

SPICe Briefing

An Introduction to Community Transport

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This short briefing provides an introduction to community transport in Scotland, outlining the legislative framework governing its operation and providing information on community transport operator and driver licensing. It goes on to provide information on the role of the Scottish Government and local authorities, funding sources and highlights key points from the Community Transport Association's [State of the Sector Report for Scotland 2012](#).



Photo: Lothian Community Transport Services



CONTENTS

INTRODUCTION	3
WHAT IS COMMUNITY TRANSPORT	3
LEGISLATIVE FRAMEWORK	3
DRIVER LICENSING	4
MIDAS TRAINING	5
COMMUNITY TRANSPORT AND THE NATIONAL CONCESSIONARY TRAVEL SCHEME FOR ELDERLY AND DISABLED PEOPLE	6
ROLE OF THE SCOTTISH GOVERNMENT AND LOCAL AUTHORITIES.....	6
FUNDING.....	6
COMMUNITY TRANSPORT ASSOCIATION SCOTLAND: STATE OF THE SECTOR REPORT FOR SCOTLAND 2012	7
SOURCES	8
RELATED BRIEFINGS	10

INTRODUCTION

Community transport services are locally owned and managed organisations, often relying on volunteers, who provide transport options to people who cannot access regular public transport services, whether due to age or disability or to those living in areas not served by public transport.

This short briefing provides an introduction to community transport in Scotland, outlining the legislative framework governing its operation and providing information on community transport operator and driver licensing. It goes on to provide information on the role of the Scottish Government and local authorities, funding sources and highlights key points from the Community Transport Association's [State of the Sector Report for Scotland 2012](#) (Community Transport Association 2013).

WHAT IS COMMUNITY TRANSPORT

There is no statutory definition of what constitutes a community transport service. However, community transport services do tend to share a number of unique features, which include:

- Service providers are non-statutory organisations
- Service providers are non-commercial and non-profit distributing
- The ownership and management of the service is undertaken by members of the local community and often involves substantial effort from volunteers.

Community transport services are provided by many different types of organisation, e.g. dedicated community transport providers, community groups and private individuals using their own vehicles. Community transport services are used by a wide variety of groups and individuals although the majority of users tend to be those unable to access regular public transport or taxi services due to age, specific health needs or a remote geographic location.

LEGISLATIVE FRAMEWORK

Public Service Vehicle Operator Licensing: Generally, the Transport Act 1985 requires anyone wishing to operate a vehicle for hire or reward (i.e. payment or payment in kind) that meets the following criteria to hold a Public Service Vehicle (PSV) operators' licence:

- The vehicle can carry nine or more passengers
- Vehicles that can carry less than nine passengers who are charged separate fares for their journey

However, transport operators that meet certain criteria and provide specific types of transport service can apply for a Permit that exempts them from the need to obtain a PSV operators' license. These are:

Section 19 Permits: Issued under the provisions of the Transport Act 1985, Section 19 Permits (sometimes known as minibus permits) allow organisations which operate on a non-profit basis to provide transport services for a charge without the need to hold a PSV operator's licence.

Section 19 permits are either 'standard permits' for vehicles which are adapted to carry no more than 16 passengers (excluding the driver) or 'large bus permits' for vehicles which are adapted to carry 17 or more passengers. These permits may be granted to organisations who operate vehicles without a view to profit to transport their members or people whom the organisation

exists to help. Section 19 permit vehicles cannot be used to carry members of the general public.

Section 22 Permits: Community bus operators wishing to operate services that can carry members of the public can obtain a Section 22 Permit, again issued under the provisions of the Transport Act 1985. Section 22 Permits are issued to organisations concerned for the social and welfare needs of one or more communities that operate vehicles without a view to profit to provide a community bus service. Unlike section 19 permit vehicles, community bus services are 'local bus services' and can carry the general public.

DRIVER LICENSING

To drive a particular category of vehicle, a driver must have the correct entitlement to drive that vehicle on their driving licence. The key entitlements for community transport services are:

B - Cars: Motor vehicles (plus a trailer, if one is being used) with a MAM not exceeding 3500kg where the vehicle is designed and constructed for the carriage of no more than eight passengers.

D1 – Minibuses: Vehicles with no more than 16 passenger seats in addition to the driver and with a maximum length not exceeding eight metres with a trailer up to 750kg.

D – Buses: Any bus designed and constructed for the carriage of more than eight passengers in addition to the driver, with a trailer up to 750kg.

Driving licence categories, and driver entitlements to operate certain categories of vehicle within specific entitlements, have changed several times over the last 20 years. The key change for community transport providers occurred on 1 January 1997. Prior to that date, anyone who obtained a car driving licence had an automatic right to drive a minibus for non-commercial purposes. Since that date this automatic entitlement has been removed, except in very limited circumstances. This means that any driver currently aged 33 or under who holds a car driving licence does not have an automatic right to drive a minibus. Such drivers have to obtain a D1 entitlement in addition to their car entitlement.

Passenger Carrying Vehicle Driver Licensing: The drivers of Passenger Carrying Vehicles (PCV), which includes buses, coaches and minibuses in certain circumstances (see below for more details), must obtain the appropriate category of driving licence (D and/or D1) and a certificate of professional competence prior to driving such vehicles. A PCV driver aged 45 to 64 has to renew their licence every five years, renewal being dependent on the submission of a satisfactory medical examination report. PCV drivers aged 65 plus must renew their licence and submit a satisfactory medical examination report every year.

Minibus driver licensing: A driver who obtained a car driving licence prior to 1 January 1997 has an automatic entitlement to drive a minibus, as long as the minibus is not being used for commercial purposes.

A driver who obtained their car driving licence since 1 January 1997 does not have an automatic entitlement to drive a minibus, except in the following very specific circumstances:

- The driver is 21 or older
- The minibus is being used for social purposes by a non-commercial body
- The driver has held their car driving licence for at least 2 years

- The driver is working on a voluntary basis and the minibus is used for social purposes by a non-commercial body
- The maximum weight of the minibus is not more than 3.5 tonnes (or 4.25 tonnes including specialist equipment for disabled passengers)
- The minibus is not towing a trailer.

Where fares have to be charged by a voluntary organisation that benefits the community (e.g. an educational, religious or sports organisation) it can obtain a Section 19 Permit as described above. A Section 19 Permit allows the holder of a car driving licence to drive a minibus under the following circumstances:

- The driver is 21 or older
- The vehicle can carry between 9 and 16 passengers
- They are driving it for a voluntary organisation that benefits the community (e.g. an educational, religious or sports organisation)
- The minibus service is only available for members of that organisation - not to the general public
- Any charges are to cover running costs and are made on a non-profit basis.

It is important to note that the restrictions on drivers who obtained their car driving licence since 1 January 1997 apply to organisations operating minibuses under a Section 19 Permit.

Certificate of professional competence: A professional bus driver must obtain an initial Certificate of Professional Competence (CPC) and, to retain their CPC, undertake 35 hours of periodic training every five years. The [Department for Transport website](#) states:

“You don’t need Driver CPC if the vehicle you drive is:

- used for non-commercial carriage of passengers or goods for personal use”

Driver Insurance: Community transport volunteer drivers who use their own cars to provide a transport service do not normally need to obtain additional insurance, although certain insurers require drivers to notify them before undertaking volunteer driving duties. The Association of British Insurers (ABI), which represents UK insurers, provides the following commitment to volunteer drivers:

“The insurers named will insure their policyholders to carry out voluntary driving, that is, the use of a vehicle they own in connection with, or for the benefit of, charities, voluntary organisations, clubs or societies, under the conditions set out below, where payment does not exceed the HMRC mileage rates in force at that time. This does not cover use for hire or reward or vehicles owned by, hired to or lent to the voluntary organisation.”

Full details of the commitment and a list of insurance companies that have signed up to it, which includes most major UK car insurers, can be found on the [ABI website](#) (Association of British Insurers 2013).

MIDAS TRAINING

The Minibus Driver Awareness Scheme (MiDAS) is administered across the UK by the Community Transport Association and provides transport operators with a system to train and assess all their minibus drivers. MiDAS instruction is provided by trainers who have received appropriate trainer education from providers approved by the CTA. MiDAS training provides both classroom-based theory training and an on-road driving assessment for minibus drivers

and additional training on passenger assistance and the use of wheelchair accessible vehicles, for drivers who will be transporting passengers with disabilities.

COMMUNITY TRANSPORT AND THE NATIONAL CONCESSIONARY TRAVEL SCHEME FOR ELDERLY AND DISABLED PEOPLE

Bus services provided under a Section 22 Permit that are registered with the Traffic Commissioner, a requirement for all regular local bus services, are eligible to participate in the Scottish national concessionary travel scheme for elderly and disabled people, i.e. the scheme giving free bus travel to Scottish residents aged 60+ and people with disabilities. The vast majority of community transport is not provided by registered bus services operated under a Section 22 permit, meaning that passengers cannot benefit from free travel on most community transport services.

Age Scotland, in collaboration with the Community Transport Association and others, recently launched the [Still Waiting](#) (Age Scotland 2013) campaign, calling for the national concessionary travel scheme for elderly and disabled people to be extended to cover a broader range of community transport services.

ROLE OF THE SCOTTISH GOVERNMENT AND LOCAL AUTHORITIES

Neither the Scottish Government nor local authorities have any statutory requirement to provide, assist or fund community transport.

There is currently no specific Scottish Government financial support for community transport operators or a national strategy for community transport provision. However, community transport operators providing minibus and/or bus services under a Section 19 or Section 22 Permit can claim Bus Service Operators Grant (BSOG) from Transport Scotland. BSOG is a distance based payment to bus operators to assist them in keeping fares low. Also, as explained above, eligible passengers travelling on community bus services provided under a Section 22 Permit can travel for free under the provisions of the national concessionary travel scheme for elderly and disabled people.

The Community Transport Association receives a grant from the Scottish Government to enable it to support community transport operators in Scotland.

Local authority support for community transport operators across Scotland is a matter for individual councils and varies widely. Such support can range from the provision of vehicles to community transport operators, e.g. to Lothian Community Transport Services by City of Edinburgh and Midlothian Councils, to no specific support for community transport as happens in several councils.

FUNDING

As outlined above, there is no specific Scottish Government budget for community transport or any systematic financial support provided by local authorities. Community transport operators generally raise both capital and revenue funds through a combination of charitable fundraising, fares, and vehicle hire, BSOG and concessionary fares income and contracts.

The Community Transport Association's [The CTA State of the Sector Report for Scotland 2012](#) states that Scottish community transport operator annual income totalled £10m in 2012 with 30% coming from grants from statutory bodies and 70% from other sources.

COMMUNITY TRANSPORT ASSOCIATION SCOTLAND: STATE OF THE SECTOR REPORT FOR SCOTLAND 2012

The Community Transport Association Scotland (2012) recently published [The CTA State of the Sector Report for Scotland 2012](#). This document provides a summary of the size and scope of Scotland's community transport sector. Key highlights from this report include:

- There are over 180 community transport providers in Scotland, many of which are run on an entirely voluntary basis
- Community transport operators' income in Scotland during 2012 was £10m
- 70% of income was from fares, charges and fundraising, 30% was from grants from statutory bodies
- At least 2,500 volunteers from the organisations surveyed by CTA provide approximately 280,000 hours service annually
- Over 3.5m journeys are provided by community transport operators annually
- Community transport operators have access to approximately 900 vehicles of which 300 are small buses and 600 private cars
- Community transport operators employ around 400 people.
- 11 community transport operators have PSV operators' licences, 22 have Section 22 permits and 70 have Section 19 permits (individual operators may have more than one type of permit/licence)
- £660,000 in Bus Service Operators Grant is claimed annually by community transport operators from Transport Scotland
- There is rising demand for community transport services due to an ageing population
- Access to healthcare is becoming a key issue, particularly as the Scottish Ambulance Service reduces patient transport services to focus on emergency services
- Public sector contracting, with a focus on lowest value bids, does not favour the client led focus of community transport providers in securing public contracts.

SOURCES

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RELATED BRIEFINGS

[SB11/34 Transport in Scotland](#)

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