



Traffic Commissioners for Great Britain

Response to Covid 19 – Operator Licensing, Local Bus Service Registration and Vocational Driver Conduct

Advice for Operators – 28 March 2022

Foreword

The goods and passenger carrying industries have faced significant challenges in the last two years and may continue to experience some challenges as the situation regularises. Prior to the commencement of the pandemic the Senior Traffic Commissioner (STC) issued temporary guidance and directions to traffic commissioners on the exercise of their functions during this period. The published document allowed traffic commissioners to support operators so that essential services could continue, either through the supply of goods, transportation of waste products or public transport provision.

The guidance and advice issued by the traffic commissioners has been continually reviewed to reflect the evolving situation. As we emerge from the pandemic, it is appropriate for much of the advice to reduce in prominence. Previous advice, which has now been 'retired', can be found in Annex E. It should be noted that this advice may continue to be appropriate in other settings and reference can continue to be made to it.

It is frequently said that 'proportionality' lies at the heart of the traffic commissioner functions. What this means is that traffic commissioners will take into account the developing situation. The guidance provided, reflected the changing priorities and allowed for a flexible approach to be adopted in the administration and regulation of the functions carried out by traffic commissioners, whilst also ensuring safety. **It is important that operators ensure that they continue to maintain safety standards and realise that regulatory action may be taken if unsafe practices are reported to the traffic commissioner.**

The temporary guidance can be found at:

<https://www.gov.uk/government/news/senior-traffic-commissioner-issues-a-statutory-document-in-response-to-the-covid-19-outbreak>

As the guidance may change it is advisable to periodically check for updated advice. Notification of updates will be made through the traffic commissioners' news alert service. You can sign up for this service at:

<https://public.govdelivery.com/accounts/UKOTC/subscriber/new>

1. Due to challenging trading conditions, I can no longer meet the requirement to be of the appropriate financial standing?

Financial standing for standard licence holders is an important means by which a transport business becomes established and is intended to support the maintenance of vehicles and trailers during operation. It is a condition of an operator's licence that changes in financial standing are notified to the traffic commissioner.

Operators who cannot meet the financial standing requirement and want to keep operating should write to the traffic commissioner and ask for a period of grace.

On considering whether to grant a period of grace a traffic commissioner will wish to be satisfied that:

- the operator is not insolvent
- there are no outstanding maintenance or other issues, which might impact on road safety
- that this is not an attempt to avoid responsibility for alleged failures in compliance.

Traffic commissioners recognise the challenging nature of the operating environment during this period of uncertainty and will give serious consideration to the grant of a Period of Grace to those standard operators who require it, if the qualifying circumstances are met.

The legislation sets a maximum period of grace for financial standing at six months. The STC has suggested a starting point of four months, which may allow for an extension to the maximum period of six months, should circumstances require that.

Any decisions about the grant or length of a period of grace will include an assessment of the risk to road safety.

If you are experiencing any issue in meeting the financial standing requirement you should notify the traffic commissioner as soon as possible at Enquiries@otc.gov.uk. It is a condition on an operator's licence that notification is made within a month. A traffic commissioner is likely to be sympathetic and will seek to assist wherever possible, especially if the difficulties arise as a result from the COVID-19 pandemic.

Anyone who fails to notify within the appropriate time can expect a traffic commissioner to require explanations as to why they failed to comply, and it may result in a finding of loss of good repute and affect any future application.

2. I hold a restricted licence and cannot meet the requirement to have sufficient financial resources available due to restrictions on trade.

There is no power to grant Periods of Grace to an existing restricted operator. Operators who cannot meet the requirement to have sufficient financial resources should consider offering an undertaking to the traffic commissioner for a financial check to be carried out in the future and on a specified date.

3. I am a transport manager but am required to self-isolate or I am absent from work through ill health.

The role of Transport Manager brings with it a lot of responsibilities (see paragraph 56 of Statutory Document No. 3). The conditions on the operator's licence require the operator to notify the traffic commissioner of matters which might impact for instance on the ability to show professional competence.

Traffic commissioners would not normally expect to be notified of periods of short illness such as the general symptoms described in the current public health guidance or absences as a result of complying with Government advice on self-isolation.

Where a person develops more acute symptoms, it may be necessary to grant a Period of Grace. The Senior Traffic Commissioner has set a starting point of 4 months Period of Grace for qualifying operators. That starting point is intended to allow for an extension to the maximum period of 6 months should circumstances require that.

Public Inquiry and Driver Conduct Hearings

4. I have been called to a Public Inquiry or a Driver Conduct hearing, will it go ahead?

In response to the Coronavirus (COVID 19) outbreak, public inquiries, driver conduct or other hearings, listed to take place on or after 20 March 2020, were initially postponed. Hearings recommenced on 6 July 2020 in England and in early August in Scotland and Wales. Public inquiries have continued to be held since those dates.

If you are called to attend any form of hearing before a traffic commissioner, you should make arrangements to comply with the directions set out in the letter calling you to the hearing.

You must follow the relevant Government advice on attendance at the hearing.

<https://www.gov.uk/guidance/coronavirus-covid-19-information-for-the-public>

If you, or the people who are coming to the tribunal with you, have confirmed or possible coronavirus (COVID-19) infection, you should contact the tribunal in which the hearing is due to take place. You can find contact details on:

<https://www.gov.uk/government/organisations/traffic-commissioners/about/access-and-opening>

If you are advised to self-isolate the traffic commissioner may require that you obtain a note through the NHS. More information on obtaining a note can be found at:

<https://111.nhs.uk/isolation-note>

Local Bus Service Registrations

5. I am unable to run my registered services or wish to urgently register new services to assist in the transportation of essential workers.

Current legislation already allows operators to seek short notice dispensation from a traffic commissioner in certain emergencies. Traffic commissioners have a discretionary power (Regulation 7) to accept short notice applications for services and in particular:

- where the operator, due to circumstances he could not reasonably have foreseen, failed to make an application in sufficient time for the period of notice applicable;
- where an operator applies to register or vary a registration to meet an urgent or exceptional public passenger transport requirement.

In the event of widespread disruption resulting from COVID-19, operators seeking to urgently reduce or suspend services were encouraged to vary services using an agreed emergency process that shortened the notice required by local authorities and the traffic commissioners. The intention was to permit variation applications where the registration automatically reverted back to the original route timetable at the expiry of the given period. As the restrictions eased, operators who wished to increase their services incrementally (but without returning to the registration in force at the commencement of the pandemic) could do so through a further temporary variation provided the intention was to revert to the original registration at a point in the future.

The reversion date was changed a number of times to reflect the evolving situation. The reversion date has now been set as 1 January 2023 for services in England and Wales, and 1 September 2022 for services in Scotland. This is the date that services will be expected to run to their pre-pandemic timetable (or subsequent permanent registration). Representatives of operators and local authorities have been consulted throughout on these dates.

These dates allow operators sufficient opportunity to lodge any permanent changes they wish to make. Operators should allow sufficient time to plan for any changes as usual notice periods, both to the local authorities and the traffic commissioners may apply. This time period makes provision for those operators with services in areas subject to increased notice periods, e.g. those under formal Transitional Notices, to make permanent changes if required.

The facility for operators to make temporary variations under the agreed emergency procedures ended on 18 March 2022 (28 February 2022 in Scotland).

Where there is continuing uncertainty, and service levels cannot be determined in line with the 70 day (56 day in Wales) maximum registration period, operators seeking to gradually increase services are advised to work with local authorities to agree a shorter consultation period. Once this is agreed they can then apply to a traffic commissioner for short-notice dispensation on the basis that the operator could not have reasonably foreseen the circumstances to make an earlier variation or registration. Traffic commissioners will consider applications on a case-by-case basis but will seek to be supportive of operators where appropriate.

All services temporarily varied must revert to their pre-March 2020 (or subsequent permanent registration) position on or before 1 September 2022 in Scotland or 1 January 2023 across England and Wales. If a local service was registered as a new service after March 2020 and then temporarily varied, it must revert to the original registration.

Administrative Process

To relieve the administrative burden on operators, the traffic commissioners agreed to allow for a change in the usual registration process. This included a shortened notification process for variations to registrations that were for a temporary period of time. This shortened process has now been discontinued as restrictions have eased, although services already on temporary variations can continue until 1 January 2023 (see below).

Until notified otherwise operators seeking to make applications, variations or cancellations to local bus services can continue to do so by either posting or emailing the Office of the Traffic Commissioner completed registration forms and attachments. Only one form of correspondence is required. Registrations should only be sent to the email addresses below to avoid duplication and further delays.

The email addresses are:

PSV-continuations@otc.gov.uk (England and Wales)
enquiries-busregscot@otc.gov.uk (Scotland)

In all cases where short notice dispensation is being requested the operator must provide detail of the grounds that it is being applied under and the justification.

A separate email is required for each service registration and must contain:

- **The completed form (PSV 350 or PSV 355)**
- **All relevant attachments**
- **Confirmed support from the relevant local authorities (where required). This should be by signature or confirmed in email correspondence**

- **Where a payment is due and the operator chooses not to utilise the online facility, a separate payment sheet with the payment details provided**

This is essential to enable OTC staff to process the application as quickly as possible. Incomplete information presents a difficulty in processing applications and will delay grant.

Further guidance related to the process for temporary variations can be found at Annexes B, C and D.

Long distance coach services with registered sections

A small part of the UK local bus network is provided by long distance coach services. Customers often make short journeys on one coach service registered as a local service, in order to connect with another coach service for the rest of their journey. The overall travelling distances being well in excess of average journeys on local bus services.

Demand for coach services remains variable and traffic commissioners appreciate that operators of such services may require a higher level of flexibility. It may not be possible for coach operators to revert to their pre-pandemic services by January 2023 and this will be kept under review. It is also recognised that there may be a need for a gradual move towards that position throughout 2022.

Where there is continuing uncertainty, and service levels cannot be determined in line with the 70 day (56 day in Wales) maximum registration period, coach operators are encouraged to work with local authorities to agree a shorter consultation period. Once this is agreed they can then submit the relevant application to a traffic commissioner for short-notice dispensation on the basis that the operator could not have reasonably foreseen the circumstances to make an earlier variation or registration.

The traffic commissioners will consider each case on its individual merit but will endeavour to assist coach operators wherever possible in agreeing notice periods shorter than those set out in legislation.

6. I do not want to amend services but some days I do not have the required number of staff to operate the service. Will I face regulatory action if I fail to run some services?

There is no blanket rule, but traffic commissioners will take into account the developing situation. The guidance allows for a flexible approach to the functions carried out by traffic commissioners.

Operators must consider whether the shortage of staff is likely to be limited to the short term. If services are only disrupted in the short term and of a variable nature, it is recognised that it may not be practicable for the operator to formally vary the

registration. Operators are expected to take all reasonable steps for early liaison with local authorities and effectively publicise affected services to assist the service users.

Operators are reminded of the Statutory Guidance and Statutory Directions issued by the Senior Traffic Commissioner, in particular, the provisions of paragraphs 34-36 setting out the approach to Reasonable Excuse. If cases of non-compliance are referred to a traffic commissioner, the operator will be given opportunity to evidence Reasonable Excuse so that a traffic commissioner can adopt a proportionate approach in their determination.

Where shortages are likely to impact services in the medium to long term, operators should consider the need to formally vary the services. In doing so they should consider applying for short notice dispensation by evidencing the circumstances that could not have been foreseen. Traffic commissioners will seek to take a supportive approach, especially where services changes are supported by the relevant local authority.



Office of the Traffic Commissioner

Section 4 of the Goods Vehicle (Licensing of Operators) Act 1995

Request for temporary exemption from requirement to hold a standard licence

Filling in the form

This form is to be completed by the applicant or operator and returned by email to the Office of the Traffic Commissioner.

Applicants should first consult the Senior Traffic Commissioner's Statutory Guidance and advice issued to assist the transport industry during the Coronavirus (COVID-19) outbreak:

<https://www.gov.uk/government/publications/traffic-commissioners-contingency-and-emergency-planning-covid-19>

<https://www.gov.uk/government/publications/advice-heavy-goods-and-public-service-vehicle-operators-covid-19>

Data Protection

The personal information you provide on this form will be used for the purposes of a traffic commissioner's statutory functions. This may include sharing the information you provide with other traffic commissioners, DfT, other government departments and enforcement agencies. Standard licence/application information will also be included in a national register which is available to other member states. Further information is available from the Office of the Traffic Commissioner.

1. Your details

Name of Operator:

| |
|--|
| |
| |
| |
| |

Licence Number (if applicable):

Address of Operating Centre(s) (if not existing licence holder):

[Redacted]

2. Please confirm the number of vehicles and trailers for which you are seeking an exemption:

Vehicles: [Redacted]

Trailers: [Redacted]

3. If you do not currently hold an operator licence please go to question 4. If you already hold an operator's licence, please tick to confirm if you are:

- a) An existing Restricted licence holder applying for the exemption to operate vehicles for hire/reward
- b) An existing Standard licence holder applying for the exemption to operate vehicles in addition to your existing authority

4. Please give details of the purpose for seeking an exemption including the following:

- a) The specific emergency purpose or other special need for the exemption;
- b) The nature of the goods to be carried;
- c) The proposed customer(s);
- d) The proposed area of operation including radius from the operating centre.

[Large redacted area]

5. Please state the start date requested for the exemption and the proposed end date.

Start date:

End date:

| |
|-------------|
| Start date: |
| End date: |

6. Please identify the vehicles proposed to be used under the exemption:

| Vehicle registration mark | Gross plated weight (kg) | Disc No. |
|---------------------------|--------------------------|----------|
| | | |
| | | |
| | | |

Applicant's declaration

Delete as appropriate

- I,

| |
|--|
| [Insert name of operator if sole trader] |
|--|

- I on behalf of

| |
|--|
| |
|--|

certify the following to be true and accurate:

- I am not/The operator is not insolvent;
- I/the operator has a valid insurance policy covering the use of the vehicles for the proposed hire or reward operation;
- There are no outstanding maintenance or other issues in relation to myself/ the operator which might impact on road safety;
- I am not/The operator is not making this application as device to avoid responsibility for alleged failures in compliance;
- I have/the operator has satisfactory facilities and arrangements for maintaining the vehicles used under the exemption in a fit and serviceable condition;

- I am/the operator is engaged exclusively in national transport operations, which will/have only a minor impact on the transport market because of the nature of the goods carried or the short distance the goods are carried.

Signed:

Date:

Print name:

Position:

(Must be the named individual applicant or officer of the corporate entity)

TEMPORARY ARRANGEMENTS FOR VARYING LOCAL BUS SERVICES ENGLAND

Who should read this note?

- Those within local authorities, who are responsible for the provision of local bus services in England.
- Bus operators providing local bus services that are registered with the traffic commissioner in England.

Purpose of this note

This note is intended to explain arrangements to assist operators seeking to make temporary variations to registered services in England, which have been impacted by the current Coronavirus (COVID-19) outbreak. It is divided into two parts:

Part 1 - Key changes

Part 2 - A step-by-step guide to how the temporary arrangements are intended to work

Part 1 - The key changes

The Public Service Vehicles (Registration of Local Services) Regulations 1986 sets out that an operator must provide notification to local authorities at least 28 calendar days before they submit an application to the traffic commissioner to register, vary or cancel a local bus service, where the service has a stopping place in that authority's area.

In light of the challenges posed by the outbreak, the Government asked local authorities to agree a process whereby 24 hours (one working day) was considered acceptable notice for those variation applications which require to be made on a temporary basis as a result of the outbreak. This notice period was, by agreement between the relevant parties, increased to 72 hours (three working days) in June 2020. This notice period remained in place for any temporary variations to any services registered in England which were submitted to the traffic commissioner before 4 January 2021.

To enable ongoing flexibility for the bus industry, whilst ensuring that the travelling public are kept informed of service changes, it was agreed across all parties that changes to the process in place since March 2020 should take effect from 4 January 2021 in England. It was intended that applications for temporary variations to services received on or after 4 January 2021 in England would be subject to a local authority notice period of seven calendar days and a longer statutory notice period of 28 days. However, changes in restrictions introduced in January 2021 led to an agreement that the emergency procedure should be instigated. There is now further

agreement that provision for this emergency procedure will continue until 18 March 2022.

Any service registered, varied or cancelled on a permanent basis will not be eligible for the reduced local authority notice period but operators may still apply for short notice dispensation from the traffic commissioner if the application meets the required legislative grounds to be accepted.

The standard fee (£60) for the variation of a service applies to any applications (including temporary variations) lodged with the traffic commissioner on and after 4 January 2021.

Previous advice stated that temporary variations were conditional on the services reverting to the original timetable by 4 January 2021. Due to the continuing uncertainty this date was removed and left open-ended subject to review at an appropriate time. Several reviews have taken place and in February 2022 it was agreed by parties that services should revert to their pre-March 2020 position on or before 1 January 2023. It should be noted that variations to services received by the traffic commissioner on or after 19 March 2022 cannot use the emergency procedures set out in this note.

Services already subject to a temporary variation will automatically be extended on the same terms until 31 December 2022 (unless the operator states otherwise).

Table one sets out a summary of the changes and how it affects registrations.

Part 2 – The process

How to submit an application for a temporary variation of a service affected by coronavirus (COVID-19) up to and including 18 March 2022.

Step 1

To relieve the administrative burden on operators the traffic commissioners have agreed to allow for a change in the usual registration process.

Until 19 March 2022 an operator **must** send the notification requesting the short notice temporary variation to the Office of the Traffic Commissioner and relevant local authorities at the same time with details of how registered particulars are being varied to help make the notification and decision process faster.

Until notified otherwise operators seeking to make a temporary variation to local bus services can do so by emailing the information and any documentation to the Office of the Traffic Commissioner. The email address is:

PSV-continuations@otc.gov.uk (England and Wales)

In all cases where short notice dispensation is being requested the operator must provide detail of the grounds that it is being applied under and the justification.

Emails must contain the full service registration number to assist in the correct identification. Individual emails should be sent for each registration.

Temporarily varying an existing service

Operators are encouraged to make use of the provision to temporarily vary a service registration by either not running it for a period of time, changing the frequency of the timetable or altering the route.

- Amended frequency – the operator should provide an email advising of the proposed date of amendment and the date when the previous registered service is to recommence. A timetable should also be included of the revised service.
- Amended route – in addition to the email set out above the operator should include a revised timetable and route map.
- Temporary cessation of service – the operator must provide the date of the proposed introduction of the change and the date that the previously registered service is intended to recommence.

A PSV355 is not required for a temporary variation but the operator must provide sufficient information and documentation as stated above.

While operators assess the practicability of increasing services, including patronage, the suggested timescale for the variation is:

‘until notified otherwise, or until the confirmed end date to be stipulated by traffic commissioners whichever is the earlier’ (31 December 2022)

For the purposes of the electronic registration record held by the traffic commissioners a notional end date of 31 December 2022 will be applied to temporary variations lodged with immediate effect. This ensures that a clear record is kept of the temporary variations in lieu of a fixed end date.

The suggested period allows operators to have the flexibility to return to the previously registered timetable earlier if that is possible. Services previously temporarily varied to revert on 31 August 2022 (or previously 31 March 2022, 31 December 2021, 4 January 2021, 31 August 2020, 30 September 2020) will automatically be regarded as expiring on the confirmed end date of 31 December 2022. It is still open to an operator to curtail the temporary variation if required. Any request should be emailed to the Office of the Traffic Commissioner.

If the variation is not limited in the terms set out above or there are any proposed permanent changes to the previous registered timetable on recommencement the operator will be required to provide an application to vary a service with the appropriate registered particulars and fee. The operator will be required to abide by the usual notice periods.

If an operator uses the Electronic Bus Service Registration system they can notify the traffic commissioner of temporary variations using the method set out above.

Payment

Given the exceptional circumstances that operators are experiencing the traffic commissioners decided to waive the fee for all applications that sought to temporarily vary a local bus registration until 4 January 2021. This was on the condition that the service was intended to return to the same timetable that was previously registered.

Any request for a temporary variation received from 4 January 2021 is subject to the £60 registration fee, (£13 for services operated under a section 22 permit) which must be paid prior to the effective date.

Step 2

Applications for temporary variation received on or before 18 March 2022

Any application received by a traffic commissioner on (or before) 18 March 2022 will be open for consideration by a local authority for seven calendar days. If the relevant local authority/authorities wishes to make representations or seek further time to consider the application, they should do so within the seven calendar days that the application has been lodged with them. Any representations should be sent, at the same time, to the Traffic Commissioner by email to PSV-continuations@otc.gov.uk and the operator by way of the contact details they have given on submission of the variation application.

In the absence of any objections being lodged by a relevant local authority/authorities within the seven calendar day period from the receipt of the application, the Traffic Commissioner will consider the notification requirements in Regulation 3A of the Public Service Vehicles (Registration of Local Services) Regulations 1986 to have been met.

The traffic commissioner will then consider the application under the short notice dispensation on the grounds of meeting an urgent and exceptional public passenger transport requirement. Unless notified otherwise, and provided all documentation has been received, the operator can expect that the temporary variation can come into force following a 28 calendar day period in addition to the seven calendar day local authority period. This results in a total registration time of 35 calendar days, reduced from the maximum 70 statutory days notice.

Step 3

Confirmation of the Traffic Commissioner's decision in relation to the application will be sent, in due course, to the operator and to the relevant local authorities by email.

Emergency Procedure

It has been agreed by all parties that the continuing development of the pandemic required (and may still require) operators to alter services at shorter notice than the times stated above for those received on or before 18 March 2022.

The Department for Transport, operators and local authorities have agreed to reduce the seven calendar day local authority notice period where a temporary variation is required in the following cases:

- Changes to the national covid-19 guidelines are introduced which affect the demand or supply of services
- Changes to local covid-19 guidelines are introduced which change the demand or supply of services
- A service change is required as a result of or directly attributable to a change in circumstance due to Covid-19

It has been agreed by local authorities, operators and the traffic commissioners that the national lockdown measures announced on 4 January 2021 justified the implementation of national emergency procedures. It has been agreed that this emergency arrangement still applies, and provision will extend until 18 March 2022.

It is expected that in these circumstances the local authorities will require 72 hours (three working days) to consider proposals, but if agreement between the local authority and operator can be achieved earlier, an application will be considered by the traffic commissioner in a shorter timeframe (where all the required documentation is received, including the local authority's explicit consent).

In all circumstances where operators and local authorities agree to implement the emergency procedure the application to vary the service must be sent to the Office of the Traffic Commissioner with all the required documentation, including the explicit consent from the local authority for the service to be varied at short notice. Letters of support can be provided for individual services or to cover all an operator's services.

Provided all required documentation is received an operator can assume consent from the traffic commissioner to introduce the changes to the service on the date specified in the application and as agreed with the local authority (or the date the application is received by the Office of the Traffic Commissioner (whichever is later)). If an operator fails to provide the required documentation the service changes cannot come into effect until the application is rectified and this is likely to lead to a significant delay whilst the Office of the Traffic Commissioner process applications. **It is, therefore, important that operators ensure that they fully comply with the procedures when seeking to make changes to prevent contraventions of the legislation or from continuing to have to run a service as previously timetabled.**

If no confirmation from the local authority giving consent to change a service is received by the Office of the Traffic Commissioner, the proposed service changes cannot be made under the emergency procedure. In these cases, the seven day local authority notice period will apply and the statutory registration period will be

either, a further 28 days from the expiry of the seven day local authority consultation period or with the explicit approval of the traffic commissioner who will consider any application made for short notice dispensation. An application for short notice dispensation will be considered on its merit but will require justification in accordance with the legislation and local authority support may lead to a better prospect of an application being granted.

Table One

| | Temporary variations in place on 30 October 2020 | Temporary variation submitted before 4 January 2021 | Temporary variation submitted between 4 January 2021 and 18 March 2022 (inclusive) | Variation submitted to the traffic commissioner on or after 19 March 2022 |
|---------------------------------|---|--|--|--|
| Local Authority notice period | Already in place | 72 hours (three working days) | Seven calendar days | 28 calendar days |
| Statutory notice period | Already in place | Accepted at short notice on expiry of 72 hours local authority notice period | Accepted at short notice of 28 days from expiry of local authority notice period; a total period of 35 calendar days | 42 calendar days |
| Fee required | None – already in place | Free of charge | £60 fee payable | £60 fee payable |
| End date of temporary variation | 31 December 2022 | 31 December 2022 | 31 December 2022 | As stated by operator |
| Emergency procedure | Not required | Applies | Applies | Does not apply – short notice dispensation to be applied for if required |

TEMPORARY ARRANGEMENTS FOR VARYING LOCAL BUS SERVICES SCOTLAND

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Purpose of this note

This note is intended to explain arrangements to assist operators seeking to make temporary variations to registered services in Scotland which have been impacted by the current Coronavirus (COVID-19) outbreak. It is divided into two parts:

Part 1 - Key changes

Part 2 - A step-by-step guide to how the temporary arrangements are intended to work

Part 1 - The key changes

The Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 for Scotland provide that an operator must provide notification to local authorities at least 28 calendar days before they submit an application to the traffic commissioner to register, vary or cancel a local bus service, where the service has a stopping place in that authority's area.

In light of the challenges posed by the outbreak, the Government asked local authorities to agree a process whereby 24 hours (one working day) was considered acceptable notice for those variation applications which require to be made on a temporary basis as a result of the outbreak. This notice period was, by agreement between the relevant parties, increased to 72 hours (three working days) in June 2020. This notice period remained in place for any temporary variations to any services registered in Scotland which are submitted to the traffic commissioner before 4 January 2021.

To enable ongoing flexibility for the bus industry whilst ensuring that the travelling public are kept informed of service changes it was agreed across all parties that changes to the process in place since March 2020 should take effect from 4 January 2021. Applications for temporary variations to services received on or after 4 January 2021 will be subject to a local authority notice period of seven calendar days after which, if no request is received from the local authority for more time, the traffic commissioner will grant short notice dispensation with immediate effect.

Any service registered, varied or cancelled on a permanent basis will not be eligible for the reduced local authority notice period but operators may still apply for short notice dispensation from the traffic commissioner if the application meets the required legislative grounds to be accepted.

The standard fee (£60) for the variation of a service applies to any applications (including temporary variations) lodged with the traffic commissioner on and after 4 January 2021.

Previous advice stated that temporary variations were conditional on the services reverting to the original timetable by 4 January 2021. Due to the continuing uncertainty this date was removed and left open-ended with a review to be undertaken at an appropriate time. Several reviews have taken place and in December 2021 it was agreed by parties that services should revert to their pre-March 2020 position on or before 1 September 2022. It should be noted that variations to services received by the traffic commissioner on or after 1 March 2022 cannot use the emergency procedures set out in this note.

Services already subject to a temporary variation will automatically be extended on the same terms until 31 August 2022 (unless the operator states otherwise).

Table one sets out a summary of the changes and how it affects registrations.

Part 2 – The process

How to submit an application for a temporary variation of a service affected by coronavirus (COVID-19) up to and including 28 February 2022.

Step 1

To relieve the administrative burden on operators the traffic commissioners have agreed to allow for a change in the usual registration process.

Until 1 March 2022 an operator **must** send the notification requesting the short notice temporary variation to the Office of the Traffic Commissioner and relevant local authorities at the same time with details of how registered particulars are being varied to help make the notification and decision process faster.

Until notified otherwise operators seeking to make a temporary variation to local bus services can do so by emailing the information and any documentation to the Office of the Traffic Commissioner. The email address is:

enquiries-busregscot@otc.gov.uk (Scotland)

In all cases where short notice dispensation is being requested the operator must provide detail of the grounds that it is being applied under and the justification.

Emails must contain the full service registration number to assist in the correct identification. Individual emails should be sent for each registration.

Temporarily varying an existing service

Operators are encouraged to make use of the provision to temporarily vary a service registration by either not running it for a period of time, changing the frequency of the timetable or altering the route.

- Amended frequency – the operator should provide an email advising of the proposed date of amendment and the date when the previous registered service is to recommence. A timetable should also be included of the revised service.
- Amended route – in addition to the email set out above the operator should include a revised timetable and route map.
- Temporary cessation of service – the operator must provide the date of the proposed introduction of the change and the date that the previously registered service is intended to recommence.

A PSV355 is not required for a temporary variation but the operator must provide sufficient information and documentation as stated above.

While operators assess the practicability of increasing services, including patronage, the suggested timescale for the variation is:

‘until notified otherwise, or until the confirmed end date to be stipulated by traffic commissioners whichever is the earlier’ (31 August 2022)

For the purposes of the electronic registration record held by the traffic commissioners a notional end date of 31 August 2022 will be applied to temporary variations lodged with immediate effect. This ensures that a clear record is kept of the temporary variations in lieu of a fixed end date.

The suggested period allows operators to have the flexibility to return to the previously registered timetable earlier if that is possible. Services previously temporarily varied to revert on 31 March 2022 (or previously 31 December 2021, 4 January 2021, 31 August 2020, 30 September 2020) will automatically be regarded as expiring on the confirmed end date of 31 August 2022. It is still open to an operator to curtail the temporary variation if required. Any request should be emailed to the Office of the Traffic Commissioner.

If the variation is not limited in the terms set out above or there are any proposed permanent changes to the previous registered timetable on recommencement the operator will be required to provide an application to vary a service with the appropriate registered particulars and fee. The operator will be required to abide by the usual notice periods.

If an operator uses the Electronic Bus Service Registration system they can notify the traffic commissioner of temporary variations using the method set out above.

Payment

Given the exceptional circumstances that operators are experiencing the traffic commissioners decided to waive the fee for all applications that sought to temporarily vary a local bus registration until 4 January 2021. This was on the condition that the service was intended to return to the same timetable that was previously registered. **Any request for a temporary variation received from 4 January 2021 is subject to the £60 registration fee, (£13 for services operated under a section 22 permit) which must be paid prior to the effective date.**

Step 2

Applications for temporary variation received on or before 28 February 2022

Any application received by a traffic commissioner on (or before) 28 February 2022 will be open for consideration by a local authority for seven calendar days. If the relevant local authority/authorities wishes to make representations or seek further time to consider the application, they should do so within the seven calendar days that the application has been lodged with them. Any representations should be sent, at the same time, to the Traffic Commissioner by email to enquiries-busregscot@otc.gov.uk and the operator by way of the contact details they have given on submission of the variation application.

In the absence of any objections being lodged by a relevant local authority/authorities within the seven calendar day period from the receipt of the application, the Traffic Commissioner will consider the notification requirements in Regulation 4 of the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 to have been met.

The traffic commissioner will then consider the application under the short notice dispensation on the grounds of meeting an urgent and exceptional public passenger transport requirement. Unless notified otherwise, and provided all documentation has been received, the operator can expect that the temporary variation can come into force immediately following expiry of the seven calendar day local authority notice period.

For the avoidance of doubt, a request received sent to both the traffic commissioner and local authority on 4 January 2021 will be considered by the local authority for seven calendar days and then short notice granted by the traffic commissioner immediately. This results in the service coming into force on 11 January 2021.

Services operated in Scotland cannot make use of this procedure after 28 February 2022, services temporarily varied before this date can remain in place until 31 August 2022.

Step 3

Confirmation of the Traffic Commissioner's decision in relation to the application will be sent, in due course, to the operator and to the relevant local authorities by email.

Emergency Procedure

The traffic commissioner expects operators and local authorities to continue to engage with one another throughout this period. Where a change in the guidance from Government has a significant and immediate impact on the demand for bus services these discussions will enable the process to be reviewed at the earliest opportunity.

Table One

| | Temporary variations in place on 23 October 2020 | Temporary variation submitted before 4 January 2021 | Temporary variation submitted between 4 January 2021 and 28 February 2022 (inclusive) | Variation submitted to a traffic commissioner on or after 1 March 2022 |
|---------------------------------|---|--|--|---|
| Local Authority notice period | Already in place | 72 hours (three working days) | Seven calendar days | 28 calendar days |
| Statutory notice period | Already in place | Accepted at short notice on expiry of 72 hours local authority notice period | Accepted at short notice on expiry of seven calendar days local authority notice period | 42 calendar days |
| Fee required | None – already in place | Free of charge | £60 fee payable | £60 fee payable |
| End date of temporary variation | 31 August 2022 | 31 August 2022 | 31 August 2022 | As stated by operator |

TEMPORARY ARRANGEMENTS FOR VARYING LOCAL BUS SERVICES

WALES

Who should read this note?

- Those within local authorities, who are responsible for the provision of local bus services in Wales.
- Bus operators providing local bus services that are registered with the traffic commissioner.

Purpose of this note

This note is intended to explain arrangements to assist operators seeking to make temporary variations to registered services in Wales which have been impacted by the current Coronavirus (COVID-19) outbreak. It is divided into two parts:

Part 1 - Key changes

Part 2 - A step-by-step guide to how the temporary arrangements are intended to work

Part 1 - The key changes

Unlike for services in England and Scotland there is no requirement on operators seeking to register, vary or cancel local bus services to provide advance notification to local authorities.

In light of the challenges posed by the outbreak, the traffic commissioners worked with stakeholders to agree a process that reduced the statutory notice period for temporary variations to 24 hours (one working day). This notice period was, by agreement between the relevant parties, increased to 72 hours (three working days) in June 2020.

Previous advice stated that temporary variations were conditional on the services reverting to the original timetable by 4 January 2021. Due to the continuing uncertainty this date was removed and left open-ended with a review to be undertaken at an appropriate time. Several reviews have taken place and in February 2022 it was agreed by parties that services should revert to their pre-March 2020 position on or before 1 January 2023. It should be noted that variations to services received by the traffic commissioner on or after 19 March 2022 cannot use the emergency procedures set out in this note.

Services already subject to a temporary variation will automatically be extended on the same terms until 31 December 2022 (unless the operator states otherwise).

Any service registered, varied or cancelled on a permanent basis will not be eligible for the automatic period of short notice but may still apply for short notice dispensation from the traffic commissioner if the application meets the required legislative grounds to be accepted. An operator wishing to apply through this route should include justification with letters of support from relevant local authorities, where available.

Table one sets out a summary of the changes and how it affects registrations.

Part 2 – The process

How to submit an application for a temporary variation of a service affected by coronavirus (COVID-19) up to and including 28 February 2022.

Step 1

To relieve the administrative burden on operators the traffic commissioners have agreed to allow for a change in the usual registration process.

Until 19 March 2022 an operator **must** send the notification requesting the short notice temporary variation to the Office of the Traffic Commissioner and relevant local authorities at the same time with details of how registered particulars are being varied to help make the notification and decision process faster.

Until notified otherwise operators seeking to make a temporary variation to local bus services can do so by emailing the information and any documentation to the Office of the Traffic Commissioner. The email address is:

PSV-continuations@otc.gov.uk

In all cases where short notice dispensation is being requested the operator must provide detail of the grounds that it is being applied under and the justification. Emails must contain the full service registration number to assist in the correct identification. Individual emails should be sent for each registration.

Temporarily varying an existing service

Operators are encouraged to make use of the provision to temporarily vary a service registration by either not running it for a period of time, changing the frequency of the timetable or altering the route.

- Amended frequency – the operator should provide an email advising of the proposed date of amendment and the date when the previous registered service is to recommence. A timetable should also be included of the revised service.
- Amended route – in addition to the email set out above the operator should include a revised timetable and route map.

- Temporary cessation of service – the operator must provide the date of the proposed introduction of the change and the date that the previously registered service is intended to recommence.

A PSV355 is not required for a temporary variation but the operator must provide sufficient information and documentation as stated above.

While operators assess the practicability of increasing services, including patronage, the suggested timescale for the variation is:

‘until notified otherwise, or until the confirmed end date to be stipulated by traffic commissioners whichever is the earlier’ (31 December 2022)

For the purposes of the electronic registration record held by the traffic commissioners a notional date of 31 December 2022 will be applied to temporary variations lodged with immediate effect. This ensures that a clear record is kept of the temporary variations in lieu of a fixed end date.

The suggested period allows operators to have the flexibility to return to the previously registered timetable earlier if that is possible. Services previously temporarily varied to revert on 31 August 2022 (or previously 31 March 2022, 31 December 2021, 4 January 2021, 31 August 2020, 30 September 2020) will automatically be regarded as expiring on the confirmed end date of 31 December 2022. It is still open to an operator to curtail the temporary variation if required. Any request should be emailed to the Office of the Traffic Commissioner.

If the variation is not limited in the terms set out above or there are any proposed permanent changes to the previous registered timetable on recommencement the operator will be required to provide an application to vary a service with the appropriate registered particulars and fee. The operator will be required to abide by the usual notice periods.

If an operator uses the Electronic Bus Service Registration system they can notify the traffic commissioner of temporary variations using the method set out above.

Payment

Given the exceptional circumstances that operators are experiencing the traffic commissioners decided to waive the fee for all applications that sought to temporarily vary a local bus registration until 4 January 2021. This was on the condition that the service was intended to return to the same timetable that was previously registered. **Any request for a temporary variation received from 4 January 2021 is subject to the £60 registration fee, (£13 for services operated under a section 22 permit) which must be paid prior to the effective date.**

Step 2

Applications for temporary variation received on or before 18 March 2022

The traffic commissioner is aware that operators and local authorities hold regular discussions on the provision of local services. On receipt of an application to temporarily vary a registration a notice period of 72 hours (three working days) will apply. On expiry of this period unless notified otherwise, and provided all documentation has been received, the operator can expect that the application will be granted by Traffic Commissioner using short notice dispensation.

Step 3

Confirmation of the Traffic Commissioner's decision in relation to the application will be sent, in due course, to the operator and to the relevant local authorities by email. In these cases, the operator does not have to wait for confirmation before commencing the service change provided that three working days have elapsed from receipt in the Office of the Traffic Commissioner.

Table One

| | Temporary variations in place on 5 November 2020 | Temporary variation submitted before 4 January 2021 | Temporary variation submitted between 4 January 2021 and 18 March 2022 (inclusive) | Variation submitted to the traffic commissioner on or after 19 March 2022 |
|---------------------------------|---|--|--|--|
| Statutory notice period | Already in place | Accepted at short notice on expiry of a period of 72 hours (three working days) from receipt | Accepted at short notice on expiry of a period of 72 hours (three working days) from receipt | 56 calendar days |
| Fee required | None – already in place | Free of charge | £60 fee payable | £60 fee payable |
| End date of temporary variation | 31 December 2022 | 31 December 2022 | 31 December 2022 | As stated by operator |

Retired Advice

Goods Vehicle and Public Service Vehicle Operator Licensing

7. Can I temporarily operate more vehicles than authorised under my goods vehicle operator's licence to meet an urgent public demand? Can I temporarily operate for hire or reward under my restricted goods vehicle operator's licence?

You need to ask a traffic commissioner to grant a temporary exemption (in writing) from any requirement to hold a standard licence, which would otherwise be imposed by sections 2 and 3 of the Goods Vehicle (Licensing of Operators) Act. In summary this allows for a restricted licence holder to operate for hire or reward, an existing licence holder to temporarily use more vehicles than the licence authorises or for someone who does not hold a licence to use a goods vehicle for hire or reward or in connection with a business.

Traffic commissioners will only consider the use this power on receipt of a written request from the person / entity proposing to operate. All requests should be sent to Enquiries@otc.gov.uk setting out the proposal and justification. A traffic commissioner will need to be satisfied that an applicant is not unfit to engage in road transport. Additionally, a traffic commissioner may check that:

- the applicant is not insolvent
- there are no outstanding maintenance or other issues, which might impact on road safety
- that this is not an attempted device to avoid responsibility for alleged failures in compliance
- that the applicant has satisfactory facilities and arrangements for maintaining the vehicles used under the exemption in a fit and serviceable condition.

The traffic commissioner must be satisfied that the exemption is necessary for the purpose of enabling an emergency to be dealt with (in this case the current outbreak) or enabling some other special need to be met arising from the outbreak.

The traffic commissioner must also be satisfied that the applicant is engaged exclusively in national transport operations, which will have only a minor impact on the transport market because of the nature of the goods carried or the short distance the goods are carried. In the exceptional circumstances of the outbreak the Senior Traffic Commissioner has advised the traffic commissioners that they are entitled to rely on a declaration to that effect signed by the person or officer of the corporate entity.

An application form to use when applying for a temporary exemption can be found at Annex A.

8. Due to restrictions on movement, I no longer have access to my operating centre. What steps do I need to take?

In the very rare circumstances where a standard operator *temporarily* loses access to an operating centre as a result of restrictions connected to the outbreak, traffic commissioners will give serious consideration to the grant of a Period of Grace to operate from an alternative site.

A traffic commissioner will wish to be satisfied as to where the vehicles will be parked in the alternative. It was recognised that during the period of the outbreak it might not have been practicable to lodge an application for a new operating centre, which may only be required for temporary use.

Restricted licence holders do not have facility to request a Period of Grace but should notify the traffic commissioner for direction as to how to proceed.

9. Operational needs require me to operate more vehicles from my operating centre than the current authorisation. I am still within my overall vehicle authorisation.

The Office of the Traffic Commissioner has been instructed to try and assist operators and to prioritise applications. The optimal way to obtain grant of a variation is using the digital services available to operators. The purpose of the Statutory Document is to streamline the process as much as possible and use the flexibility that already exists within the legislation. Operators should consider submitting a complete application as soon as the need arises and seek an interim direction which will be considered as set out in the statutory document.

10. I cannot maintain my vehicles in line with the stated intervals that I made a commitment to.

You should never operate a vehicle in an unsafe condition. You should adopt a risk-based approach as you should know your business and where the greatest risks may be. You should follow the advice provided by the Guide to Maintaining Roadworthiness found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785463/guide-to-maintaining-roadworthiness-commercial-goods-and-passenger-carrying-vehicles.pdf

Traffic Commissioners are aware that there may be isolated instances where Covid-19 results in unexpected and unpredictable staff shortages within a maintenance facility. Where preventative maintenance inspections (PMIs) cannot be conducted within the stated timescale you gave when applying for a licence (or subsequently),

you should ensure that the extended period should be subject to a documented risk assessment. It is the operator's responsibility to ensure that vehicles are operated safely. Where an extension is required, the following guidance should be applied:

- Evidence of the justification for the reduction such as a letter or email from your workshop confirming unavailability is to be kept with the PMIs and to be produced on request to OTC/DVSA/police, etc.
- Where the workshop facility is unavailable, consider using an alternative or a mobile inspection at the operating centre. The inspection would need to be as full as possible and comply with the site's health and safety requirements. An instrumented brake test should still be conducted.
- Robust daily driver checks and effective use of vehicle monitoring systems are even more important and must be managed and recorded.
- You should return to your stated maintenance intervals by the next inspection. If this is not possible, you must notify the Office of the Traffic Commissioner in advance with an explanation of how you are managing the risks through alternative arrangements. Where it is necessary to change maintenance suppliers, you can access your records here:
<https://www.gov.uk/manage-vehicle-operator-licence>

11. My vehicles are not being used because of change resulting from the outbreak. Do I have to carry out a pre-use inspection before I put them into use again?

It is always recommended that a pre-use inspection is carried out prior to putting vehicles that have been stood idle back into service, the traffic commissioners previously recognised that operators would want to start using vehicles as soon as possible. The delays in inspection slots becoming available at maintainers should largely have abated by now.

Any change or extension to your normal PMI period should be subject to a documented risk assessment. It is the operator's responsibility to ensure that vehicles are operated safely.

For fleets that were unused during the period of a lock down, the following principles applied:

- A vehicle should be recorded as Vehicle off Road (VOR). This enables the period of inactivity to be taken into account if records are analysed in the future.
- The PMI schedule is frozen or paused during the period that the vehicle is not used.
- If the vehicle exceeded its PMI period, a technically competent person, (technician if possible) should have carried out an enhanced walkaround check, which included tyre pressure measurement and brake performance

test. The brake performance test, if not undertaken on a roller brake tester, should have included a measured temperature check of the brakes after a road test. The temperatures are to be recorded and retained.

- Vehicles over 12 years old and more than 50% or 4 weeks, whichever is greater, over their PMI cycle should have received a full preventative maintenance inspection before use.
- Regardless of the combination of relaxations applied, no vehicle should have been put into service if more than 17 weeks has elapsed since the last full PMI.

The following Questions & Answers provided further explanation of how the relaxations were to be applied.

Q1. A 3-year-old vehicle is planned with a 10-week PMI schedule, it is taken out of service at week 4 of the schedule and is off the road for 8 weeks, what inspection is required to bring the vehicle back into service?

Ans. A technically competent person, (technician if possible) is to carry out an enhanced walkaround check, which includes tyre pressure measurement and brake performance test. The brake performance test, which if not undertaken on a roller brake tester, with a measured temperature check of the brakes after a road test.

The vehicle then has a further 5 weeks to schedule the next PMI, not 6 as that would take it in excess of the 17-week backstop

Q2 A 3-year-old vehicle is planned with a 10-week PMI schedule, it is taken out of service during week 10 of the schedule and is off the road for 4 weeks, what inspection is required to bring the vehicle back into service?

Ans. A full PMI is required as the vehicle was in the last week of the 10-week schedule.

Q3. A 14-year old vehicle is planned with a 4-week PMI schedule, it is taken out of service at week 1 of the schedule and is off the road for 2 weeks, what inspection is required to bring the vehicle back into service?

Ans. Schedule remains the same, enhanced driver walkaround check, PMI required in 1 week.

Q4. A 5-year old vehicle is planned with a 12-week PMI schedule, it is taken out of service at week 1 of the schedule and is off the road for 20 weeks, what inspection is required to bring the vehicle back into service?

Ans. A full PMI is required as the vehicle would go beyond the 17-week maximum PMI interval

Q5. A 5-year old vehicle is planned with a 12-week PMI schedule, it is taken out of service at week 1 of the schedule and is off the road for 8 weeks, what inspection is required to bring the vehicle back into service?

Ans. Schedule remains the same, enhanced driver walkaround check needs to be carried out, PMI required in 8 weeks, (which inc para 6 concession maximum of 17 weeks between inspections).

Q6. A 6-year old vehicle is planned with a 6-week PMI schedule, but it is now on week 8 and running under para 6 concession. it is taken out of service and is off the road for 4 weeks, what inspection is required to bring the vehicle back into service?

Ans. A full PMI is required as the vehicle was operating overdue under para 6 concession.

12. I cannot maintain my vehicles in line with the stated intervals that I made a commitment to. **IN FORCE UNTIL 6 MAY 2021 BUT PLEASE SEE NEW INCLUSION AT 6. ABOVE**

You should never operate a vehicle in an unsafe condition. You should adopt a risk-based approach as you should know your business and where the greatest risks may be. You should follow the advice provided by the Guide to Maintaining Roadworthiness found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/785463/guide-to-maintaining-roadworthiness-commercial-goods-and-passenger-carrying-vehicles.pdf

Traffic Commissioners and DVSA previously gave guidance on how a standard licence holders (in any sector) or a restricted licence holders carrying out essential transport services involved in the delivery of food, non-food (personal care and household paper and cleaning), door to door refuse collection and disposal services, health services and over the counter pharmaceuticals, Fuel (transport and heating) or essential utility services (water, gas, electricity, telecommunications, road maintenance, etc) might continue to operate where their normal maintenance arrangements were affected by the initial impact of Covid-19. Those concessions **ceased from 1 September 2020**. From that point on, all vehicles and trailers had to return to the inspection frequency stated on the licence.

However, Traffic Commissioners are aware that there may be isolated instances where Covid-19 results in unexpected and unpredictable staff shortages within a maintenance facility. You should adopt a risk-based approach as you should know your business and where the greatest risks may be. Any change or extension to your normal PMI period should be subject to a documented risk

assessment. It is the operator's responsibility to ensure that vehicles are operated safely. Where that occurs, the following guidance should be applied:

- Evidence of the justification for the reduction such as a letter or email from your workshop confirming unavailability is to be kept with the PMIs and to be produced on request to OTC/DVSA/police, etc.
- Where the workshop facility is unavailable, consider using an alternative or a mobile inspection at the operating centre. The inspection would need to be as full as possible and comply with the site's health and safety requirements. An instrumented brake test should still be conducted.
- Robust daily driver checks and effective use of vehicle monitoring systems are even more important and must be managed and recorded.
- You should return to your stated maintenance intervals by the next inspection. If this is not possible, you must notify the Office of the Traffic Commissioner in advance with an explanation of how you are managing the risks through alternative arrangements. Where it is necessary to change maintenance suppliers, you can access your records here:
<https://www.gov.uk/manage-vehicle-operator-licence>

13. Furloughing (standing down) a transport manager. IN FORCE UNTIL 30 SEPTEMBER 2021

As stated in question 7 the role of Transport Manager brings with it a lot of responsibilities (see paragraph 54 of Statutory Document No. 3). A Transport Manager is required to effectively and continuously manage the transport activities of an undertaking. The conditions on the operator's licence require the operator to notify the traffic commissioner of matters which might impact for instance on the ability to show professional competence.

There may be several scenarios which lead to an agreement to furlough a Transport Manager. HMRC published updated guidance on 12 June, reflecting changes to the Coronavirus Job Retention Scheme (CJRS) from 1 July 2020 and permitting flexible furlough until 31 October 2020. This scheme has since been extended until 30 September 2021. The traffic commissioners will consider each case on its own merit, but the following provides the starting points for the traffic commissioners in their deliberations:

- If an operator has temporarily laid up the whole fleet of licensed vehicles, the Transport Manager will not be required to exercise continuous and effective management of an undertaking which is not in operation. It is likely that the traffic commissioner would consider that there continues to be a genuine link between the operator and Transport Manager, who must be re-engaged before operations recommence. The traffic commissioner would not normally expect to be advised of that change.

- If an operator reduces their overall operation and some Transport Managers are furloughed or reduce their hours (as may occur with some larger operations who have several Transport Managers) the operator and/or the Transport Manager(s) must advise the Office of the Traffic Commissioner by email providing details of the arrangements. The Traffic Commissioner may require additional information.
- If an operator continues to operate and attempts to furlough or reduce the hours of work of the only Transport Manager, the Office of the Traffic Commissioner must be advised immediately. There is a mandatory and continuing requirement for professional competence on all standard licences. In order to continue operating that standard operator must make an application for a Period of Grace or seek a temporary exemption, in order to continue operating without a Transport Manager. The Contingency Statutory Document already refers to the approach, which might be taken by the Traffic Commissioner.

14. I, or my transport manager, have an undertaking on my licence to complete training by a given date, what should I do?

You should follow the general Government advice on travel and attendance at events. If you cannot attend a required training event within the period set out in the undertaking, you should notify the traffic commissioner as soon as possible. You should include the steps that you have taken to comply, including enclosing a receipt for any bookings made, and request that the traffic commissioner considers amending the undertaking to allow more time to comply. You will be contacted with details of the traffic commissioner's determination.

A number of training organisations have been providing online alternatives which people are advised to investigate for suitability. Traffic commissioner do not accredit training providers but may be persuaded to accept online courses as alternatives.

Traffic commissioners understand that responsible providers of training will wish to ensure the effectiveness of online training and will adapt their courses so that:

- i) the instructor and all course participants are visible to each other and audible throughout the training;
- ii) participants participate by means of a tablet, laptop or PC with the necessary camera/microphone capability. Participation by smartphone is unlikely to be acceptable unless it has the full functionality of the larger devices;
- iii) the course provider is able to verify the identity of all participants and does so before the course commences;
- iv) the instructor is able to interact with participants, display material and discuss it simultaneously;
- v) the number of people on the course is such to allow the instructor to ensure that all are sufficiently engaged and interacting on the course. Six is regarded as the maximum number of attendees to allow this to be

- effective using a standard video-conferencing platform, this could be greater if using a training industry-established Virtual Learning Environment (VLE) or if the trainer has further support, e.g. a moderator;
- vi) the course will replicate as far as is possible the training which would have been delivered in a physical environment;
 - vii) there is some element of assessment at a point or points during the training, to verify that participants have actively engaged in the course;
 - viii) while the virtual element of the course need not last 7 hours (or 14 hours in the case of a two day TM CPC refresher course), total participation time for each attendee (including prior reading, completion of "homework" modules etc) should be in this region.

15. I have registered a local bus service as a normal service but now want to amend it to be a school or works service. How do I need to notify the traffic commissioner?

When registering a local bus service an operator is asked to confirm whether the service is a school or works service. This is then included in the publication in Notices and Proceedings and on data provided through data.gov.uk.

As the service type is not a registered particular set out in legislation, it is possible for an operator to amend the service type without formally varying the service. However, the information provided to the traffic commissioner is akin to a statement of expectation and the operator is required to formally notify the traffic commissioner of the change. This notification can be carried out by sending an email confirming the change to the relevant inbox detailed in question 12 above. All emails **must** contain:

- The operator licence number
- The full service registration number
- The route service number

As it is not a registered particular the change does not require a formal notification period either to the local authority or the traffic commissioner. However, as changing the service would impact on the provision of services to the general public the traffic commissioners expect operators to work closely with local authorities before making any change to the service type and also to ensure that the general public who would otherwise use the services are given sufficient notice so that they may make alternative arrangements.

It is the responsibility of the operator to understand and fulfil the safeguarding requirements. The safeguarding legislation^[1] provides for situations where a driver is eligible for:

- an enhanced DBS check when driving a vehicle which is being used only for the purpose of conveying children at least once a week by the same driver; or

^[1] <https://www.legislation.gov.uk/ukpga/2006/47/contentse> see Schedule 4 Part 1 paragraph 2(1)(f)

- an enhanced DBS check with barred lists check when driving a vehicle which is being used only for the purpose of conveying children more than three times in a 30-day period,

but operators may identify alternative methods for ensuring compliance with the safeguarding obligations, and should seek their own advice.

16. As a result of social distancing measures can I operate a duplicate vehicle on a normal stopping service but reserve it for school children?

Legislation permits a service to be varied, without variation of the registration, by the provision of additional vehicles which are operated over any part of the route of the service and operated as closely as possible to the timings of the registered timetable. This can only be carried out when the operator of the service has reasonable grounds to expect that, owing to special circumstances, the number of vehicles normally required to provide the service would be insufficient to carry all persons wishing to travel.

The Senior Traffic Commissioner has issued guidance to traffic commissioners that the need to maintain social distancing measures as a result of the current COVID-19 pandemic could not have been reasonably foreseen. The requirements to take special measures to protect the travelling public, particularly those most vulnerable to COVID-19, has changed the way that society must travel. The guidance states that for a limited period of time whilst social distancing requirements are set out by Government advice, the pandemic should be regarded as a special circumstance that allows for operators to rely upon duplicate services to provide capacity for the travelling public.

In these exceptional circumstances it is permissible for an operator to run a duplicate vehicle on a normal stopping service reserved for school children only. This is on the condition that the vehicles align to the registered timetable as closely as possible and that the vehicles are clearly marked to assist the service users. Operators do not have to advise the traffic commissioner when a duplicate vehicle is being operated, but should keep a record of the operation in case they are required to provide details at a later date. The traffic commissioners expect operators to work closely with the Local Authorities on the provision of services.