



Department for Transport

MOTORING SERVICES STRATEGY CONSULTATION

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Annex A Responses to Question 5: We plan to move to greater delivery of services online or by other digital means. Will these changes help you in your dealings with us?

1. 1.10 Following on from the comments above, again, the RMI fully endorses expanding the delivery of online services. Delivering more services on line, will greatly help the automotive industry's dealings with the various agencies. Online services will provide 24/7 access to each service, allowing for transactions to take place outside standard office hours. Again, this will help with common complaints such as the inability to access services out of hours. However it is important to ensure that any on-line service is easy to access and navigate.
2. 19. MCI supports the proposals in principle, but would appreciate proper dialogue with the DVLA on how new services will be delivered and how the needs of industry will be met. (see para 15 above). Recent improvements to Trainer booking of tests by the DSA has been generally well received but attention to detail is essential when planning a new system and several system bugs are causing frustration
3. Digital Services
 - Will the vision for digital services outlined on page 17 of the strategy help you in your contacts with any of the four Agencies?
 - We plan to move to greater delivery of services online or by other digital means. Will these changes help you in your dealings with us?

FTA members broadly welcome the "digital by default" approach, but fear that government is not currently capable of fulfilling effective online services. In recent consultations DVLA has failed to recognise the issues facing operators of very large fleets. Proposals for "channel shift" (the encouragement of customers to use on-line, interactive channels for accessing services) have included caps on the number of purchases which can take place in a single transaction and focus on service provision for private motorists who would likely only be making a single transaction at once. It was felt that government online services failed to emulate the simplicity and ease of use of the market leaders in online retail.

Channel Shift is often accompanied by a restriction in payment options. Once again, these are usually decisions made in consideration of the private individual and do not take into account normal, financial processes in corporate and, particularly, public bodies such as local authorities – many local authorities will simply not have the facility to issue credit cards. In the corporate environment the usual mechanism for transferring payments is through the raising of invoices. This practise is currently restricted by HM Treasury rules, but if Government agencies are serious about improve the levels of service to business and public bodies they will make representations to the Treasury to have this restriction considered. Agencies appear to be moving away from the pre-funded account model (PFA), but this is a system which seems to have worked well for operators.

As DVLA's Transformation Programme progresses it remains the Agency's intention that a credit card fee will be applied for each individual vehicle transaction even where several are paid for in a single credit card payment transaction. For example, if paying for VED for 100 vehicles, even if those 100 are paid for in a single credit card transaction for a 'basket of goods' the credit card fee charged by DVLA will be £250 (£2.50 x 100 vehicles). This represents an unacceptable direct cost applied by Government to industry. If "digital by default" is to incorporate these sorts of unacceptable costs FTA members would



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not be able to give support to the principle.

While not part of the Motoring Services Group, it is essential that the Office of the Traffic Commissioner is included in these developments, critically with the long term goal that operator licensing administration is able to be completed entirely online, without the need for documents with a “wet-ink” signature to be submitted by post

4. It will but all non digital services will need to be retained but reduced in complexity and to an extent availability as more will switch to online services.
5. It will help if it facilitates easier access to services and simplifies things
6. No
7. Should do.
8. The AA believes that there will be efficiency gains through greater use of on-line and digital services. This will help reduce administration time for the AA Driving School and potentially other AA operations. We are also hopeful that more on-line services will enable us to look up certain useful information.
9. The availability of on-line services will in general assist bus and coach businesses.
10. The FLA would like to work with the DfT and the DVLA to make the following motoring services available online:
 - Registered Keeper Enquiries including KADOE – Keeper at Date of Event (and the provision of this information via vehicle provenance checks).
 - Driving Licence Verification (verifying entitlement to drive).
 - Requests for VED refunds.
 - Confirmation of VED payments received by the DVLA (including the provision of this information via vehicle provenance checks).
 - Payment of DVLA enforcement charges.
 - Requests for replacement V5 forms.
 - Requests for a change of VED class.
11. They will but we represent 7,000 plus members and some do not have internet access and are very worried they may not be able to phone for practical and theory tests at the DSA
12. Whilst the “digital by default” approach can be advantageous in the drive to cut costs and offer a service 24 hours a day, 7 days a week to those people who have access to the internet, care should be taken that such an approach does not exclude people who do not have such access. Older people, who have to renew their driving licences more frequently after the age of 70, are more likely to find it difficult to use or have access to services online. The proposals could therefore have a detrimental affect for some people in their dealings with the DVLA. We would be interested to hear what plans are being developed to support those who find access to digital services difficult
13. Yes, linking the MOT equipment so that it can feed back the test results directly via the internet would help.
14. Yes, particularly if it avoids the delays encountered with phone or postal contact, and it means services can be delivered outside normal office hours. On-line access is better as long as it is robust and actually works efficiently, some Government online access is very poor and cumbersome. We would need to see what services become available on line first. A minority of members were sceptical that the change would make much difference.
15. Yes, we wholeheartedly support any move to an online or other digital means.



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Annex B Responses to Question 7: Do you have any suggestions for the future structure of VCA or the range of services it offers?

1.
 - Do you think the proposals to reform VCA as outlined on page 17 of the strategy will help you and/or the UK economy?
 - Do you have any suggestions for the future structure of VCA or the range of services it offers?

FTA helps its members in interactions with the Vehicle Certification Agency and that has been more pronounced recently with the arrival of European Whole Vehicle Type Approval. It is understood that it is already Government's intention to privatise VCA with a timetable for the tendering process developed. It is critical that stakeholders are involved in the outsourcing process. Some FTA members expressed the view that any market-led fee structure should incorporate safeguards.

2. 1.12 The RMI feel that the structure of the VCA must change. The RMI proposes that the roles and duties of the VCA should be carried out by VOSA
1.13 Under the current formation, there is often an overlap in the duties performed by the VCA and VOSA and this causes unnecessary duplications of processes whereby information requirements could be avoided if the work was completed by one agency.
3. As stated in Q6 CPT has very little dealings with VCA therefore we cannot comment on the future structure of the organisation until such time as the proposed new business models are published.
4. I'm not convinced that outsourcing the work will deliver better value for money, past experience suggests that quality suffers and the cost to the taxpayer goes up considerably
5. In addition to putting the consumer and business at the heart of what you do also ensure customer confidentiality seek no exemptions from the data protection act and revoke the DVLA's right to sell personal information or pass it on without drivers consent.
6. No (x3)
7. No comment.
8. Reform of the VCA
SMMT supports the work of the VCA as a globally reputable Type Approval Authority (TAA), and welcomes the continuation of the VCA's combined TAA and test service (one stop shop) approach throughout any proposed reform. This approach is seen by industry as a unique selling point, as the VCA provides a complete TAA service, from concept reviews through to the testing and issuing of Certificates. This model results in streamlined processes for business, saving time and money, with the VCA able to provide flexible support to challenging timing demands.

The Type Approval and Certification business is a highly competitive arena and foreign Technical Services are rapidly improving service and standards. For the VCA to remain the agency of choice for businesses it must ensure that consistency of technical interpretation and reliability and predictability when witnessing testing are of the highest standard. Whilst costs are important to businesses, in terms of the overall development process, timely delivery of certification is critical, as without a certificate, businesses cannot make sales. Therefore the reform process must avoid causing any potential risk to the delivery of vehicle development programmes, as this could result in businesses taking their certification business elsewhere.
9. See 6 above



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10. TCs are supportive of the broad aims and are grateful to see the acknowledgement in the strategy that some service users need support to transition to digital services. We are naturally cautious towards developments such as online applications for licences, but our mind is open and we can see potential for strengthening current procedures around confirming an applicant's identity by reference to other data sets, perhaps held outside government, and in improving the customer experience.

We are also concerned to ensure that robust data handling procedures are in place. Whilst the concept of a "one stop shop" is desirable for the consumer the unauthorised disclosure of data to a third party is not

11. The VCA should remain an agency of the Government and not be privatised. "Privatisation" potentially brings a degree of partisanship which is refreshingly absent in the current arrangements

12. Very few of our members deal with this agency

13. We don't believe there will be any significant impact on road safety.

14. • Do you think the proposals to reform VCA as outlined on page 17 of the strategy will help you and/or the UK economy?

• Do you have any suggestions for the future structure of VCA or the range of services it offers?

FTA helps its members in interactions with the Vehicle Certification Agency and that has been more pronounced recently with the arrival of European Whole Vehicle Type Approval. It is understood that it is already Government's intention to privatise VCA with a timetable for the tendering process developed. It is critical that stakeholders are involved in the outsourcing process. Some FTA members expressed the view that any market-led fee structure should incorporate safeguards.



Annex C Responses to Question 9: How would our plans to bring the driving test closer to the customer affect you as a customer or a business?

1.
 - Do you support our plans to reform HGV, bus and coach testing as outlined on page 18 of the strategy?
 - How do you think our plans to reform HGV, bus and coach testing will affect:
 - o road safety?
 - o convenience for customers and businesses?
 - o red tape for customers and businesses?
 - Do you have any comments on our plans to reform HGV, bus and coach testing?

While not stated explicitly in the document, it is assumed that the consultation is inviting comments on the examination of the HGV annual test by non-Government employed individuals.

FTA believes the time is now right to consider options for the examination of the annual test by individuals not employed by Government. The Testing Transformation Programme has delivered significant benefits to industry in terms of flexibility of service and an improvement in first time pass rate. However, its ability to deliver further flexibilities is now constrained by the fact a tester must be booked through VOSA. The test could be examined with an appropriately qualified and accredited individual employed in the private sector

FTA members have expressed caution over the possibility of an operator testing its own vehicles or a maintenance provider testing a vehicle which it had prepared. However, if appropriate safeguards are in place then it is accepted that the system's integrity will be maintained. It is crucial that these safeguards are developed from the outset.

2. 1.15 N/A
3. By introducing the CPT proposal in 8 above this would have time and cost benefits through delivering PCV tests at times and at more convenient locations meeting industry requirements rather than using DSA test centres. This would ultimately benefit the passengers using buses and coaches through a greater supply of quality drivers in a shorter timescale than is currently the case.

In certain circumstances bus and coach operators premises could be used to deliver other driver testing on a similar basis to commercial vehicle ATF's. This would offer businesses the chance to offer additional services at more convenient locations for the public whilst at the same time enabling DfT to reduce its overall driver testing estate.

4. It means as driving instructors we would meet each other less often as a test centre was a meeting place and information hub thats worrying.
We would also like to see toilet facilities wherever these tests go from its a basic need at them in our opinion
5. It wont
6. It would help to keep down the cost of recruiting and training PCV drivers; it could be a business opportunity for bus operators to host PCV tests for third parties. Less time would be spent and expense incurred travelling to and from



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test centres

DSA

There needs to be attention given to the conflict between the DSA's regulatory and provider roles. This was demonstrated by their decision to reduce the number of delegated examiners, ostensibly for test quality reasons, rather than as a job creation scheme for the Agency's own staff.

Several ALBUM members have criticised the introduction of a mandatory minimum number of tests as a condition for allowing delegated examiners. It is our view that the number of 75 could be reduced by two thirds to 25 with no loss of quality. The current level results in delays to the completion of training and to an increase in the presence of non-productive staff on the payroll awaiting a delayed test date. We endorse the reasoned statement on this issue submitted by Blackpool Transport in response to this consultation.

We would support more private testing provision. If companies could take on outside tests, this could be a way to get a delegated examiner back.

DVLA

If the local office network is reduced as already planned, the DfT will need to clarify how it will deal with the issues that require an 'in person' visit to local offices, e.g. for ID verification and security purposes.

As stated in our response to Q.1, a review of the working of the medical branch needs to take place, with a view to speeding up decision making and introducing more email communication between medical experts and customers, to replace the current paper chase.

VOSA

There needs to be a review of the effectiveness of the centralised O Licence and Bus Service Registration Unit at Leeds. Only this week the lack of training and experience of the staff was demonstrated by a call to one of our members stating that they needed a list linking O disc numbers to registrations. It took two telephone calls to persuade the individual that that was the goods system and theirs was a passenger licence!

There are also regular cases of registration acceptances being delayed. They are often only received after the event in the case of 'one-off' services.

The trade press shows that VOSA's role in providing administrative support to the traffic commissioners is sometimes restricted by the other demands on its time and budget. We have no doubt the Traffic Commissioners will confirm this unsatisfactory situation.

7. Less travel all round thus will be greener.
8. No comment
9. No further comment.
10. The AA Driving School would for obvious brand reasons find it difficult if tests were conducted at our direct competitor's test centres. This would depend on the organisation and level of confidence we had in them.
11. The proposals would create opportunities to improve the way we deliver road safety messages at the right point in time to a key target audience. However, by potentially increasing the number of organisations delivering the test this would also mean that the SRP had more organisations to deal with.
The plans would create the potential to establish localised driver training and testing, meeting local needs and engendering greater community ownership and involvement to help our drivers on our roads
12. We are alarmed at the suggestion of involving the private sector in the delivery of the practical test. The extent of the proposed involvement is unclear from the consultation document and may range from changes in the booking system through to Driving Examiners being employed by one or more new



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organisations.

This sounds to the casual observer like privatisation of the DSA. Organisations in the private sector have one aim, and that is to make as significant a profit as possible, often conveniently forgetting any commitments made to win a contract. The British driving test is at the core of road safety in this country and any involvement with a private company can only lead to potential problems.

13. We feel that our answers to the other questions in the consultation apply equally to questions 9 to 14 about HGV, bus and coach testing.

14. We have grouped our responses to question 8-10 together. We believe that if VOSA continue with their plans to keep vehicle testers as their own employees and close its test sites customers and businesses will suffer.

It is therefore time for the industry to be given, and to accept, unequivocal responsibility for high standards of maintenance. The risks and penalties would be much higher in commercial vehicles than for cars and vans – for an in-house workshop, the risk of directly losing good repute; and for a third party workshop, the risk both to reputation and of putting at risk a customer's good repute.

Moving towards a system similar to that of cars and vans would, we believe, lead to a further strengthening rather than a diminution of safety standards.

Adopting our suggested approach will not only enhance the choice of testing locations available, but will help to foster healthy growth of ATF sites across the UK. The success of this approach will be supported by the fact that ATF owners will be in direct control of the time and day the tester is available to meet fully satisfy the testing needs. Despite VOSA's best efforts, we do not believe this level of flexibility can be realistically delivered by VOSA staff without radically changing the terms of existing employment contracts.

In terms of red tape, we believe that the complexities of booking tests for HGVs, buses and coaches is made more complicated as there will soon be no central booking point as the number of VOSA owned test stations diminish. Previously, those booking tests were able to check availability at several nearby test stations and this could be done simply on the internet. With ATFs it is more labour intensive as you have to phone the various sites in your area to check availability.

15. You ask specifically for:

Options for the delivery of the practical driving test including authorising others to carry out testing on our behalf in certain circumstances;

supplemented by:

Do you support our plans to bring the driving test closer to the customer as outlined on page 17 of the strategy?

How would our plans to bring the driving test closer to the customer affect you as a customer or a business?

Do you have any other comments on how we can improve our service to you?

Do you have any other comments on our approach as outlined in the strategy?

In the consultation document you talk about bringing the driving test closer to customers and exploring opportunities to improve convenience to customers.

You say you will look at the locations from which you deliver tests and trial approaches which take these closer to the customer. You go on to say that where you deliver face to face services, such as testing, you will make the service more convenient and accessible using the most cost effective channels available and reducing the number of organisations we have delivering motoring services to reduce your overall overheads. You aim to move away from a position of direct provision to commissioning high quality individual services from a diverse range of providers to explore the options for the delivery of the practical test, including the options for private sector involvement and greater



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diversity of provision, as well as considering other commercial and mutual options. You state you are committed to respond more quickly and flexibly to changing demand, where this can be achieved without threatening the integrity of the driving test or resulting in higher fees to the customer. You also state that you will deliver better customer services by listening to what your customers tell us and receiving their feedback and that you are putting consumers and businesses at the heart of what you do.

I am the Leader of the Campaign to Reopen Trowbridge DTC and the test centres at Trowbridge and Westbury were in the first tranche of Taking Testing to the Customer (TTtC) trials. These trials have been very popular with driving instructors and test candidates with the one exception and that is waiting times, which have been as high as 16 weeks. As a result test candidates, especially those who have failed their first test, are being effectively forced to take their driving test at the next nearest test centre which is up to 25 miles and an hour drive away which, with pre-test familiarisation and attendance at test, can be very costly and especially on top of previous lessons.

We received assurances before the TTtC trials commenced from the previous coalition government minister that the DSA would ensure reasonable waiting times which according to the DSA and their business plan is no more than 9 weeks. We have recently been in correspondence with the new minister where it is evident that he is not listening to the customer and is allowing the DSA to manipulate their targets to suit their business need. How does this tally with the commitments given above?

The Government must ensure that waiting times at test centres doesn't exceed 9 weeks. To this end it would be advisable to disband the DSA and incorporate its primary functions within the DfT and do away with duplicated functions and staff in order to reduce overhead costs and enable the recruitment of more front line examiners which would enable a quicker and more flexible approach to changing demand without threatening the integrity of the driving test or resulting in higher fees to the customer. To be honest, if the recruitment of sufficient examiners to deliver a convenient and accessible testing service which met customer needs on a nationwide basis resulted in an increase in the cost of a driving test after the above mentioned efficiency savings, I'm sure this wouldn't be a problem for the majority of customers since, from our experience from the TTtC trials, the time and cost implications of having to travel elsewhere for a test date which meets their needs would far outweigh any increase in the test fee. Another option would be to privatise some or all test delivery with DfT having a standard setting, training and oversight role. An example would be that undertaken by the Irish RSA following their implementation of EU directives where they engaged the highly experienced quality assurance firm SGS to deliver testing at centres, including in locations where there was also an RSA test centre in order to reduce waiting times. The RSA Chief Executive reported that once sufficient training, oversight and definitive marking standards were put in place by the RSA (the DSA already has the latter in place and the former two elements could easily form part of the streamlined DfT core testing function which could feasibly be charged for to any private provider) the "Irish driver testing service compares favourably with [Northern Ireland, England, Scotland, Wales, Canada, Sweden and Australia] particularly when one looks at the range of pass/fail rates" (RSA submission dated 30th September 2010 to the Public Accounts Committee C&AG Special Report No 71 - Driver Testing Service). This would support the fact that such an approach wouldn't threaten the integrity of the driving test. In our opinion the TTtC trials would be an excellent pilot for such a scheme and the demand for tests at Trowbridge and Westbury DTCs, in



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our opinion, indicate that such centres offer a profitable opportunity for private organisations. It is vital that any contract with a private provider includes a contractual requirement to meet the demand for tests within a maximum 9 week waiting time supported by some legal form of rebate or reduction in fees; an average waiting time of 7 weeks supported by some form of incentivisation if the provider achieves this target would be welcomed.



Annex D Responses to Question 14: Do you have any comments on our plans to reform HGV, bus and coach testing?

1. MCI notes the many remarks made about responsibilities, actions and successes. These underline the extensive areas of responsibility that are covered by motoring services and illustrate why the services need to be much more responsive than present in areas of service delivery. In addition to this, policy making needs to be both flexible, responsive to identified need and work in the national interest.

With regard to testing and training, the MCI has gained a view that the DSA have had anything but the interest of consumers and business at heart. There are similar concerns with DVLA service delivery. Specific comments about individual agencies are set out below.

In terms of improving the everyday experience, there are still many gaps in the motoring services' approach to the needs of the motorcycle community and businesses that serve it. For example, recent announcements regarding broadening the number of places to take a driving test, do not include the needs of novice motorcycle riders.

2. Additionally, the RMI would like to state that any changes made to testing must be discussed openly with the industry and articulated clearly. This will aid compliance and ensure that safety procedures and regulations are met to the required standards.

1.22 Furthermore, training and guidelines should be provided to businesses who wish to employ/train their own staff members. This will ensure that facilities, expertise and standards are kept to the level required and are obtainable and consistency within testing is sustained on a national scale

3. Apart from all of the comments already outlined in the answers above. One area which would significantly benefit bus and coach operators and would not compromise road safety given the maintenance undertakings given by operators as part of the Operator Licensing regime would be if the requirement for buses and coaches to have an annual test was extended for new vehicles to be tested two years after date of first registration and then annually thereafter.
4. ATFs have started to bring the test equipment use bang up to date. Its important to continue down this route by closing more VOSA sites. However, standards of the test equipment used must be maintained.
5. No comments
6. No.
7. TCs are keen to do all we can to ensure that the good reputation that Great Britain has here and in Europe for safety on the roads is retained. But despite this we note that 1 in 5 vehicles currently presented for annual test by the private sector fail. We are keen to see compliance costs for industry minimised but would be concerned about potential for conflicts of interest and the need to maintain core levels of competence in inspectors across a more devolved network
8. VOSA has mentioned it may close some test centres and use private ones. This is acceptable unless a private centre is unable to test. Where is the fall back if VOSA has closed its centre?

We are disappointed to note testing stations are being closed before replacements from the private sector are in place.



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Currently testing stations which have been designated are only testing their own vehicles, not allowing other operators vehicles to use them e.g. Yeoman's Coaches of Hereford.

VOSA have changed its operational areas for compliance reasons. For example, a company that came under Hereford is now overseen by Kidderminster: why the changes?

9. We do not consider that face-to-face testing of HGVs should be a core activity of VOSA going forward. It should concentrate on enforcement, especially in the current climate of stress on Budgets. We note that education is not considered a core function of the agencies and we would like to see VOSA discontinue expenditure in this area going forward. Similarly, we see limited scope for advice and information services. Any number of companies and undertakings can train – the RHA, for example, has extensive training, advice and compliance auditing services, which are already extensively aligned to regulatory requirements of operating licensing (as well as employment and Health and Safety) law. Only VOSA (and the police) can enforce.
10. We feel that our answers to the other questions in the consultation apply equally to questions 9 to 14 about HGV, bus and coach testing.
11. We have no comments in this issue



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Annex E Responses to Question 16: Do you have any comments on our plans to re-define organisational boundaries?

1. The notion of putting consumers and business at the heart of motoring services is indeed laudable. However, great care will be needed if this aim is to be realised. In addition to day to day delivery, the philosophy of customer and business first will need to be embedded in the culture of the agencies. Current experiences of the MCI and the reports that MCI receives from others, suggests that this will be a significant challenge. Indeed, it is to be wondered if such cultural change is possible under the current structural and governing arrangements within each agency.

Digitising services may achieve certain economies of scale, but this is an area which can attract complaints unless digital services are properly streamlined to allow users to quickly get where they want to be without running up phone bills, or wasting time on the internet. This is particularly important given the closure of DVLA regional offices.

MCI is cautious about the philosophy of rationalising the number of agencies if they were to stay in public ownership, given that they all fulfil such different functions. We will look with interest at further Government proposals on this. Industry's concern is that many back office functions will not be easy, or cheap to replicate across the different agencies given that they have been individually tailored for each agency over a long period of time. Some of the back office functions will be operationally very different and IT issues will be complex. Given the Government's track record in this area over many years, we are given to wonder if more will be spent in rationalisation and operations than will be saved. However, we will remain open minded and will look at further Government proposals in a proactive manner.

With regard to working with a broader range of partners, MCI is, in principle, in support of this philosophy. Our experiences with the agencies, suggests that there are several areas where private sector collaboration, or indeed privatisation of certain services, offers opportunities to create a new dynamic within motoring services; with modernised structures, policy processes, delivery mechanisms and user choice that are truly consumer and business focused.

MCI looks forward with interest to further comments or proposals from the Department on this point.

2. A recent Government announcement indicated the establishment of the first Independent Shared Services Centre (ISSC1) for Department for Transport Agencies. With the intentions to privatise the Vehicle Certification Agency made clear, the options for 'rationalisation' appear limited and the move to establish ISSC1 would suggest an intention to establish a single 'Motoring Services Agency'.

The advantages of this approach would be cost reduction through shared central services, better integration between motoring services and better sharing of data. However, FTA has concern that with any amount of rationalisation the commercial vehicle sector would become a small interest to an agency whose



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primary focus was the delivery of services to private motorists. As has been previously stated, some agencies have not always recognised the operational issues which face operators of larger commercial fleets. While commercial vehicle safety could be considered the 'primary focus' of VOSA and its Chief Executive, there is a risk that it would not be afforded the same priority in a "super" Motoring Services Agency.

Irrespective of the eventual structure of the group, it will be important for the Department for Transport to ensure that all motoring services agencies are properly attuned to the needs of fleet and commercial operators. The group should be overseen by a "Fleet Champion" at board level who can consider the impact of services and proposals on this important sector of customers with specific operational needs.

The commercial vehicle operating industry could be better served if all commercial vehicle and vocational licensing administration was associated, either in agency or directorate. This will bring more concerted thinking in:

- Operator licensing
- Commercial vehicle roadworthiness testing and enforcement
- Vocational Driver Licensing
- Driver CPC

Members have suggested the time was now right for Driver CPC accreditation to be delivered through an organisation more similar to an awarding body, as is currently the case with ADR qualifications and the Transport Manager CPC.

In July 2012 the Senior Traffic Commissioner and the Transport Minister signed a Framework Document outlining the relationships between the Traffic Commissioners, their supporting staff supplied by VOSA, the Chief Executive of VOSA and the Department for Transport. This clarification was useful, but operators still tend to recognise the staff who administer the operator licence system as "VOSA". The review should consider options for providing the Office of the Traffic Commissioner with dedicated staff.

3. Any changes made should be with the customer in mind, with a view to making the process as simple as possible for them
4. As referred above, the scope of the review is quite narrow and might be opened up further to include more of the agencies, particularly the Highways Agency, in particular whether there are opportunities to support VOSA's on-road enforcement Redefining agencies creates an opportunity to achieve proper separation of enforcement. A natural boundary occurs between two potential new agencies. One could be a licensing agency incorporating the existing work of DVLA; the Office of the Traffic Commissioner; and, the TCs' Centralised Licensing Office. The other agency would be an enforcement agency with functions that include the current enforcement and testing work of VOSA and DSA.
5. Improved clarity of the remit of DfT agencies
SMMT members frequently engage with DfT's four Executive Agencies in the day-to-day running of their businesses. Whilst recognising the important work these agencies undertake, industry has voiced concerns over unnecessary burdens placed upon the automotive sector through duplication, poor communication and inconsistencies between agencies. Therefore a critical outcome of this consultation for the automotive industry is increased clarity and better delineation of DfT agencies, to reduce administrative burdens and



consequently costs for business.

4. Improved communication between DfT agencies is of utmost importance to the automotive sector. An example of the challenges faced by industry due to poor communication is with regards the Driver Certificate of Professional Competence (CPC). Industry has sought clarification over whether automotive technicians employed by vehicle manufacturers and their dealer networks are within scope of the Driver CPC, specifically when driving vehicles to and from their periodic roadworthiness tests (MOT). This requirement has been estimated to incur costs of over £1 million per manufacturer, and is therefore of vital importance to the sector, and additionally a time-critical issue with the implementation date of the requirement imminent. In seeking clarification on this issue, industry has received conflicting interpretations on the legislation from VOSA and DSA. This conflicting information has consequently caused confusion within industry, with vehicle manufacturers and dealers uncertain whether to fund such training, resulting in delayed business processes and financial and workforce planning. This example highlights the need for improved communication between agencies, and better delineation of the agencies' remits. Clear, logical and well communicated remits, will help business better understand the work of the agencies, avoid unnecessary overlap and duplication of issues and will ultimately save both businesses and government time and money.

SMMT and industry regularly participate in liaison group meetings with the DfT agencies. However, the practice of holding cross-agency meetings with industry no longer exists. SMMT therefore calls for the reinstatement of a regular cross-agency liaison group meeting, to help improve communication across the agencies and between the DfT and business.

6. No.
7. Or concern with re-organisation is that the expertise contained within the DSA is not diluted by these actions. We believe that it will be important to retain a cadre of testing and training experts within the regulatory body.
8. Please see the previous answers provided by CPT in this consultation.
9. Pros: less duplication of work, better value, simpler processes
Cons: hidden costs associated with merging agencies or bodies including redundancy/relocation payouts. Won't necessarily generate better value in the long-term
10. See above
11. See response to Q9 above.
12. The agencies many customers should be closely involved in defining the future shape. Further engagement will be necessary particularly with businesses that have key skills in re-engineering service driven public facing organisations with significant back offices.
13. There is no reason why local offices could not be shared between different agencies as long as functions are kept separate
14. We suggest that it may be worth exploring close integration between the DVLA and the DSA. We see obvious synergies between the two that are being missed. For example, we are astonished that there appears to be no co-ordination between the two in respect of making new entrants to vocational driving aware of the Driver CPC requirements, with the result that new entrant to the industry can in all innocence pass their test believe that they are qualified lorry drivers when this is not the case – because no-one in government has included information on DCPC along with the HGV driving test requirements. Closer working between



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the two would presumably avoid such obvious missed opportunities.



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Annex F Responses to Question 17: Do you have any other comments on how we can improve our service to you?

1. The services provided would be significantly improved, if information could be shared between organisations or held within one database that each organisation had access to. This would prevent the time consuming processes of providing the same information and would improve efficiency as access to information would be easier to obtain.

RMI are in favour of the abolition of tax discs in vehicles. The delay between a customer purchasing a car and receiving a tax disc can be long and places an additional administrative burden on the motorist. With the current number-plate recognition cameras, which check untaxed vehicles using number plates rather than the discs, the need for a motorist to display a disc is no longer required. The administration of tax discs therefore represent an unjustifiable cost to the DVLA in a climate where departmental budgets and services are being cut.

2. A more efficient process for the renewal of DVLA driving licence photographs would help the Agency to generate more income to fund the digitalisation of services.
Feedback suggests that it can take around nine months for a UK motorist to receive a fixed penalty notice for a driving offence committed in another EU Member State. Many of the penalties go unpaid because they arrive in a language which the motorist cannot read. There is an opportunity for the DfT to work with other EU Member States to speed up this process, possibly with a revenue-sharing arrangement.
3. Because much of what the agencies do is governed by legislation it is sometimes difficult to entirely satisfy customer's needs. We hope that the radical overhaul of the agencies may include putting in place measures to overcome legislative obstacles where there are clear advantages to all in doing so.
4. Better communication and more proactive involvement of the DSA with the SRP would be welcomed. This could inform and help to improve the road safety ETP work we undertake as interventions could be more accurately targeted to key groups and areas
5. CPT believes that DfT and its agencies can only continuously improve its service to the bus and coach industry, if it continues to liaise and consult with it on all aspects of current and future operation of the bus and coach industry. By doing so suitable solutions will be found which will benefit bus and coach businesses as well as DfT.
6. Dealing with complaints more efficiently and effectively would be good
7. None
8. Remove the paper counterpart for driving licenses, link tax to the drivers license remove the paper disk. Tax paid by drivers for the tax disk should be ring fenced for motoring services.
Finally a driver should only be paying tax on the most expensive of their vehicles if they are the only driver for those vehicles. Or a single tax based on multiple vehicles should be available.



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Finally just to re-iterate the need for ensuring the privacy of personal information held by each of the services should never be passed onto to third parties for money. Only the Police or government should have access to this information if they can show good reason to do so.

9. See response to Q9 above
10. TCs recognise the synergies achievable in the merger of agencies and are supportive of this concept. But as stated above there must always be proper separation of powers. TCs are not alone in identifying this issue. A similar analogy could be drawn between the judiciary and the Home Secretary and Home Office – and in many cases debate can be healthy. TCs note that the Ministry of Justice: Strategic Work Programme for Administrative Justice and Tribunals for 2013-2016 states that Government policy is to bring all central tribunals into Her Majesty's Courts and Tribunal Service (HMCTS) structure "in order to ensure a separation between the tribunal and the sponsoring department or public body". TCs have considered this proposal. We regulate the commercial vehicle industry for the benefit of that industry and see benefits in working closely with the Department for Transport, including its Agencies.

Whilst it is not for us to comment on which powers we should and should not have (as that is clearly a matter for Government), as indicated above the review provides an opportunity to consider other efficiencies. We have identified the following areas where there may be potential to improve the service for users:

- MOT appeals are currently dealt with internally within VOSA
 - currently appeals against decisions of the Driving Standards Agency are determined by judges of the Upper Tribunal and that some commentators have suggested that TCs are the logical body to deal with these appeals with further appeal on a point of law to the Upper Tribunal (and this might therefore be more cost effective and speedier for the appellant if the resources were allocated to TCs)
 - medical appeals from the DVLA for vocational LGV and PSV licence holders and applicants are currently dealt with by approximately 20,000 lay magistrates in England & Wales (and equivalent Sheriff in Scotland). Some commentators have observed that the 7 TCs could provide this service with a number of potential efficiencies.
 - There are many synergies between the PSV and taxi industries with the result that often TCs and local authorities are often regulating the same entity – sometimes in ignorance of each other and sometimes with different results. TCs feel that any measure that can result in an entity being dealt with by one regulator must be desirable – from one stop shop to one stop regulator. Some have therefore questioned whether TCs should conduct LA appeals relating to private hire – which could theoretically include taxi appeals
11. The RHA welcomes opportunities to engage with the Department on a broad range of issues. We believe this is beneficial to the industry and to government. We believe that, important as agencies are in terms of delivery, responsibility for agencies' objectives and the high-level view as to how they should be achieved properly rests with the Department. Too often



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in the past, responsibility has been left to the agencies or there has been a lack of clarity as to whether the agency or the centre has held responsibility. However, recent indications are that the Department is taking a clearer lead and we welcome that.

12. There is a long turnaround time for both PSV and HGV O license renewals.

Agencies need to focus more closely on the financial side of applications to ensure that applicants can sustain their operation for the whole period.

The enforcement department of VOSA needs to be more pro-active. It was unable to follow up a complaint with regard to illegal operation: fruit pickers being carried without a road service license. This is detrimental to the complainant's registered service, and therefore needs immediately attention to prevent illegal carriage from continuing.

Allow all agencies must be allowed to share information and have a site where it can all be viewed.

There is a lot of waste, for example:

- drivers now have a paper driving licence, a driving card, a tachograph card and a CPC driving card, all of which have to be carried with them. Why not just one card not three? The cost to the government must be enormous and has to be passed on to the customer.

- If you take a vehicle with an RPC (reduced pollution certificate) for test, you lose at least a month of your test compared to a conventional vehicle. When you take a bus for its Annual and RPC test, you cannot have the RPC and the Test certificate dated the same. The RPC test certificate can only be dated to the end of the month but the annual test certificate can be dated for the following month. The RPC can only be dated to the end of that month on which it is presented and annual test can be dated to its expiry date as long as it is not over two months. This means that the RPC runs out before the annual test. Thus you can only bring a RPC and Annual test in to be done together as long as they both expire within the month you present the bus and you cannot have them done two months early which you are allowed to do for an annual test. This is grossly unreasonable and needs sorting.

- We have to take the old MOT certificate to the Test station to show a vehicle is seat-belt tested and to get the full period of the test: surely VOSA can have this on line to save this trouble?

13. When a vehicle passes its MOT, the tax disk should be sent electronically.

14. Yes DSA, DfT should do what it says it is going to do. The service provided by the DSA to driver trainers and driving test candidates is generally of a satisfactory nature. However, the lack of any progress on the introduction of long discussed and often promised proposals to improve road safety is appalling.

There are still no statutory provisions to underpin the standards of HGV, bus and coach driver trainers or fleet trainers or those involved in train the trainer activities, all of which were included in the Road Safety Act 2006 but have never been introduced. Compulsory CPD for ADIs worked on for years by the DSA and driver trainer bodies but now abandoned. The abolition of the trainee licence system and changes to regulations to allow ADIs to take learners on motorways, promised in 2011 by ministers still not introduced.



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Annex G: responses to Question 18: Do you have any other comments on our approach as outlined in the strategy?

1. We have no further comments
2. A lot more joined up thinking is needed between the departments and better efficiency
3. Closing Comments
We welcome the opportunity to continue our constructive dialogue and hope that our ideas and suggestions can be taken forward by the department to help deliver its vision for motor services and putting the consumer and business at the heart of what it does by considering:
 - Being at the forefront of digital services, maximising the digital delivery of services to motorists to improve the customer experience as well as ensuring that those who find access to digital services difficult are supported to do so.
 - Supporting economic growth and vehicle manufacturing by reforming the way the Vehicle Certification Agency works. Transforming HGV, bus and coach testing by expanding joint ventures and collaboration with private sector providers, and reducing the number of government owned test stations.
 - Delivering better customer services by listening to what customers tell the department
 - Defining organisational boundaries to deliver better services, and by rationalising the number of agencies and to reduce cost and improve consistencyWe believe by delivering some of the services we have set out in this document the department's agencies can deliver high quality services which cut through red tape and support the UK economy.
Leasing Members
In general, vehicle leasing is an arrangement where the user simply hires the use of the vehicle and assumes operational responsibility for a predetermined period and mileage at fixed monthly rental from the owner (the leasing company). Legal ownership is, in the majority of cases, retained by the leasing company.
Short Term Rental Members
Rental Members offer hourly, daily, weekly and monthly rental of vehicles to corporate customers and consumers. As explained above, rental members are the owners of the vehicle.
4. A submission to the Department for Transport Consultation on Motoring Services Strategy
by the National Motorists Action Group

EXECUTIVE SUMMARY

The Driver and Vehicle Licensing Agency (DVLA) maintains two separate databases, the vehicle register and the driver register. There are 20 million register changes annually; at any one time nearly 4 million vehicle records are incorrect due to (e.g.) changes of vehicle ownership, change of address. Consequently many thousands of innocent people are pursued for such matters as being the keeper of vehicles which they have sold, and sent paperwork about contraventions that are nothing to do with them; or are sent paperwork to a former address which they may not receive.



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The legal authority to release data from the registers states “The Secretary of State may make any particulars contained in the register available for use...by any person who can show to the satisfaction of the Secretary of State that he has reasonable cause for wanting particulars to be made available to him.” The DVLA and government have wilfully misinterpreted “reasonable cause” to claim not only that “Car parking enforcement companies can generally prove reasonable cause when they need to trace the keeper of a vehicle that does not comply with parking conditions”, but “DVLA is required by law to provide the registered keeper’s name and address to parking enforcement companies that can demonstrate reasonable cause for their enquiry.” The DVLA/government has reinterpreted legislation from “may” to “must” in order to generate money by releasing motorists data to private land parking companies and bailiff companies.

The DVLA claims that “Each request is looked at individually to ensure that the privacy of motorists is properly safeguarded...At DVLA we have tough safeguards in place to protect the privacy of information held within the vehicle register.” These claims are untrue. The DVLA provides data on an industrial scale, meeting 1.6 million requests p.a. via its Electronic Data Interchange (EDI) to private land parking companies and bailiffs. A Freedom of Information request covering the period 2008 to 2010 found that of the 3,746,000 requests for registered keeper data made via the EDI system, not a single one was refused. Over 2011-12 it sold 6,000 drivers’ names and addresses to a company that has a criminal record and is run by a convicted criminal.

The DVLA claims it “does not sell personal data of a profit”, and that “It costs DVLA £2.50 for each request for vehicle keeper information.” While we can see that a paper inquiry and response would cost £2,50, it stretches credulity to believe that the DVLA does not make a profit of almost £2.50 from bulk electronic requests which incur minimal marginal costs. From the current 1.6 million requests by private land parking companies the DVLA generates a revenue of £4.0M most of which must be profit. And it is big money for the companies. Since 2007 about 4 million drivers have been chased for penalties between £60-150, representing a potential income of the order of £¼-½bn to the private land parking companies.

Bailiff companies were initially able to ask only whether or not a vehicle had the same registered keeper as at the time of a contravention. Now with their electronic link they also get the keeper’s new address as they run around with ANPR devices in vans. Often their demands are fraudulent.

Since 2007 the British Parking Association (BPA) and DVLA have had a “Partnership for the Approved Operator Scheme and Accredited Trade Association” by which DVLA provides through EDI “access to its vehicle and keeper data registers by Approved Operator Scheme (AOS) Members...The DVLA accepts that the BPA, as an Accredited Trade Association (ATA), should be free to manage the performance of its AOS members undertaking this activity, (through its Code of Practice, its Scheme of Sanctions and the BPA Disciplinary Procedures etc), agreed from time to time, with the DVLA role to oversee the BPA’s work in accordance with this agreement. In effect the BPA monitors its members and the DVLA monitors the BPA in respect of this activity.” We consider much of the above is meaningless rhetoric – if not cant – to cover the DVLA’s back. The BPA is dominated by private companies; their multiple abuses against motorists shows the claim to self regulation is false. From the complaints and representations it receives the DVLA knows full well that its release of data to private land parking



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and bailiff firms will often result in a chain of aggressive, threatening and deceptive letters to motorists.

The DVLA likes to talk tough about 'taking data protection very seriously' and 'having robust safeguards in place', which are specious claims. For example the DVLA could have:-

- Objected to many features in the new BPA code of practice
- Refused to require the BPA to publish its supposed 'annual audits' of companies' paperwork and signage that is meant to check compliance with the rules
- Refused to intervene against the BPA Approved Operator Scheme even though a judge ruled the signage at a car park in Stockport was not sufficiently clear to show the terms and conditions of parking. This allowed the parking company (whose owner was a member of the BPA's approved operator scheme board which prepares the code of practice) to continue imposing an average of 3800 £100 charges p.a. on drivers

NMAG objects to the release of OUR private data, which motorists provide (and pay) for the purpose of registering and taxing vehicles and licensing drivers, for its indiscriminate use to enforce civil contraventions by private land parking companies and bailiffs for their own profit when so many have a long record of behaving in an abusive manner. We consider that the root of the problem is access to the EDI system, which is based on a false exercise of discretion which is kept hidden and secretive by the further falsehoods on the DVLA website claiming individual scrutiny. The Secretary of State, in allowing the DVLA to enter into contractual arrangements with private land parking companies which guarantees 100% data release, has unlawfully fettered his discretion.

We recommend:-

- As a public body entrusted with people's data, the DVLA should ensure that the purposes for which the data is used are likely to be ethical
- Private parties (including bailiffs acting as agents for local authorities) seeking DVLA data should have to make requests by paper so that they can be properly checked

INTRODUCTION

We focus our response on the DVLA, but not on its main functions of registering vehicles and drivers for which DVLA maintains two separate databases:-

- The vehicle register, which holds information about each vehicle and the name and address of the registered keeper
- The driver register, which holds each driver's name and various details

Rather we are concerned at the way it releases the personal and private data of registered keepers to private local parking companies and bailiff companies, an operation which often does not match DfT's vision "for motoring services that have the customer and businesses at their heart" (p5 of the consultation). Too often the



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release of data to private land parking companies and bailiff companies acting for local authorities results in an abuse of motorists. In this submission we:-

- Explain the background to data release and the wilful misinterpretation of the law
- Show that the alleged checks by the DVLA are phantom
- Identify the profit the DVLA makes
- Comment on the sale of citizen's data
- Offer our recommendations

THE BACKGROUND TO DATA RELEASE AND THE WILFUL MISINTERPRETATION OF THE LAW

There are 20 million register changes annually. All of the DVLA's data is accepted from the public without any checks, and at any one time out of some 35 million vehicle records nearly 4 million are incorrect due to (e.g.) changes of vehicle ownership, change of address. Consequently many thousands of innocent people are pursued for such matters as being the keeper of vehicles which they have sold, and sent paperwork about contraventions that are nothing to do with them; or are sent paperwork to a former address, which they may not receive and so may not be aware of a contravention and the opportunity to appeal, or that a warrant of execution has been issued to a bailiff. The first they know of an alleged contravention is a bailiff knocking at their door or clamping their car.

Originally the data system was not set up to service remote vehicle-detection issues; it was only intended to assist police with roadside stops and locating vehicles related to criminal enquiries. Initially the information was held on paper and kept extremely secure. Only the police and other government authorities could find out who the keeper of a particular vehicle was. Once the registered keeper data base was firmly established, successive governments have gradually through creeping legislation enabled wider, and therefore less secure, access. Now anyone with so called "reasonable cause", see below, can access the personal and private data of those registered keepers held in trust by the DVLA.

The DVLA states on its website (italicized script) :-

"Regulations allow for the release of information from DVLA's vehicle register to the police, to local authorities for the investigation of an offence or on-road parking contravention, and to anybody who demonstrates reasonable cause to have the information..."

As a general rule, reasonable cause for the release of data from the DVLA vehicle register relates to motoring incidents with driver or keeper liability. These can include matters of road safety, events occurring as a consequence of vehicle use, the enforcement of road traffic or other legislation and the collection of taxes..."

Reasonable cause is not legally defined. In DVLA's view it relates in general to incidents with liability involving the vehicle such as road safety, events occurring as a consequence of vehicle use, the enforcement of road traffic or other legislation and the collection of taxes, although this list is not exhaustive...

Car parking enforcement companies can generally prove reasonable cause when they need to trace the keeper of a vehicle that does not comply with parking conditions. Similarly, land owners would have great difficulty enforcing their rights if



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motorists ignored parking conventions. In such instances, if requests for information were refused, land owners could argue that DVLA was denying them the ability to seek redress and it is likely that DVLA would be challenged through the courts.”

This is a speculative and legally untested claim.

The legal authority to release data is Regulation 27e of the Road Vehicles (Registration and Licensing) Regulations 2002. This says that the DVLA (acting for the minister) must exercise discretion on whether it will release data:-

‘The Secretary of State may [our italics] make any particulars contained in the register available for use... by any person who can show to the satisfaction of the Secretary of State that he has reasonable cause for wanting particulars to be made available to him.’

According to the Department for Transport (DfT)/Home Office in the Impact Assessment for the “Proposal to introduce keeper liability for parking charges on private land”, “DVLA is required by law to provide the registered keeper’s name and address to parking enforcement companies that can demonstrate reasonable cause for their enquiry.” We do not know who was misleading the DfT, the British Parking Association or the DVLA or both because they both want money. The DVLA/government has reinterpreted legislation from “may” to “must” in order to generate money.

PHANTOM CHECKS

According to the DVLA:-

“We receive requests for information from private organisations as diverse as car parking enforcement companies, solicitors, finance houses and property managers. Each request is looked at individually to ensure that the privacy of motorists is properly safeguarded...”

This DVLA public reassurance that each and every request for the personal and private data of a registered keeper “is looked at individually to ensure that the privacy of the motorist is properly safeguarded...” is reiterated again on the DVLA’s website under the following heading:-

“A balanced approach. We carefully evaluate every request for information and look to strike a balance between the individual’s right to privacy and fair enforcement”.

We do not believe the claim that there are any effective checks on individual requests for data.

The DVLA have introduced a number of fully automated systems to make the wholesale release of the personal and private data of registered keepers more cost-effective. One is the ‘EDI’ (Electronic Data Interchange) which enables the automated release of literally thousands of registered keeper data on a daily basis to private parking companies and bailiffs without any checks, scrutiny or safeguards. Rather than the careful evaluation of every request the actual decision to open the EDI floodgates of data release is based on a simple contractual agreement between a private land parking or bailiff company and the DVLA in



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which the DVLA signs away the rights of hundreds of thousands of registered keepers and guarantees to release their data on demand. This secret deal, struck between the DVLA and private companies, is akin to a company having its own DVLA computer terminal and using the DVLA as its back office. A Freedom of Information request covering the period 2008 to 2010 found that of the 3,746,000 requests for registered keeper data made via the EDI system, not a single one was refused. The reason for this is because it is a fully automated process where none of the requests are scrutinized. The first casualty in the EDI drive to reduce costs has been the 'reasonable cause' consumer safeguard, and yet still the DVLA falsely claim that "Each request is looked at individually" and "We carefully evaluate every request for information".

"At DVLA we have tough safeguards in place to protect the privacy of information held within the vehicle register. One of those safeguards is that all unregulated organisations requesting information from us via a secure electronic link must be a member of a DVLA Accredited Trade Association (ATA)...[The British Parking Association (BPA) is one such ATA]"

We comment on the agreement with the BPA below; it is in fact the only ATA.

In theory all of the DVLA claims sound fine – but the theory is not reflected in practice. The DVLA is so lax over data control that over 2011-12 it sold 6,000 drivers' names and addresses to a BPA member firm that has a criminal record and is run by a convicted criminal.

THE PROFIT FOR THE DVLA

Relying on an unpublished legal opinion DVLA states that:-

"Although regulations allow us to charge a fee to cover the processing costs of providing information under the reasonable cause provision, we are not authorised to make a profit from such activities. The charging of a reasonable fee prevents the costs of requests being borne by the tax payer. DVLA does not sell personal data for profit."

The Impact Assessment claims:-

"It costs DVLA £2.50 for each request for vehicle keeper information. This cost is recovered from the fee DVLA charges for providing the information. Current costs for obtaining keeper information would be 1.6m (tickets) x £2.50 = £4.0m p.a. This is the figure that will be used to estimate administrative savings."

While we can see that a paper inquiry and response would cost £2,50, it stretches credulity to believe that the DVLA does not make a profit of almost £2.50 from bulk electronic requests – some marginal costing is in order here to strip out irrelevant overheads and associated costs that may have been misallocated by DVLA.

CITIZENS' DATA FOR SALE

The DVLA provides the details from the vehicle register to some 20 different types of organization ranging from local authorities and their agents to private investigators. In 2011 DVLA received approximately 7.8 million requests from the police (who receive the information free) and local authorities (who pay an annual fee), and 1.6 million from private land parking companies, which generates a



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revenue of £4M most of which must be profit, see above, and an unknown number from bailiffs pursuing warrants of execution. We are particularly concerned about DVLA's release of information to private land parking and to bailiff companies:-

- Since 2007 about 4 million drivers have been chased for penalties between £60-150, representing a potential income of the order of £¼-½bn to the private land parking companies

- Bailiff companies were initially able to ask only whether or not a vehicle had the same registered keeper as at the time of a contravention. But with their electronic link they now also get the keeper's new address as they run around with ANPR devices in vans. Since as noted above some 4 million records are incorrect, in consequence many people do not receive Penalty Charge Notices and follow-on paperwork providing opportunity to pay and appeal. Thus the first they know of an alleged contravention is a bailiff demanding a possibly fraudulent amount and perhaps clamping their vehicle

Since 2007 BPA and DVLA have a "Partnership for the Approved Operator Scheme and Accredited Trade Association" by which DVLA provides through EDI "access to its vehicle and keeper data registers by Approved Operator Scheme (AOS) Members." Inter alia the Agreement states it "is for the purposes of:-

- DVLA and BPA working together to improve the performance of members in this activity and providing for disputes monitoring, investigation and escalation as appropriate

- Ensuring that enforcement activity is carried out with due consideration for the motorist..."

"The DVLA accepts that the BPA, as an Accredited Trade Association (ATA), should be free to manage the performance of its AOS members undertaking this activity, (through its Code of Practice, its Scheme of Sanctions and the BPA Disciplinary Procedures etc), agreed from time to time, with the DVLA role to oversee the BPA's work in accordance with this agreement. In effect the BPA monitors its members and the DVLA monitors the BPA in respect of this activity."

"The BPA will (inter alia):-

- Set and maintain standards of competence and behaviour [against a code]
- Monitor the performance of members against the Code and ensure compliance and apply sanctions against them as set out in the prevailing Schemes of Sanctions
- Investigate a member organization at the request of the DVLA"

According to the Impact Assessment:-

"BPA members must follow a Code of Practice, which includes a requirement for prominent signs at car parks that landowners consider sufficient to demonstrate that when parking a motorist has agreed to enter into a contract on the basis of the stated terms and conditions. These contracts have been upheld by the courts when they are shown to have been reasonable. The factors considered by the court will include the prominence and clarity of the signs and the amount of damages being claimed – motorists parking on such land are protected by consumer protection



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legislation. There is no consumer protection for a motorist who parks their vehicle on land where there are no signs indicating that parking is permitted.”

We consider most of the above is meaningless – if not cant – to cover the DVLA’s back. The Agreement explicitly states the DVLA will “Not unduly influence or control BPA processes/procedures”. Since the DVLA has not released any results of its “monitoring”, de facto the Agreement effectively appears to allow the BPA significant free reign. And as the BPA is dominated by private companies, which have a majority on its ruling council as well as total control of its ‘approved operator scheme’ for private parking companies, self-regulation means they are in effect sitting in judgment upon themselves. The attitude of xxxxx (Personal Details redacted), Managing Director and major shareholder of xxxxx (details redacted) to a judgment.

The claim to self regulation is an oxymoron – there is no meaningful or accountable regulation and no sign of consumer representation..

When the DVLA signs a contract with a private land parking company to allow EDI access, it negates the essential safeguard and discretion (on behalf of the Secretary of State) because once the contract is signed there is no discretion, and every single request is allowed because that is what the DVLA signed away in the contract. The argument that the Secretary of State has somehow exercised a genuine discretion at the point of signing the contract is nonsense.

From the complaints and representations it receives the DVLA knows full well that its release of data to private land parking and bailiff firms will often result in a chain of aggressive, threatening and deceptive letters to consumers and motorists. The DVLA is well aware that many private land parking companies try to pretend they are “official” by imposing ‘parking charge notices’ (PCNs), whose name sounds the same as the ‘penalty charge notices’ (PCNs) issued by local authorities. The get-up of parking charge notices tends to mimic that of penalty charge notices, e.g. by using a chequerboard pattern around the edge and by using bombastic language in which keepers are ‘required’ to do various things, eg, provide information or pay what is often little more than a speculative invoice .

The DVLA likes to talk tough about ‘taking data protection very seriously’ and ‘having robust safeguards in place’ and yet as we have seen this is not true. In reality the DVLA has a cosy, if not subservient, position relative to the BPA Approved Operator Scheme and its members. For example:-

- The DVLA could have objected to many features in the new BPA code of practice, e.g. the deferral of signage changes to 2015, the £100 maximum amount, the requirement to improve only entrance signs and to leave all the other obtuse signs the same with no proper scrutiny of language clarity or design clarity. But the DVLA prefers to avert its eyes from such matters of motorists’ concern, preferring a less confrontational stance towards the BPA

- The DVLA refused to require the BPA to publish its supposed ‘annual audits’ of companies’ paperwork and signage that is meant to check compliance with the rules. This allows the BPA, a private members trade body, to interpret who is complying and who is not, with no independent oversight or public scrutiny. This is open to abuse and corruption. As Phoney Fines shows some signs are patently unclear, ungrammatical, legalistic, and illegible, yet they are being passed as acceptable by the BPA. Yet the DVLA waves away criticism and blindly refuses to



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challenge or question BPA Approved Operator Scheme interpretations or decisions and closing the door in the face of the very motorists and consumers whose data they sold in the first place.

- The DVLA refused to intervene against the BPA Approved Operator Scheme even though a judge ruled that the signage at a car park in Stockport managed by xxxxx (details redacted), a BPA member, was not sufficiently clear to show the terms and conditions of parking. The response to his court case defeat of xxxxx (Personal details redacted), was to criticize the judge. He wrote to an MP :-

“Firstly, the recent decision made by Deputy District Judge xxxxxx (Personal details redacted) is an embarrassment to the judicial sector. Such an off the wall judgment leads one to question if there was indeed an ulterior motive. xxxxx (Personal details redacted) is not fit to serve the Civil Courts.”

xxxxx (Personal details redacted) is a member of the BPA’s approved operator scheme board which created and oversees the operation of the BPA code. This refusal by the DVLA to intervene gave a green light to the parking company concerned to carry on imposing an average of 3,800 £100 charges a year on drivers. The DVLA – BPA ‘pact’ says the DVLA should ‘monitor’ the BPA, yet on signage it looks the other way whilst trying to hide behind the misguided belief of ‘self-regulation’

One wonders who in the DVLA (if anyone) and how is benefiting from the DVLA’s supine stance vis-à-vis the BPA.

The Data Protection Act requires the DVLA as a data controller to investigate complaints that it has mis-sold data. It should determine which companies have broken the rules and which should be refused data either temporarily or permanently (both of which would cost the DVLA a loss of revenue - an obvious conflict of interest). The DVLA’s current position is unsustainable; it unlawfully seeks to abdicate its duties and responsibilities under the Data Protection Act to the BPA, a private members club (and to bailiffs under cover of local authorities), and thereby wash its hands of all responsibility as to how the data it released has been used.

This unsustainable position held by the DVLA has seen a recent groundswell of motorist dissatisfaction and complaints about the DVLA, as they become more aware of the DVLA’s role as the ‘enabler’ in the private land parking and bailiff abuses. Indeed, it was the sheer volume and persistence of campaigners that recently forced the DVLA to face down the BPA Approved Operator Scheme and suspend six private parking companies who had been breaking the rules with impunity. The complaints will undoubtedly continue to grow. The long term reputational damage to the DVLA is being gambled against the short term financial gain from the sale of the personal and private data of registered keepers to unscrupulous private companies.

CONCLUSION AND RECOMMENDATIONS

NMAG objects to the indiscriminate and potentially criminal release of OUR private data which motorists provide (and pay for the DVLA to maintain) when we register and tax vehicles and get licences. Although we accept that this data can properly be used for helping track criminal activities, we object most strongly to its



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indiscriminate use to enforce civil contraventions by private land parking companies and bailiffs for their own profit when so many have a long record of behaving in an abusive manner. We consider that the root of the problem is access to the EDI system, which is based on a false exercise of discretion that is kept hidden and secretive by the further falsehoods on the DVLA website claiming individual scrutiny. The Secretary of State, in allowing the DVLA to enter into contractual arrangements with private land parking companies which guarantees 100% data release, has unlawfully fettered his discretion.

We recommend:-

- As a public body entrusted with people's data, the DVLA should ensure that the purposes for which the data is used are likely to be ethical
- Private parties (including bailiffs acting as agents for local authorities) seeking DVLA data should have to make requests by paper so that they can be properly checked

5. CPT has no further comments on this consultation at this time but looks forward to playing an active part in ensuring the implementation of future proposals benefit the bus and coach industry and ultimately the passengers which use our services.
6. For the most part, the BMF believes that the motoring services currently in existence do an adequate job, although we can point to numerous instances whereby the services have fallen far short of what is required or caused serious additional burdens to the public and business. In particular, we would focus on the DVLA's loss of motorcycle entitlements (and their refusal to admit it) and the DSA's inability to introduce a motorcycle test that serves the whole country to an acceptable level. These two failures in particular have had a dramatic effect on the confidence of motorcyclists in the system and the difficulty in getting the DSA or DVLA to admit their mistakes is very telling.

As a representative body, we also have to comment on just how hard it is to get any government agency to enter into a process of change. For example, despite having a very, very clear mandate, the motorcycle test review has spent nearly 3 years doing very little. Most of this inertia has come from the DSA not wishing to make any changes without taking a very long time to think about it first.

Government agencies seem to have a licence to do just about whatever they want and the instability caused by a high turnover in ministers may have something to do with this. More departmental and ministerial control is required and it may be pertinent to bring policymaking and higher level decisions on delivery back to the DfT or at least offices in London to make this happen. It should also be noted that taking this function away from the DfT and moving it around the country has had a significant negative impact on the way representative organisations (most of whom are in London or the South East) have been able to engage with the agencies with travel cost and time rising. This may have had a serious impact on the way the agencies have responded to customer feedback.

Finally, we fully support making more services available on line. This is much more convenient for the public and saves money and time all round. However, "off line" services do need to be maintained as government agencies provide a national service and access can be patchy, especially in rural areas. Also, some members of the public have differing needs that cannot be fulfilled properly with an online service only. Many of our members, for example, have unusual vehicles which can cause all sorts of problems with regards to registration, driving licences and



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taxation to name a few issues and an easy to use simplified website cannot necessarily help.

7. No comment
8. No. The AA would be happy to be involved in the process as it evolves.
9. None
10. People 1st is the sector skills council for hospitality, passenger transport, travel and tourism.

A sector skills council is a government recognised, industry-focused body established to support the development of skills and training within that industry.

We have a specific focus on the Bus and coach industry following our merger with Go Skills in 2011.

We have first-hand evidence of the commercial and operational problems caused when employers are no longer able to conduct Bus and Coach Driver testing. Further we see a clear link between reduced new employment opportunities if additional costs are imposed on SME's., and significant benefits for the operator if there were no DSA imposed restrictions on numbers allowing testing to continue - rather than by just the largest operators and DSA.

11. Please think about how this will all pan out long-term not just the short-term headline cost savings!
12. See response to Q9 above.
13. Summary

The Motor Cycle Industry Association welcomes the opportunity to submit a response to the Department for Transport consultation on Motoring Services Strategy

This response represents the views of the supply side of the UK motorcycle industry, where MCI represents over 90% of the sector. The UK industry has been valued at over £7billion, with over 6,000 businesses employing over 60,000 people.

There are over 1 million motorcycles in regular use per annum, with the new motorcycle market currently standing in excess of 90,000 new registrations per annum. 73,908 people took both modules of their motorcycle test in 2012. Of these, 27,222 passed Module One and 24,553 people passed Module Two, so gaining a full licence.

Clearly, the efficient and responsive management and operations of the DfT's motoring services are fundamental to the registration and licensing of motorcycles in the UK and also for the skills testing of motorcyclists through the statutory rider licensing system.

When the system falls down, impacts are felt throughout the motorcycle industry, which can impede business. This has a direct impact on the economy.

Therefore it is not just in the interests of the industry that the DfT's motoring services are managed efficiently, but also in the interests of the wider economy and also the many thousands, indeed millions, of users who rely on the efficient and cost effective operation of motoring services.

In responding to the consultation questions, MCI will comment on aspects of concern regarding the management and operation of motoring services and



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suggest areas where attention is required.

MCI will continue dialogue on areas of concern, with the agencies involved.

General Remarks by the MCI.

The consultation comes at an interesting time. As outlined in the Minister's foreword, a number of challenges exist to ensure the agencies are fully focussed on the needs of individual customers and business. They need to be flexible to cater for change, act properly in the national interest and in the interests of the customers it serves. This is particularly important during the current period of economic uncertainty and the need for motoring services to facilitate both business and customer demands, if the agencies are to contribute towards creating the conditions for much needed economic growth.

The MCI applauds the laudable aims as set out in the vision statement. However although many individual staff and a number of agency processes do serve the vision well, there are a large number of areas of agency work where strong concerns exist regarding who or what interests the agency involves serves.

Why Motoring Services Matter (Consultation P10-14)

MCI notes the many remarks made about responsibilities, actions and successes. These underline the extensive areas of responsibility that are covered by motoring services and illustrate why the services need to be much more responsive than present in areas of service delivery. In addition to this, policy making needs to be both flexible, responsive to identified need and work in the national interest.

With regard to testing and training, the MCI has gained a view that the DSA have had anything but the interest of consumers and business at heart. There are similar concerns with DVLA service delivery. Specific comments about individual agencies are set out below.

In terms of improving the everyday experience, there are still many gaps in the motoring services' approach to the needs of the motorcycle community and businesses that serve it. For example, recent announcements regarding broadening the number of places to take a driving test, do not include the needs of novice motorcycle riders.

Guiding Principles for Reform (Consultation P15-16)

The notion of putting consumers and business at the heart of motoring services is indeed laudable. However, great care will be needed if this aim is to be realised. In addition to day to day delivery, the philosophy of customer and business first will need to be embedded in the culture of the agencies. Current experiences of the MCI and the reports that MCI receives from others, suggests that this will be a significant challenge. Indeed, it is to be wondered if such cultural change is possible under the current structural and governing arrangements within each agency.

Digitising services may achieve certain economies of scale, but this is an area which can attract complaints unless digital services are properly streamlined to allow uses to quickly get where they want to be without running up phone bills, or wasting time on the internet. This is particularly important given the closure of DVLA regional offices.



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MCI is cautious about the philosophy of rationalising the number of agencies if they were to stay in public ownership, given that they all fulfil such different functions. We will look with interest at further Government proposals on this. Industry's concern is that many back office functions will not be easy, or cheap to replicate across the different agencies given that they have been individually tailored for each agency over a long period of time. Some of the back office functions will be operationally very different and IT issues will be complex. Given the Government's track record in this area over many years, we are given to wonder if more will be spent in rationalisation and operations than will be saved. However, we will remain open minded and will look at further Government proposals in a proactive manner.

With regard to working with a broader range of partners, MCI is, in principle, in support of this philosophy. Our experiences with the agencies, suggests that there are several areas where private sector collaboration, or indeed privatisation of certain services, offers opportunities to create a new dynamic within motoring services; with modernised structures, policy processes, delivery mechanisms and user choice that are truly consumer and business focused.

MCI looks forward with interest to further comments or proposals from the Department on this point.

Delivering the Vision Digital services

MCI supports the proposals in principle, but would appreciate proper dialogue with the DVLA on how new services will be delivered and how the needs of industry will be met. (see para 15 above). Recent improvements to Trainer booking of tests by the DSA has been generally well received but attention to detail is essential when planning a new system and several system bugs are causing frustration

Reforming VCA

The proposal appears to indicate a move towards privatisation. MCI would require additional specific detail of what is proposed before commenting further.

Bringing the driving test closer to customers

MCI strongly supports the proposal in principle, but we would stress that motorcycle tests MUST be included in any proposals to extend choice and site availability for car test candidates.

Industry is particularly interested in exploring delivery options with Ministers, including the potential for private sector involvement.

A review of the estate should also take account of motorcycle test site provision. The current regime has been 'patched' by the DSA to more or less cater for current demand and this work is welcomed – as is the increase in motorcycle Examiners. But a significant increase in demand, predicted with increasing congestion, reducing public transport in non urban areas and the move to lower carbon emissions, is likely to result in a new crisis in provision. This issue gets to the heart of the current motorcycle test review.

Industry urges a more creative approach to the Module One motorcycle test estate issue, than the current philosophical attachment to full blown large and expensive multi-purpose test centres. If test regulations cannot be adapted to allow other types of sites and locations to be used for motorcycle testing, we urge the



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Government to change these regulations –even if this means defying Europe. This is not about ‘dumbing down’ the test, but about tailoring a ‘testing’ test to identified need. If road safety is to be better served it is essential that novice riders have straightforward access to local test facilities.

Transform HGV, bus and coach testing
No comments

Deliver better customer services
This issue is dealt with in the section below – ‘Further Specific Comments’

Define our organisations to deliver better services
This issue is dealt with in paras 11 and 14 above
Further Specific Comments
The DVLA and VCA
MCI offers the following observations in relation to the industry experience of working with the DVLA and VCA.

Communication Strategy: Although in some respects, communications have improved slightly over the last two years, there needs to be a structure whereby issues are properly communicated in the correct manner:

- to ALL affected stakeholders, not just the SMMT,
- in a timely fashion so as to give stakeholders the opportunity to influence the decision making process,
- in a timely fashion to give stakeholders the time to plan and budget for procedural or system changes etc. ie AFRL specs,
- in the form of timely and accurate policy statements that meet the needs of the situation and the users. Too often guidance documents (V355, Dealer Procedures etc.) are only released after the implementation date.

Fit for Purpose : The DVLA does not offer services, such as Cherished Transfers, online that are part of the modern age of doing business. Whilst some progress is being made of tailoring the service to the needs of today’s industry (central issue of tax discs, removal of AFRL indemnity for motorcycles etc.), the whole service could do with a technological and procedural revamp. DVLA staff revealed plans for this at an Industry Liaison Group some 18 months ago but nothing has been presented since.

Staffing : The DVLA needs a period of stability here. It feels like staff are changing roles so quickly sometimes you never see the same person twice. This is not good for the DVLA and its relationships with stakeholders.

Type Approval: The section of the industry that is part of the DVLA’s Secure Scheme, (92.4% of the market in 2012) are subject to audits and inspections via the DVLA and VCA. The industry and VCA have concerns about the non-secure sector. The industry would like to see this unregulated sector subjected to similar scrutiny before any further burdens are placed on the Secure Scheme users who are approved and monitored to demonstrate that they continue to meet the DVLA/VCA standards. This is particularly relevant due to the forthcoming EU market surveillance requirements and the DFT’s concerns about vehicles being registered without appropriate Type Approval.

Local Offices - The closure of the local offices later this year has forced the DVLA



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to develop its service in ways and to degrees it had not previously entertained. There does seem to be more willingness to engage with stakeholders and work with them but not always in a manner that is appropriate to the situation.

MCI has several specific further dealings with the VCA in the area of type approvals, certification and monitoring.

Although general relationships and dialogue are good, industry feels that it is vitally important that type approval expertise exists within the VCA in the future, particularly as the forthcoming implementation of European technical 'Framework Regulations', introduce a requirement for 'market surveillance'.

Also, VCA services are needed which are business facing (manufacturers and importers), which can provide easy to access information and assistance on type approval in order to make it easier for business to be both familiar with and compliant with the regulations.

Industry remains concerned about the lack of type approval compliance of certain non EU products which appear on the UK market. A few years ago, the lack of an established VCA procedure for 'spot checking' imported products, led to the MCI conducting a joint project with the Agency to compliance test a range of models.

In order to protect EC compliant motorcycle businesses, it is important that VCA is in a position to test for compliance on imported products from non EU businesses.

The Driving Standards Agency

In terms of day to day service and general dialogue with the MCI, there is little fault with our experience with the DSA. Enquiries are dealt with promptly, problems tackled and the service is efficient and friendly when it comes to the interface with the MCI.

There is also valuable work being done in the area of training standards and other technical work in this area, such as trainer booking etc and progress is being made. Much work is still needed in the area of CBTs and trainer registration though.

The DSA has a defined customer complaints system for the generally 'single time' user ie test candidates. There is no system for the repeat users ie the Driving and Riding Instructors, many motorcycle Instructors have commented that there is no point in complaining because nothing ever gets done. This is, in many cases unfair, but without a transparent customer complaints procedure Instructors will continue to feel ignored and the Agency will find it difficult to be sure they are addressing the issues of most importance to the majority of their business customers. This would also help the Agency to highlight positive changes and improve relationships with Instructors

Other DSA's problems are of a much more fundamental nature and relate to policy, strategy and culture in the area of motorcycle tests.

In 2010, Ministers in the Coalition Government launched a review of the motorcycle test.

It quickly became apparent that a degree of resistance from the DSA to aspects of



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the test review existed. The review quickly became 'process' rather than 'outcome' driven and the industry gained the strong impression that the review was not welcomed by some senior DSA managers.

Proposals from industry and trainers to address technical aspects of the review were either ignored for long periods, or dealt with in a cumbersome manner involving (for example) over complicated procedures, excessive interpretation of health and safety, gold plated IT requirements and expensive research.

In the view of the MCI, a pragmatic and flexible approach from the DSA, to revising the test along the lines which are in the UK national interest, has been almost entirely absent. Instead, the review has been buried in a long 'slog' of review meetings, committees, sub committees, research, accompanied by what appears to be the encouragement of views of and the building of a constituency among those opposed to the kind of revision that the motorcycle test desperately needs.

Given that it took a mere six months to split the test into two parts in 2008/9, in itself a highly technical task, very serious questions need to be addressed regarding the underlying motivation of the DSA with regard to the test review and their response to the policy of Ministers.

The problems with the test regime originally arose due to the failure of the DSA to take a pragmatic view of European Directives (50kph versus 30mph is one example). Overall, this has led to results that have been highly damaging to the motorcycle industry, its constituent businesses and works against both road safety and the wider national interest.

The DSA have undertaken a large number of 'sticking plaster' fixes to the current regime, some of them were much needed and are indeed welcome. This work is a testament to the helpful actions and positive motivation of individual operational staff at the agency. But as of March 2013, there are still geographical gaps in provision and a series of 'fixes' has merely restored testing capacity to a condition that can only cater for current demand.

A significant increase in demand for tests is unfortunately very likely to lead to another crisis in test provision. This could have significant economic knock-on effects and would also be detrimental to road safety.

In effect, nearly three years of a test review has led to little more than a tinkering around the edges of the current test delivery philosophy and practice. It has been a highly disappointing experience which has significantly damaged the reputation of the Agency.

It is believed that the issues identified above are partly the result of the emergence of a cultural approach which is predicated around the needs of the agency, rather than on the needs of customers and the need for a flexible and responsive training and testing system.

This calls into serious question the role of the DSA in delivering the DfT's vision for "motoring services that have the customer and businesses at their heart" as this relates to motorcycle testing.

VOSA



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Within the scope of MCI's dealings with VOSA officials, we have no specific comments. VOSA officials have been most helpful to MCI executive officers and we have valued their approach to a number of technical issues.

Consultation Questions

MCI has addressed the key points raised in the questions, where appropriate to the motorcycle industry, in the narrative above.

14. TCs recognise the synergies achievable in the merger of agencies and are supportive of this concept. But as stated above there must always be proper separation of powers. TCs are not alone in identifying this issue. A similar analogy could be drawn between the judiciary and the Home Secretary and Home Office – and in many cases debate can be healthy. TCs note that the Ministry of Justice: Strategic Work Programme for Administrative Justice and Tribunals for 2013-2016 states that Government policy is to bring all central tribunals into Her Majesty's Courts and Tribunal Service (HMCTS) structure "in order to ensure a separation between the tribunal and the sponsoring department or public body". TCs have considered this proposal. We regulate the commercial vehicle industry for the benefit of that industry and see benefits in working closely with the Department for Transport, including its Agencies.

Whilst it is not for us to comment on which powers we should and should not have (as that is clearly a matter for Government), as indicated above the review provides an opportunity to consider other efficiencies. We have identified the following areas where there may be potential to improve the service for users:

- MOT appeals are currently dealt with internally within VOSA
- currently appeals against decisions of the Driving Standards Agency are determined by judges of the Upper Tribunal and that some commentators have suggested that TCs are the logical body to deal with these appeals with further appeal on a point of law to the Upper Tribunal (and this might therefore be more cost effective and speedier for the appellant if the resources were allocated to TCs)
- medical appeals from the DVLA for vocational LGV and PSV licence holders and applicants are currently dealt with by approximately 20,000 lay magistrates in England & Wales (and equivalent Sheriff in Scotland). Some commentators have observed that the 7 TCs could provide this service with a number of potential efficiencies.
- There are many synergies between the PSV and taxi industries with the result that often TCs and local authorities are often regulating the same entity – sometimes in ignorance of each other and sometimes with different results. TCs feel that any measure that can result in an entity being dealt with by one regulator must be desirable – from one stop shop to one stop regulator. Some have therefore questioned whether TCs should conduct LA appeals relating to private hire – which could theoretically include taxi appeals

15. The British Parking Association (BPA) welcomes your consultation regarding the Motoring Services Strategy. I am pleased to set out below the Association's response.

This is a response made on behalf of the membership of the BPA and we have



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therefore provided responses to those questions that we feel are relevant to the Association.

These views expressed below and further information can also be found in our Annual Master Plan for Parking 2012-13, which can be viewed here (link in e mail doc

(http://www.britishparking.co.uk/write/Documents/Library/BPA_Master_Plan_UK_v4_Final_-_web.pdf).

The plan to move a greater delivery of the services offered by these agencies online or by other digital means will help the BPA in our dealings with the respective agencies

Although we do not have direct dealings with the DSA or VOSA, as a DVLA Accredited Trade Association, the BPA has regular dealings with the DVLA on a daily basis. Through the course of providing parking enforcement and management services, our members regularly exchange vehicle keeper details. Sometimes our members use the Vehicle Certification agency.

The BPA therefore agrees with the vision for digital services outlined in the consultation and is confident that online data exchange will be very useful for the BPA and its members.

We believe proposals to reform VCA and create a more responsive organisation will assist and enable it to respond to emerging technologies in a more reactive way. Defining these organisations to deliver better services will create efficiencies and a less cumbersome and more streamlined service will be of benefit to all.

The BPA lobbies for an educational programme on parking through the DSA, and we believe that driver training and the Driving Test are perfect opportunities to provide information about how parking enforcement and legislation works. This is also an opportunity to educate young drivers about the BPA's Safer Parking Scheme, for example, and other relevant parking initiatives.

One of the BPA key objectives is to increase public confidence in parking and parking management through the setting and raising of standards across the sector. This will include a public information campaign to inform motorists of parking law and best practice to improve parking behaviour and compliance. We are also aware of the need to enhance the parking sector's understanding of competing customers' needs to deliver better services to motorists. We would like to work with the DSA as it updates and publishes future editions of the Highway Code.

As stated in our Master Plan, the BPA want to see the UK's town and city centres revitalised and the role of effective parking and traffic management in achieving this properly recognised.

This includes the need to allow local authorities to enforce moving traffic contraventions which will reduce congestion and accidents and improve accessibility.

Proper and effective traffic management is absolutely essential; without this our high streets will become more congested and costs to local authorities will increase without significant economic benefits. Congestion is bad for the environment and also costly to business and commerce so Government is seeking to reinvigorate town centres. We will work with the Association of Town Centre Management and others to bring about a better understanding of the contribution that effective traffic and parking management can provide to town and city centres. Traffic authorities in England and Wales should be able to carry out enforcement of moving traffic contraventions as well as providing and controlling parking services.

Increasingly, products used in the provision of parking enforcement, such as ANPR camera technology, must meet a minimum set of regulatory, technical and safety



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requirements ensuring that the evidence is trustworthy and appropriate for the nature of the enforcement being undertaken. In practice this is likely to mean the use of 'Approved Devices' within the meaning of the Road Traffic Regulations Act 1984 and associated legislation. We want to see a reduction in red tape and believe that the VCA should approve a model certification for approved devices. We believe that The VCA, could help streamline the process of certification of approved devices

The BPA is lobbying for trusted third parties to play an integral role in identifying keepers thereby improving data accuracy of the keeper database. Our Master Plan objective states that:

We want to see better enforcement of non-compliance with vehicle and driver registration laws, improvements in the accuracy of vehicle and keeper registers at the DVLA and access to EU keeper databases via the DVLA.

The BPA works closely with the DVLA to ensure that motorists' data is properly safeguarded, and where data is released for parking enforcement purposes, that it is used appropriately and in accordance with the law. It is unfair on law abiding motorists that some people can avoid enforcement action by not complying with traffic and parking laws and by being 'invisible' or 'untraceable' because they fail to register themselves and/or their vehicles properly and in accordance with the law. Vehicles registered in EU countries should also be subject to the same laws so access to databases in other countries must be made available on a reciprocal basis.

We also have some concerns that the DVLA should be more proportionate in its management of the BPA's Approved Operator Scheme. The BPA wishes to work with DVLA to co-operate on raising standards in the management of parking on private land for everyone's benefit, but what we do in this regard must be fair and reasonable to all. Additionally, we believe that the Vehicle Registration Act needs closer examination and improvement to ensure that agency staff are able to challenge clearly inaccurate information provide by vehicle registrants. For example, fictitious name are often used and the law currently requires these details to be entered into the databases which is absurd.

16. The closure of DVLA local offices will improve the efficiency of services but this should not compromise the ability for motorist to register their vehicles efficiently. However the move to the provision of online digital services may counter any negative effect that result because of this.

As you may know, the British Parking Association (BPA) is the largest professional association in Europe representing organisations in the parking and traffic management sector. These organisations are many and varied and include manufacturers, car park operators, local authorities, health authorities, universities and higher education facilities, airports, railway stations, shopping centres, theme parks, construction companies, learning providers and consultants.

Currently we have over 710 members, equally split between the public and private sectors. As the recognised authority within the parking profession, the BPA represents, promotes and influences the best interests of the parking and traffic management sectors throughout the UK and Europe. As well as this work, the BPA provides its members with a range of benefits aimed at helping the professional in their day to day work.

The BPA also manages initiatives for the sector including the Safer Parking Scheme (on behalf of the Associations of Chief Police Officers), the Approved Operator Scheme (for those managing and enforcing parking on private, unregulated land) and the Parking Forum.

17. The DfT should encourage a much better sharing of information and data



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between motoring services agencies and partnerships like ours

18. The Magistrates' Association represents some 80% of the 24,000 active magistrates in England and Wales. This response has been prepared by its specialist Road Traffic Committee.

We are not responding to the detailed questions posed in the consultations as most do not concern us. Our response is limited to Q 18 Do you have any other comments on our approach as outlined in the strategy?

Our reply is that in our view this approach is entirely misconceived and misses the point of the functions of these agencies. The overall strategy is summarised as "Our vision is for motoring services that have the customer and businesses at their heart." But the DfT and its agencies do not have many customers in any true sense, in that those it deals with are for the most part complying with a legal obligation but receive no goods or services that they might otherwise purchase or value, and are unable to take their business elsewhere. It is important of course that the DfT deals efficiently and effectively with the people and businesses it is in contact with, but this cannot be its prime purpose, which surely is:

- a) To keep accurate records of drivers and vehicles for the purpose of revenue collection and law enforcement, and
- b) To ensure through testing that the drivers and vehicles using the roads meet the standards of safety required.

In other words, the DfT and its agencies have a much wider and more important public service function than simply dealing efficiently with "customers and businesses" It is concerning that this is not acknowledged in the consultation. As magistrates we have a particular concern with the duty of the DfT to maintain records of both vehicles and drivers in a manner which ensures that regulatory compliance can be checked and enforced in a timely and effective manner. Suggestions to abolish paper tax discs, remove the driver's address from the licence, abolish the counterpart to the licence and cease to check insurance when VED is paid all pay little heed to this vital function.

19. We feel that its essential that waiting times for tests are as low as possible in all areas. 9 weeks waiting to be the most at all including the temporary sites DSA are using. The integrity of the test and standard must be maintained if the DSA are not in control of the practical tests. Prices concern us but some competition on this may be good.
20. We view this consultation paper as a refreshing opportunity to perhaps have some input into policies and ideas before they are fully developed. We look forward to more detailed consultations on these subjects in the future.
21. While the FLA supports the move to digital services, it is vital that those services are properly managed to avoid any potential increase in criminal activity. The ability for individuals to make online amendments to their records will make it more difficult for the DfT to verify the person requesting a change to a record. The Government must ensure that the 'footprint' captured by its online systems are secure and allow an accurate audit trail. Understanding who has changed a record and when is key to preventing fraud and risk. A help desk will be essential to allow external stakeholders to check the status of a vehicle or keeper record 24 hours a day. The FLA trusts that the DfT will liaise with the police as these proposals develop.



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