
Su Winch	Novadata

#### 1. Sarah Bell - Traffic Commissioner for London and the South East

**Stephen Telling** introduced **Sarah Bell**, Traffic Commissioner for London and the South East. Sarah introduced **John Furland**, Head of the Traffic Commissioner's Corporate Office to speak about S19 & 22 permits.

John gave an overview of the permit regime. He covered:

- There are over 100 bodies who can issue permits including local authorities and designated bodies such as the scouts.
- The TC is the biggest issuing body and is the only body allowed to issue large S19 permits and S22 permits
- Issuing bodies work to guidelines set by the DfT, which set out the qualifying criteria
- There is a Lead TC for S19 & S22 Permits (Nick Denton)
- To qualify for a permit an operator needs to meet one of three criteria:
  - exclusively non-commercial;
  - main occupation (same as for a PSV licence);
  - short distance (generally 10 miles).

- If one of these criteria is met an operator must then satisfy the test of operating without a view to profit
- Most commercial operators will not qualify for a permit
- Nor can anyone operate incidentally to profit (e.g., a supermarket paying for a minibus to bring people to the shop).
- If all the qualifying criteria are met a permit will be issued for the specific groups of people travelling i.e., for education or religious purposes
- Operators must return their permit if they no longer qualify for the exemption
- The TC has the right to revoke permits. If they did not issue the permit, they must consult with the issuing body.
- The TC may take action regarding not meeting the criteria or on safety grounds
- The TC relies on evidence from the DVSA
- Last year the DfT indicated they wanted a wider review of the permit scheme
- The TC would welcome the review and specifically a review of:
  - the number of issuing bodies
  - who is best placed to issue permits – do they have the proper expertise?
  - should the TC be the sole issuing body?
  - record-keeping – there is no central record of how many permits are in circulation
  - permits issued before 2009 remain in force indefinitely
- The government will decide when any review takes place

Discussion with members raised the following points

- All issuing bodies are required to check that applicants meet the criteria to hold a permit. Issuing bodies such as a local authority can only issue to themselves.
- Permit holders are policed by the DVSA
- The DVSA is acutely aware of the issues raised within the industry of unfair competition and the need for a level playing field. They do take action and have referred cases to the TC
- S19 & 22 permit holders are not subject to the same driver licensing and CPC requirements as O License operators. This has been considered in the past by the DfT and will need to be looked at again.
- The DVSA has been working on the issues around CPC training for permit holders
- It would be a good idea to invite the DVSA to speak to us directly on these issues

**Sarah Bell** gave an overview of what has been happening recently in the TC's office and touched on:

- Acting swiftly to adapt to new working practices because of Covid even before lockdown
- Adopting a sympathetic and flexible approach to helping operators including periods of grace with finances
- Lesson learned from lockdown is to look at resilience

- Since June 2020 there has been an increase of 15-20% in goods applications and this continues
- Moving back to in person hearings, although examiners will be able to give their evidence remotely.
- The TC's Annual Report for 2020-2021 will be published in the autumn
- Sarah is the Lead TC covering the Roads Policing Review, which is a joint DfT and Home Office initiative.
- The review is looking at the whole of roads policing and enforcement including how that joins up with the DVSA for commercial vehicles.
- One aspect will be looking at the flow of information to the TC. The DVSA information is of a consistent standard but the quality of evidence from the police varies greatly. Improvement here will impact on unfair competition and safety to benefit the PSV industry

Sarah then moved on to answering Member's specific questions

a. *Can the TC recommend any providers or specific courses for driver assessor training?*

There are courses that range from 2-5 days. There are some which trade associations and the known driver CPC companies do. There are also health and safety risk management consultants who offer this. It might also be worth talking with your insurers because they may have other operators who do this type of training.

b. **Stephen Telling** highlighted the health and safety implications around PSVAR and the lack of road infrastructure to support drivers operating the lifts. *What would the TC do if a driver refused to operate a lift and a child gets left behind?*

I would look at the whole system and what else is in place to ensure that child is not left for hours. It would be looked at on a case-by-case basis. I have to look at the case based on the law as it exists. You might also talk to the HSE and the DfT to get it joined up and I can provide contact details.

c. *Is there anything the TC can do about operators taking on drivers as self-employed contractors? IR35 is making no difference.*

TC's can't intervene. If drivers are full-time they should be employed and subject to disciplinary procedures. If we do make an adverse finding against an operator after a full hearing we do pass this information on to HMRC. The DVSA is also alive to this issue, although I don't know what their policies are.

d. *Why does the DVSA not check their own Safety Inspection Facilities Guidance and why is it not enforced by the TC? If I invest in full and proper facilities and other operators use mobile engineers this is unfair competition.*

The facilities that are required are set out in the guidance, which has to apply to the entire range of different fleets that are operated. In the application you have to set out what your arrangements are going to be for your safety and compliance checks and what the

intervals will be and whether it's in in house or external. And then operators have to risk manage their fleet against that guidance.

O Licencing is based on trust and we can't check every application. If the DVSA do a maintenance investigation and the condition of the vehicles is poor they will look into safety. The inspection facilities and arrangements are scored and if the score is over 11 it's referred to the TC who will decide if it should be called to a hearing.

This is looked at and in detail. We do enforce it.

We can't regulate contractors directly. But in hearings I have said to operators if you continue to use X contractor I'll remove your licence. It's up to you.

Having workshop facilities doesn't guarantee they are adequate. I have revoked licences from operators using main dealers. Very often it is the smallest firms who struggle to get a good service as they are pushed to the back of the queue.

Permit holders have to maintain vehicles within the Guidelines of Road Worthiness. They have to meet legal duties to people impacted by their operation. The problem is they don't have to specify their vehicles; I would like to see that change. Restricted licence holders are not outside the law, it just follows a different route.

- e. **Tom James** expressed concern about the training of anybody involved in PSVAR enforcement and how we ensure we are all working towards integration. The DVSA has their own internal process for training. They don't have absolute power; they are required to give evidence, which is questioned at a hearing. Caroline Hicks, DVSA Head of Business Transportation is the person to speak to, to get it all tied up.
- f. **Darren Curd** observed that good compliance is reflected in insurance premiums. Operators with fewer than 5 vehicles will have lower premiums. Compliance is not ignored by insurers and we will fight your case to make sure you get the best premiums possible.

**Stephen Telling** thanked **Sarah Bell** for taking the time to meet with us and for her valuable contribution to the meeting.

## 2. Apologies for Absence

These were received from:

Margaret l'Anson	Chandler's Coach Travel
Judy Dale	Royale European
Mark Griffin	ITT Hub
Steve Griffiths	South Mimms Travel
Paul Harnden	Chauffer Hire Coaches
Kevin Mayne	Maynes Coaches
Chris Mobbs	Dawson Group Bus and Coach
Richard Slack	Slacks Coaches
Richard Telling	Falcon Travel (Surrey)

### 3. Minutes of last meeting 9 June 2021, and any Matters Arising

Minutes agreed with no amendments. No matters arising.

### 4. PSVAR update from DfT / Independent Schools' Bursars Association

All members were sent the letter from Baroness Vere shortly before today's meeting. **Stephen Telling** thanked **Peter Bradley** for all the work he did in putting our case forward to the DfT. Unfortunately, Baroness Vere's letter comes over as unsympathetic and appears to not understand the coach industry.

We need to find a way to convince the DfT and in turn the Government to satisfy PSVAR with the existing fleet. Current vehicles meet most of the requirements already; it is just the lifts and destination blinds that pose a problem.

We need to find a way to write old vehicles off; they have 10-15 years of life left in them. All new coaches will be built fully compliant. But we need to make sure they are fully accessible for all passengers and not just those who use wheelchairs.

**Peter Bradley** summarised the letter:

- From August 2021 until 31 March 2022 there will be an exemption for closed door home to school services which needs to be applied for;
- We requested an extension for a year, but this was denied;
- Unclear if the exemption is per operator, vehicle or route, but should be the same as last time;
- Considering a medium-term extension from 1 April 2022 that may exclude the need to have a lift;
- We need to put forward suggestions for the destination equipment; the ITT Hub showcased a dashboard camera that shines a light and removes the needs for destination equipment;
- Hopefully, we, along with CPT and RHA, will be involved in the consultation.

Further discussion revolved around

- Are destination blinds necessary on coaches – we will ask for an exclusion for touring and private hire coaches;
- Not all wheelchairs are safe and suitable to be carried on coaches;
- Operators will not be penalised and insurance companies will pay out if a claim is made after an accident and correct protocol is followed – unless there was clear negligence;
- There is a specification of wheelchair under the regulations. DPTAC are reviewing the specification and we will be supporting that review when we speak with them;
- Extension to March is a good compromise for those who have already bought a new fleet of vehicles and those who are halfway there;
- There are weight implications for all vehicles fitted with lifts; there may not be capacity for luggage with a full load of passengers, which restricts the vehicle's use. It would be good to have the ability to have a mix of vehicles in the fleet. We will take up the weight issue with DPTAC;

- There is no evidence that any operator has ever refused to take a passenger and the DVSA has not enforced the rules;
- There are structural issues with retro-fitted vehicles;
- The confrontational tone and attitude of the letter from Baroness Vere, which placed the blame on operators and manufacturers; the tone of the letter may be to placate disabled passenger groups who may challenge why the operators have been given another extension;
- The UKCOA Board, in particular **Stephen Telling** and **Peter Bradley**, have led this campaign to pave the way for these commonsense adjustments;
- We have already spoken with DPTAC, which is a government-formed committee comprised of disabled people. One of our consultations will include disabled people to get their views directly;
- **Stephen Telling** is confident that we will negotiate our way through these issues to get the best deal for the coach industry and that existing vehicles will be used for the rest of their useful lives;
- Please send us your comments so that we can fully represent your views;
- Our August meeting will be devoted to PSVAR so that we can send a letter proposing a sensible way forward from a forward-thinking industry ready for when parliament reconvenes in September.

#### 5. **KURA/Don't Travel Empty**

Members received a briefing note shortly before the meeting. Don't Travel Empty, one of our Industry Partners, has agreed to purchase all the private hire leads from KURA and offer them to their enhanced members.

The Board discussed this in detail and decided that DTE are not functioning as a broker and therefore this does not breach the UKCOA commitment not to work with KURA. This is a marketing exercise by DTE to their own members and UKCOA members can benefit by joining DTE.

#### 6. **Membership and Industry Partners**

The more members we have the more we can do for you. We got some good leads at the ITT Hub. Please do contact people you know about joining UKCOA. The best advertisement for us is recommendations from existing members.

**Peter Bradley** will send round the application forms to use in discussions with people. The membership year starts in March and we are able to give pro-rata joining fees for members who start part-way through the year.

#### 7. **Nationwide Coach Campaign**

**Mark Anderson** reported that he has spoken to Candice Mason and Chris Owens in the last 24 hours. They will make an announcement about what is possible with the funds they have been able to collect. Mark felt that the campaign lost a bit of traction because it is focused so heavily on the coach holidays and day excursions market.

## 8. Coach event for the NHS

**Stephen Telling** commended **Andy Palmer** for his idea and the hard work he has put into it. Andy has spoken to a number of people all over the country and they have been receptive and grateful. However, the current situation with the growing number of Covid cases and an NHS staff shortage means that now is not a good time. In addition furlough and finance holidays are coming to an end.

We need a better idea of what is happening with Covid in the next few months. We will put a plan together over the winter months to launch something next spring when we will be in a position to do something meaningful for the NHS and the coach industry.

**Stephen Telling** concluded by thanking **Anthony Marett** for getting us in touch with Matt Hancock, although obviously that potential avenue of help is no longer available.

## 9. Any Other Business

- Following Sarah Bell's talk today we need a meeting with DVSA as soon as possible re S19 & S22;
- It would be good to meet with the HSE re PSVAR;
- From 2 August it will no longer be required to issue a green card to travel to the continent;
- We are joining the Independent Schools' Bursars Association as a supplier and will ask if they have someone who could come and speak at a meeting.

## 10. Date of Next Meeting

- Wednesday 11 August 2021 at 10:30 - PSVAR