



Comments from Imtac on the joint consultation on proposed changes to the Section 10B Permit and revised guidance on minibus driving

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About Imtac

The Inclusive Mobility and Transport Advisory Committee (Imtac) is a committee of disabled people and older people as well as others including key transport professionals. Its role is to advise Government and others in Northern Ireland on issues that affect the mobility of older people and disabled people.

The aim of the Committee is to ensure that older people and disabled people have the same opportunities as everyone else to travel when and where they want.

Imtac receives support from the Department for Infrastructure (hereafter referred to as the Department).

General comments

Imtac welcomes the opportunity to respond to the current joint consultation. Although not directly involved in the operation of the services affected by the consultation the Committee has a strong interest in the issues from a user perspective. In making comments from the user perspective Imtac has to balance two, often conflicting, viewpoints. Firstly the Committee recognises the important services that are provided by community transport operators and the benefit many older people and disabled people get from these services. However the Committee must also reflect the feedback from other disabled people and older people who are unhappy with services currently provided by community transport. The comments in this response are designed to reflect this balance, setting out the need for change at the same time highlighting the need to manage change to protect the current users of services.

Comments on the use of 10B permits

Imtac believes the principle and purpose of the 10B permit is sound. Transport is key to social inclusion. For community and voluntary groups and organisations wishing to provide transport for their members it is

reasonable that they should not be subject to same regulatory framework as commercial transport operators. This is particularly the case where transport is ancillary to the main purpose of the organisation or group and is provided in a voluntary capacity. The Department should take great care in introducing changes connected to 10B permits to ensure it does not limit or deter these community and voluntary organisations from providing transport for its members. The Committee suggests the Department work with NICVA and bodies that issue 10B permits, such as the Community Transport Association (CTA), to ensure organisations and groups are made aware of the implications of any changes.

Difficulties have arisen with the emergence since the late 1990's of larger community transport operators, largely funded directly by central Government. From Imtac's perspective these large operators sit less comfortably within the 10B Permit scheme for the following reasons:

1. The majority of these organisations exist solely to provide transport and operate services and transport fleets on a scale way beyond most other community and voluntary organisations.
2. Most of the larger community transport organisations provide services directly or indirectly to Government. Some of these services appear to be operating under some form of formal or informal contract.
3. There is clear evidence that some of the large community transport operators are engaged in what can only be interpreted as "commercial" activity both in terms of the range and type of services they are involved in delivering and the income they receive.

The Committee believes that the issues outlined above are strong enough reasons for large community transport operators to be brought within the regulated transport sector. However for Imtac a more compelling rationale for the change is to ensure that users of Government funded services such as DATS and rural Dial-a-Lift enjoy

the same legal protections as users of other transport services including public transport, taxi services, vehicle hire firms and travel by air and sea. Currently 10b provides operators with an exemption from complying with aspects of disability and other discrimination legislation. Imtac believes the current situation is unacceptable and recommends that the Department takes the appropriate action to ensure that all transport operators funded by it operate under the same rights framework.

Given the issues highlighted above the Committee believes the Department is right to clarify the use of the 10B permit. Imtac agrees with the Departments conclusion that for most small community and voluntary groups and organisations this should mean little change. It will, and should, mean changes for larger operators whose sole purpose is providing transport. Given the nature of the activities undertaken by these organisations, their substantial financial turnovers (and some cases levels of reserves) and the current absence of legal protection for users of services Imtac believes larger community operators do not meet the requirements of a 10b permit holder and should be brought within the regulated transport system. The Committee does not believe this change should have a substantial impact on either operators or users of services.

Comments on minibus driving licensing requirements

Imtac understands and accepts the rationale for the recent clarification around the law and driving minibuses. The Committee does not propose to contest the position put forward in the consultation document. However Imtac does recognise that at least in the short term the changed guidance has the potential to have profound impact on the provision of services such as DATS and rural Dial-a-Lift as well as other community transport providers and 10B permit holding organisations. Based on these concerns Imtac has two recommendations. Firstly the Department must work with all stakeholders, including community transport operators, to ensure that current users of services are unaffected during the implementation of changes. Secondly the Department must look at a promotional/awareness campaign to ensure that all community and voluntary organisations are aware of the new

guidance. In doing so the Department should work closely with NICVA and bodies that issue 10B permits such as the CTA in Northern Ireland.