

I am writing to you as a service user of CTSussex services to advise you of the situation that has occurred over the last couple of weeks that resulted in the suspension of all the services of CTSussex with effect from Thursday 10th August 2017 to allow us time to consider and investigate whether we are fully compliant in respect of a wide range of regulations and interpretation of them. I can assure you that we have only taken this action after lengthy and difficult discussions concerning the situation especially as we are aware that we are involved with some of the most vulnerable of society. Sometimes it is very difficult to make decisions and inform every one of difficult situations immediately.

This situation commenced at the beginning of August when a letter dated 31 July 2017 was issued by the Department of Transport ("DfT") without warning to organisations who provided Section 19 and 22 permits to "not for profit" organisation (a copy of this letter is attached) including Community Transport. In summary this was in response to an ongoing legal challenge, over 2 years old, by commercial minibuses and bus companies against the use of Section 19 and 22 permits for the purpose of tendering. As a result the DVSA had investigated a Community Transport organisation in the Midlands with the result that this "not for profit" organisation required a full Operators Licence and the drivers an Unrestricted D1 and Driver CPC to continue working. DVSA also considered that this Community Transport Operator main activity as being engaged in road passenger transport and as such was deemed to be commercial operator. Within the DfT letter you will read that a consultation is to be undertaken in the autumn to clarify the Transport Act 1985. Following receipt of the DfT letter the Community Transport Association and ATCO (which is an association of councils) made representation to the DfT for clarity and CTSussex was sent a copy of this letter by the CTA. To date no clarification has been forthcoming. You will note towards the end of the DfT letter it acknowledges that historically inaccurate guidance may have been provided and as a result some organisations may be relying on inappropriate permits.

As this placed CTSussex on notice about the change to our operation we had to undertake a detailed investigation which is still ongoing but unfortunately this identified a potential compliance issue. During this period CTSussex was advised in writing by the DfT that an Unrestricted D1 licence was required if a driver was paid in respect of any driving. The DfT defined an unrestricted D1 as being a licence without the '101 – not for hire or reward' endorsement. People who passed their car driving test before 1 January 1997 automatically received D1(101) entitlement – it was not issued to people who passed their test after that date. A driver who has only D1(101) entitlement would need to apply and take a test to have 'unrestricted' D1 entitlement.

During the investigation we come upon a DVLA web site page site (<https://www.gov.uk/driving-a-minibus>) which provides detail information on driving a minibus. This appears to state that for a volunteer driver can drive a minibus subject to very strict conditions including a weight restriction. If a driver is paid they must hold an unrestricted D1 licence, which is also known as a PCV (Passenger Carrying Vehicle) licence, and must have completed 35 hours of CPC (Certificate of Professional Competence) training. In addition it appears that the operator requires a PSV Operator Licence and we are in the process of applying for this.

Finally following a conversation regarding our insurance we were verbally advised that although our vehicle fleet and other insurance are in place that the correct driving licence must be held by the driver in respect of the appropriate service being undertaken on that vehicle for insurance purposes.

Lastly we are working very closely with the County Council in respect of sustaining a Community Transport operation in the area and will be contacting all our local MPs relating to this situation. Although we are aware of the implications of these changes in regulations, we consider that we have no choice but to suspend all CT Sussex services while investigations in compliance continue.