



Public Service Vehicle Operator Licensing

Guide for Operators

(Revised November 2010 PSV 437 – 02)

This guide and the application forms for operator licensing and bus registration are available through www.businesslink.gov.uk, as is the publication *Notices and Proceedings*. The website also provides useful information for transport operators, local authorities, partner organisations, hire companies and the general public. This guide is valid as of April 2009. There will be significant changes in April 2010 when a revised guide will be issued. For latest information please refer to www.businesslink.gov.uk

Disclaimer

This publication gives general guidance only and should not be regarded as a complete or authoritative statement of the law. The guidance will be updated to reflect any developments in new legislation or case law.

If you wish to check the legal position, you should refer to the main legislation listed in Annex 10 and, if necessary, seek your own legal advice.

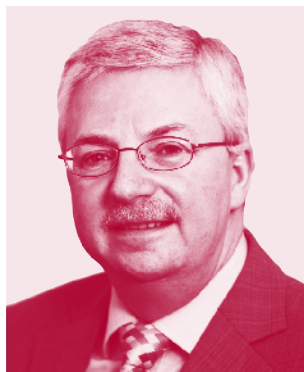
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Public Service Vehicle Operator Licensing

Guide for Operators

Foreword by VOSA Chief Executive



Welcome to the PSV industry. This new *Public Service Vehicle Operator Licensing – Guide for Operators* is part of a suite of VOSA publications designed to help the operator and driver establish and run a safe and legal business.

As a PSV industry professional, you will be working alongside VOSA as part of your everyday business. In addition to the annual test and its enforcement function, VOSA is committed to providing excellent customer service and to providing educational material and advice to the industry. This guide is part of that commitment.

VOSA welcomes the opportunity to work with the traffic commissioners and trade associations to bring you this guide. Our aim is to provide both new and existing operators with the necessary information to ensure they understand and are compliant with the often complex requirements of running a safe and legal business. By working together we can ensure that the passenger transport industry is a safe and reliable way to travel.

A handwritten signature in black ink, which appears to read 'A Peoples'.

Alastair Peoples
VOSA Chief Executive

Foreword by the Senior Traffic Commissioner



I am pleased to launch this latest edition of the *Guide to Public Service Vehicle Operator Licensing*.

The carriage of passengers for hire or reward is a vital part of the British transport system and it is important to ensure that operators understand the responsibilities that they undertake and abide by them.

This edition of the guide clearly gives operators the opportunity to ensure that their management systems are designed to demonstrate compliance with the obligations imposed upon PSV operators.

Sometimes a lack of attention results in a public inquiry being held and a less than sympathetic response from the traffic commissioner. By giving examples of management systems, this guide stresses the importance of running buses on time. It should be remembered that the Government has publicly stated that punctuality of buses "is the single biggest factor in people choosing to travel by bus rather than by car".

An addition in this edition of the guide is an annex devoted to limousines. I welcome this feature, particularly as this is a subject upon which traffic commissioners have expressed, and continue to express, a concern.

As champions of the bus and coach industries, we are committed to ensuring safe, fair and reliable passenger transport. By using this guide as a management tool, all aspiring and existing operators have the opportunity to work with us in achieving that mission.

A handwritten signature in black ink that reads "Philip Brown". The signature is written in a cursive style and is underlined with a long, horizontal stroke.

Philip Brown
Senior Traffic Commissioner

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Introduction

The Vehicle and Operator Services Agency (VOSA) has produced this guide to explain how the licensing system works for operators of public service vehicles (PSVs). The guide has been written with the support of the traffic commissioners and trade associations. It is intended for general guidance to help the new and existing operator understand the requirements of the operator licensing system. This will help to make sure that all PSVs are used safely and legally. Neither VOSA nor the Department for Transport can provide legal advice to operators. If you are unsure as to whether you are compliant with the law, you should seek independent legal advice.

This guide explains how the operator licensing system works for PSVs. We've produced it to give you general guidance; it is not a legal document.

For details of the law please refer to the Acts and regulations listed in Annex 10. (Other publications that you may find useful are also listed in Annex 10.)

If you are a new operator, you will find this guide useful for advice on the operator licensing procedures and the legal requirements and undertakings you will be required to follow. If you are an experienced and established operator, you will be able to refresh your understanding of operator licensing and update your knowledge on the recent changes in legislation and best practice.

This guide contains detailed descriptions and definitions of all the systems and procedures you will need to follow to become a safe and legal PSV operator. It has been set out in order of the application process with additional information being referred to in the annexes at the back.

This guide is mainly concerned with PSV operator licensing. VOSA has produced a series of other free, complementary guides that will ensure you have the knowledge and information to run a safe and legal business.

Changes to the operator licensing system are expected in 2010 and an amended guide will follow.

The *Safe Operator's Guide* summarises best practice advice on safety procedures relating to all aspects of employees' and drivers' duties.

The *Guide to Maintaining Roadworthiness* explains the responsibilities and systems involved in maintaining vehicles in safe and roadworthy condition.

Rules on Drivers' Hours and Tachographs – Passenger-carrying vehicles in the UK and Europe explains the drivers' hours rules and the keeping of records for both drivers and operators.

If you need further help with applying for a licence or with any other aspect of the operator licensing system, our staff are there to help; just phone 0300 123 9000.



Section one – Do I need a licence?

1. Who needs a PSV operator's licence

You will need a PSV operator's licence if your vehicle is designed or adapted to carry nine or more passengers and payment is taken for carrying passengers (this is called 'hire or reward'). This includes stretched limousines; further details are contained in Annex 1.

If you operate smaller vehicles for hire or reward you will usually be licensed by a local authority under a private hire or taxi regime. However, there are certain circumstances where these vehicles must be licensed as a PSV. (These are described below.)

Take note

It is an offence to operate a PSV without a valid licence. You could be liable for prosecution and your vehicle could be impounded.

2. Definitions

Hire or reward

Hire or reward is when an operator or owner driver takes payment which gives a passenger a right to be carried on the vehicle regardless of whether a profit is made or not.

The payment may be made by the passenger, or on the passenger's behalf. It may be (a) a direct payment (e.g. a fare) or (b) an indirect payment (this could be an exchange for services such as a membership subscription to a club, payment for a bed in a hotel, school fees or payment for concert tickets where travel is included; the payment does not have to be money and the right to travel does not need to be taken up).

Take note

The courts may view indirect payments as hire or reward.

Defining what a public service vehicle is

Minibuses and larger vehicles

If the vehicle is designed or adapted to carry nine or more passengers and does so for hire or reward it is a public service vehicle. This includes many stretched limousines; further details are contained in Annex 1.

Smaller vehicles

If your vehicle has eight passenger seats or less but you wish to carry passengers at separate fares in the course of a business you will need a PSV operator's licence. However:

- If you have a taxi licence or, from spring 2009, a private hire licence and you want to use your licensed taxi or hire car to operate a local bus service, you can apply for a special restricted PSV operator's licence which is easier to get. Further details can be found at Annex 2.
- If you want to operate only one or two vehicles neither of which has more than eight passenger seats (excluding the driver's), you can apply for a restricted PSV operator's licence which is easier to get than a standard licence. See page 8.

Your vehicle will not be classed as a PSV in the following situations and you will not need a PSV operator's licence if:

- you give lifts in a car, or take part in a social car scheme run by a local authority and you charge people enough to cover your running costs (plus general wear and nothing more). Your car will still be treated as a private vehicle, not a taxi, hire car or PSV;

- you run a taxi or private hire business and charge for the hire of the vehicle as a whole. You will not be charging separate fares so your vehicle is not classed as a PSV. You will need a taxi or private hire licence issued by the local authority if a licensing system is in force within your area of operation;
- your licensed taxi or private hire vehicle is used to carry passengers at separate fares provided all the passengers book in advance and agree when they book to share the cost; or
- your licensed taxis are operating from authorised places under local authority taxi sharing schemes.

With effect from 6 April 2009 not-for-profit organisations may use small vehicles to carry passengers at separate fares without the requirement to hold a PSV operator's licence. The vehicle may be operated under a standard permit (please refer to Annex 3).

If you are operating a PSV at separate fares you may need to register your service with the traffic commissioner as a local bus service. Further information can be found at www.businesslink.gov.uk, by contacting VOSA (see Annex 11) or in the *Guide to Local Bus Service Registration*. A summary of the requirements for running a local service can be found in Annex 8.

Take note

There are occasions when the use of a PSV will not require an operator's licence. Predominately these are school buses owned and operated by local education authorities and vehicles run by not-for-profit organisations under permits (see Annex 3).

Is a vehicle still a PSV even when it is not carrying passengers?

If the vehicle is parked in a depot or garage (or is being driven between two depots or is temporarily laid up for any reason) it is still a

PSV. It only stops being a PSV when its use as one has been permanently discontinued; for example, if you take a vehicle out of service altogether and adapt it for some other use (such as driver training).

There is an exception for vehicles that are sometimes used as taxis or private hire vehicles (private hire cars in Scotland) and sometimes as PSVs under a special restricted PSV operator's licence (see Annex 2). These vehicles are PSVs only when they are being used on registered local bus services. When they are not being used as PSVs they are taxis or private hire vehicles and the rules covering taxi and private hire vehicle (PHV) licensing apply.

Take note

The changes to the legislation to allow PHVs and private hire cars (PHCs) to be used under a special restricted PSV operator's licence come into effect in spring 2009.

Separate fares: a definition

✓ Separate fares	✗ Separate fares
Separate fares mean an individual payment by each passenger to the driver, conductor or agent of the operator for the journey undertaken. Payment may be made on the vehicle or in advance of the journey at a sales point (ticket machine, newsagents, vehicle station or office). Payment may also be by indirect means (in respect of other services such as concert tickets where travel is included).	Separate fares are not involved where the vehicle is hired as a whole and individual passengers make no contribution, such as for transporting children to and from school.

Regional differences

Scotland

In Scotland any small passenger-carrying vehicle (of eight or less passenger seats) must be licensed as a private hire car (PHC) where it is used for hire by private arrangement. Examples of such use might include private hire, school contracts or wildlife tours. Each separate type of use must be considered on its merits.

A PHC licence is not required for small vehicles of this type if they are only ever used to carry passengers at separate fares on a registered local service. In these circumstances they will need to be covered by a PSV operator's licence.

If, however, the vehicle is used for both private hire and for registered services it will need to be covered by both types of licence (PHC and PSV).

If you need further and more detailed information about the operation in Scotland of small passenger-carrying vehicles (with eight or less passenger seats) ask the Office of the Traffic Commissioner in Scotland for a copy of the separate notice *Licensing of small passenger carrying vehicles* (of 11 July 2001) or you can obtain it from www.businesslink.gov.uk

England and Wales

In England and Wales there is an exception to the requirement to charge separate fares but only for large operators who operate PSVs with more than eight passenger seats, and whose use of small vehicles is only a small part of their business. These operators may run small vehicles licensed as PSVs for private hire.

What constitutes 'a small part' is not defined in legislation. Ultimately, final decisions on where the balance lies are a matter for the courts. The legislation confers the exemption on an operator whose use of small vehicles is

only a small part of their **business**. One factor that is relevant is the relative size of the fleet of large and small buses. If less than 10% of the overall fleet licensed under a PSV operator's licence are small vehicles, the exemption may apply. However, because the legislation refers to size of the small and large business, other factors such as revenue or mileage may be relevant. For example, there may be instances where the small vehicle fleet exceeds 10% but the mileage of these vehicles is only a small part of the overall mileage, in which case the exemption may apply.

3. Types of licence

There are four kinds of licence:

1. A standard licence – for national and international operations.
2. A standard licence – for national operations only.
3. A restricted licence – for small operations only.
4. A special restricted licence – for holders of taxi licences (and with effect from spring 2009, the holders of PHV licences) only (see Annex 2).

The standard licence

A standard licence allows you to operate any number of vehicles within your authorisation in the UK (or in the UK and abroad if your licence was granted for international operations). To get a standard licence you, or your transport manager, must satisfy the requirement of professional competence. (The meaning of professional competence is explained in Annex 4.)

If you or your transport manager can claim professional competence only for national operations, you will be able to get only a standard national licence.

Take note

Your transport manager must be actively involved in your business and have continuous and effective responsibility for the transport operations. Your transport manager must be of good repute. Should you change your transport manager you must notify the traffic commissioner by contacting VOSA (see Annex 4).

If you are a transport manager and you cease to have responsibility for the business of a licence holder you are advised to inform the traffic commissioner by contacting VOSA.

Remember, as the licence holder, you are ultimately responsible for all aspects of your operations.

Take note

There are also other requirements you must meet before your licence is granted. These are explained below.

Restricted licences

Restricted licences allow the use of only one or two vehicles by operators. Except in the circumstances mentioned below, neither of these vehicles must be constructed to carry more than eight passengers, although vehicles carrying up to 16 passengers may be used if (a) the vehicles are not used as part of a passenger transport business (e.g. they are used in connection with a hotel business) or (b) your main job is not the operation of PSVs which are able to carry nine or more passengers (i.e. the operation of a minibus is a sideline and not your main occupation).

Take note

The restrictions on main occupation apply on nine to 16 passenger seat vehicles. They do not apply in the case of vehicles with eight or less passenger seats.

You do not have to satisfy the requirement of professional competence to get a restricted licence, but all other requirements are the same as for a standard licence. You must apply in the same way, and obey the same rules.

If the restricted licence is in the name of a limited company and you want to run nine to 16 passenger seat vehicles, the rule as to the main occupation applies to the legal entity, in other words the limited company.

Take note

A restricted licence cannot be used on a vehicle with more than 16 passenger seats. If you wish to operate a vehicle with more than 16 passenger seats you will need a standard licence.

The maximum number of vehicles that may be used under a restricted licence is two. If you wish to use more than two vehicles you will need a standard licence.

Special restricted licences

A special restricted licence can be granted only to someone who already holds a taxi licence (or with effect from spring 2009 is the holder of a PHV or PHC licence in Scotland). Its only use is to let a licensed taxi or PHV operate on a local service. The way you apply and all the other rules are different from all other types of licence; they are set out in Annex 2.

If you are interested only in getting a special restricted licence go straight to Annex 2 and ignore the rest of this part of the guide.

Further reading

You should also read *A guide to Local Bus Service Registration* (PSV 353A). If you are proposing to operate a local service in London you must first get authorisation from Transport for London (TfL).

Multiple operating centres

There are eight traffic areas in Great Britain. You must have a licence for each traffic area in which you have an operating centre; however, you may have more than one operating centre in each traffic area. An operating centre is the place where your vehicles are normally kept.

The licence will tell you how many vehicles you are authorised to operate at any one time. You can use your vehicles anywhere in the UK, as long as they are normally kept in the traffic area that issued your licence.

Any one entity (sole trader, partnership or limited company) can hold only one licence in each traffic area. It is possible for a person to be named on more than one licence in each area provided that the licences are for separate entities, e.g. one licence held as a sole trader and one held as a partnership.

This does not apply to the holders of special restricted licences who have certain exemptions. For further details please contact VOSA.

- Regular periodic training will be required by this date to maintain the qualification. Periodic training is continuing professional development for bus and coach drivers.
- A DCPC requires the driver to complete a minimum of 35 hours of approved periodic training during every five-year cycle.

A vehicle that can carry nine or more passengers must have a Certificate of Initial Fitness (COIF), or a Certificate of Conformity, to show that it was built or adapted to PSV standards. If you buy a second-hand PSV make sure that it has a certificate and that it is passed on to you.

Take note

There is a special Class VI MOT test for PSVs constructed or adapted to carry nine or more passengers, which must be taken every year starting at 12 months after manufacture or first use.

Additional requirements

Drivers of a PSV with nine or more passenger seats must hold a valid vocational driving licence. This will be shown on a unified driving licence which shows all driving entitlements, both ordinary and vocational.

From 10 September 2008 drivers will need to hold a Driver's Certificate of Professional Competence (DCPC).

- From this date any new driver will need to pass the initial DCPC theory and practical test, in addition to the licence acquisition.
- Existing drivers will have acquired rights if they hold a vocational licence issued before 10 September 2008. Drivers will hold acquired rights up to and including 9 September 2013.

Further reading

You must know about the rules on drivers' hours and tachographs – see the booklet *Drivers' Hours Rules for Road Passenger Vehicles* (PSV 375).

You must maintain your vehicles to ensure that they are in a roadworthy condition at all times. For further information please refer to the *Guide to Maintaining Roadworthiness*.

You must ensure that you have systems in place to manage and keep records to ensure that all passenger carrying vehicles are used safely and legally. For more information please refer to *The Safe Operator's Guide*.

All the guides we mention are at www.businesslink.gov.uk and obtainable free of charge from VOSA (see Annex 11).

Section two – Application process

4. Applying for a licence

You can get an application form (PSV 421) by downloading it from www.businesslink.gov.uk or by contacting VOSA (see Annex 11).

You should send the form at least nine weeks before the day on which you want your licence to start. However, the traffic commissioner will not grant your licence until satisfied that you have provided sufficient evidence that you will meet the requirements set out below.

This may take more than nine weeks. Therefore you are advised not to buy, hire or lease vehicles or any special equipment, and not to enter into any contract to run services, until you know that your licence has been granted.

Take note

Applying for a licence does not give you the right to operate, or continue to operate, PSVs.

The number of vehicles you can operate

A standard licence can authorise the operation of any number of vehicles. You should apply to operate as many vehicles as you think you will need at any one time. You must satisfy the traffic commissioner that you are able to run that number of vehicles safely, and to maintain them properly.

The traffic commissioner may grant you a licence to operate a smaller number of vehicles than you asked for. So while you may own more vehicles than the maximum

authorised on the licence, you may not run more than that number at any one time and every vehicle must display a disc whenever it is used. You can apply at any time to vary your licence so that you can operate more vehicles.

A restricted licence can authorise the operation of only one or two vehicles with a maximum seating capacity of 16 passengers.

Take note

Operators should be aware that only vehicles with a PSV operator's licence disc exhibited can be used as a PSV. If an operator has in their possession more vehicles than the number authorised, careful consideration should be given to increasing their maximum vehicle authority (by applying to vary the licence) and number of discs. Doing this can increase the flexibility of using the vehicles and avoid problems caused in not being able to operate services through discs being used on other vehicles.

Sending fees

You will need to send an application fee with your form. This fee is non-refundable, even if you are not granted a licence, because it covers the cost of processing your application.

If the traffic commissioner grants your licence, you will be sent an invoice to advise you of what further fees are payable before you may start operations. Your new licence and vehicle discs will be issued once all fees have been paid.

Take note

It is against the law to start operating before you have received your licence and discs. There is no provision for the grant of an interim PSV operator's licence.

5. Requirements to obtain a licence

For a standard or restricted licence you must satisfy the traffic commissioner that you:

- are of good repute;
- are of appropriate financial standing (i.e. have enough money to run the business);
- have good enough facilities (or arrangements) for maintaining your vehicles; and
- are capable of ensuring that both you and your staff obey all the rules.

We've expanded on what this means below.

Good repute

The traffic commissioner will look at any relevant convictions that either you or any employees have had in the last five years (for the meaning of relevant convictions see Annex 5). The traffic commissioner may also take into account any other matters that affect your good repute, including those brought up by any objectors to your application.

Non-disclosure of convictions on your application form or of convictions incurred during the life of your licence will constitute a major threat to the continuation of an existing licence once the matter comes to the attention of the traffic commissioner.

Any employee who holds the professional competence qualification (CPC) must also meet the good repute requirement. You are not required to nominate a CPC holder on a restricted licence. (For details of the professional competence requirement, see Annex 4.)

Appropriate financial standing

The traffic commissioner will need to be assured that you have enough money to run your business properly. Indication of funds can be in the form of a bank or building

society balance (original statements for the three months immediately preceding your application will be required), including evidence of an overdraft facility. Further guidance on the amount of finance required and how financial standing can be demonstrated is available in the application pack or alternatively can be obtained at www.businesslink.gov.uk or by contacting VOSA (see Annex 11).

Take note

If you are applying for a standard international licence the required amount of available capital and reserves is set out in the regulations. As these may be subject to change you should contact VOSA to obtain the current requirements.

Facilities (or arrangements) for maintaining your vehicles

You must satisfy the traffic commissioner that your vehicles will be kept fit and serviceable at all times. The traffic commissioner will want to see a copy of any maintenance contract or letter of agreement with a maintenance provider if you do not do this work yourself. Examples of the forms used for vehicle safety inspections will be required by the traffic commissioner. The *Guide to Maintaining Roadworthiness* gives full advice about the requirements for maintenance arrangements.

Ability to obey all the rules

The traffic commissioner will need to be satisfied that you have adequate systems in place to ensure that you and your staff are able to obey the rules which cover:

- speed limits;
- driver obligations;
- driver licensing;

- drivers' hours rules and the Working Time Directive;
- taxation and insurance of vehicles; and
- local bus service reliability.

Adequate systems to obey all the rules mean management structures, monitoring and reporting to be able to show the traffic commissioner the extent to which there has been and will be compliance.

So, for example, if you wish to run registered services you should ensure that you have the following systems for managing bus punctuality. Considerations in developing your systems should include:

- how often the registered services are monitored;
- the percentage of registered services that are monitored;
- how records of monitoring are made and kept;
- how monitoring is reported through line managers in the organisation;
- how compliance with timetables is discussed at the most senior management level, and in the case of limited companies at board level; and
- actions taken to remedy failures to comply with registered timetables.

Should you fail to operate your services correctly the traffic commissioner may require you to produce evidence that you have such systems in place.

Further information on the requirements to have adequate systems can be found in Annex 7.

6. Objections

The traffic commissioner publishes a notice of your application in the fortnightly publication *Notices and Proceedings*. The police and local authorities have a statutory right to object to your application if they can prove that you do not satisfy the requirements set out in Section 5 on page 11 (i.e. that you do not satisfy the requirements to be of good repute, of appropriate financial standing, professional competence, of having adequate arrangements or facilities to maintain your vehicles and being able to comply with the laws).

The local authorities that can object are:

- London Boroughs and the City of London;
- English and Welsh County and District Councils;
- Passenger Transport Executives; and
- Scottish Councils.

No one apart from the local authorities and the police has any right of objection. However, the traffic commissioner can receive and consider relevant representations from any other interested party, including other operators or members of the public. These may be made in writing or during a public inquiry. It is up to the traffic commissioner to decide how seriously to take representations received.

The traffic commissioner cannot refuse an application because a PSV operating centre is not environmentally suitable. Nonetheless, local authorities do have powers to refuse planning permission should they be convinced that the site of a proposed operating centre, or access to it, is unsuitable. You are strongly advised to consult the planning department of your local council at an early stage.

Any objections must be made in writing and must reach the traffic commissioner no later than 21 days after the application is published in *Notices and Proceedings*. A copy of the objection must also be sent to you at the same time.

If there is an objection the traffic commissioner will probably call you and the objector(s) to a public inquiry before a decision is made on whether to grant the licence.

Take note

Notices and Proceedings, often known as ‘Ns and Ps’, is a fortnightly publication issued by each traffic commissioner. The publication lists such matters as details of licence applications; decisions on those applications; forthcoming public inquiries; decisions at those inquiries; and details of applications to register, vary and cancel local bus services. Copies of *Notices and Proceedings* are available at www.businesslink.gov.uk

An inquiry will be held in public but the traffic commissioner can stop the public (including, for example, potential competitors) from attending the parts of the inquiry where financial or other sensitive information is given.

Inquiry proceedings

Inquiries held by the traffic commissioner are not as formal as a court of law, but they do follow the same basic pattern. You do not have to bring a legal or professional representative with you. However, as the traffic commissioner’s decision could have serious repercussions for your business you are advised to consider whether a representative could help to prepare and present your case. You must read the call-up papers carefully. If you are asked to provide information by a set date you must do so.

At an inquiry, the traffic commissioner will first briefly summarise its purpose. If the inquiry is to consider an application for a licence, the traffic commissioner will ask you questions and may also ask any witnesses (e.g. a Vehicle or Traffic Examiner – see Annex 9 for their powers) to give a report before making a decision. You will be able to ask the witness questions and answer any points that are made.

If there is an objector to the application (the local authority or the police), then the traffic commissioner will probably ask the objector to explain the grounds of the objection. You or your representative will then be able to cross-examine the objector, who in turn will be able to cross-examine you. The traffic commissioner will give a decision only after hearing both sides of the argument. The traffic commissioner may also, at his or her discretion, allow other people who do not have a right to object (but who have relevant things to say about the application) to make their points at the inquiry. If this happens you can ask them questions and reply to any points they make.

7. Public inquiries

The decision about whether to hold a public inquiry lies with the traffic commissioner. It is likely that an inquiry will be held if there are any objections or if there are any doubts about your application.

If the decision is made to hold a public inquiry, written notice of the inquiry and where it will be held will be sent to you and any other affected parties.

It will also be published in *Notices and Proceedings*. Notice of no less than 14 days will be given of the inquiry arrangements. The traffic commissioner can postpone or cancel the inquiry at any time.

If the traffic commissioner has called the inquiry to consider taking regulatory action against your licence, the Vehicle Examiner, Traffic Examiner or anyone else who has supplied evidence will probably be asked to present evidence in person at the inquiry. You will be able to put questions to any witnesses. The traffic commissioner will also ask you questions and you will always have the right to answer them before a decision is taken.

When the traffic commissioner is considering whether you satisfy the requirements of financial standing, a financial assessor may be asked to sit in the inquiry and examine any evidence that you present. The financial assessor may also ask you questions during the inquiry and the traffic commissioner will consult the assessor before making a decision.

If the police or any local authority objected to your application, they can appeal to the Transport Tribunal against the traffic commissioner's decision to grant you a licence, but nobody else has the right to appeal.

You will normally be able to operate under your new licence until the appeal is heard.

The Tribunal will call you to a hearing and if your appeal is successful they will order the traffic commissioner to grant you a licence or to change the conditions on the original licence. Alternatively, they may refer your application back to the traffic commissioner for reconsideration. See page 22 – “Appealing against a decision made by the traffic commissioner” – for more information about appeals.

8. Refusal of applications

Your right of appeal

If your application is refused or if the licence is granted with conditions on it which you think are unacceptable, you have the right to appeal to the Transport Tribunal.

On 3rd November 2008, a new unified tribunals system was launched as part of the implementation of the Tribunals, Courts and Enforcement Act 2007. The new Tribunals system consists of two tiers – the First-tier Tribunal and the Upper Tribunal. The functions of the Transport Tribunal will be transferred into the new tribunals system during the next 12 months.

Section three – How to keep your licence

9. If your application is granted

How you get your licence

The traffic commissioner will tell you of the decision to grant your application and will request the appropriate fee. Once the fee has been received your licence (and any discs paid for) will be sent to you.

The licence will include:

- the operator's name;
- the type of licence;
- the maximum number of vehicles you can operate under it;
- the number of discs issued;
- any conditions attached to the licence; and
- any undertakings that are relevant to the grant of a licence.

You will also receive the number of vehicle discs that you have requested and paid for up to the maximum number authorised under your licence. If you do not wish to take up the maximum number of discs you can request additional discs up to the authorised number at any time and a further fee will be requested. Each disc will show your name and licence number plus the date the disc comes into force and the date it expires.

Take note

You may use, at any one time, only the number of vehicles for which discs have been issued and each vehicle used must display a disc.

You should ensure that the entire fleet of vehicles is kept in a roadworthy condition and keep records for each vehicle to prove this. If a vehicle is off the road there should be a formal record kept of this fact.

If you use your discs in more than one vehicle you must keep clear records to show to VOSA or any other authorised person exactly when each vehicle was being operated.

How long your licence will last

Under the continuous licensing system, once granted your licence remains valid for life unless you operate outside the terms of your licence or do not pay the fee to keep the licence in force when required to do so.

You will be contacted when a payment is due to continue your licence. This fee will keep your licence in force and pay for the vehicle discs that you need to display in your vehicles.

Take note

It is your responsibility to pay your fees on time and failure to do so will automatically terminate your licence.

Every five years VOSA will contact you to confirm a summary of information held on your record and to ask you to pay the fee required at that time.

What you must do with your discs

A disc must be displayed on the windscreen of any PSV used to carry passengers for hire or reward. It should be displayed from inside the vehicle – normally adjacent to the Vehicle Excise Duty disc and so that it can be easily read from outside in daylight.

Take note

It is an offence to write on or alter a disc in any way.

If your vehicle discs are lost or stolen, inform VOSA immediately in writing. Should a lost disc subsequently be found it must be returned. Duplicate discs will be issued on payment of an administration fee. Where the writing on a disc has faded so that it cannot be read, or the disc has been damaged, it should be returned to VOSA who will issue a replacement disc free of charge.

As a rule you can swap discs from one vehicle to another within the same operator's licence as long as every vehicle carries a disc whenever it is used under the licence.

10. Types of service you can run with a PSV licence

Without further formalities you can:

- carry a party of passengers for a single payment from the organiser (this is called 'private hire') – the passengers must not pay separate fares to you or to anyone acting as your agent. This only applies to PSVs with nine or more passenger seats;
- run a coach service where separate fares are charged (but passengers must travel at least 15 miles measured in a straight line from the place where they got on – unless they need to get off in an emergency);
- run an excursion or tour for less than six consecutive weeks, regardless of distance; and
- run a long distance excursion or tour where everyone travels more than 15 miles from where they got on and then return.

If you want to run a local service (on which passengers pay separate fares and which will take them less than 15 miles) there are some more things that you must do (see below).

Issues to be aware of

You can run the services described above but you should note that:

- in a vehicle with more than eight passenger seats it is against the law to ply for hire like a taxi;
- in a vehicle with eight passenger seats or less you cannot do any work which needs a taxi, PHV or PHC licence if the area concerned has a system of either taxi, PHV or PHC licensing – unless you are charging separate fares or it forms a small part of a large bus operation;

- your local authority, or in London, the London Public Carriage Office, will tell you what the local licensing rules are for taxis, PHVs or PHCs;
- you may need another licence to run a local service in London (see below); and
- there are restrictions on the carriage of alcohol on vehicles used to take passengers to certain sporting events.

Running a local bus service

Outside London (see Annex 8)

If you intend to run a local bus service, before you want the service to start you must register the details, including the route and timetable, with the traffic commissioner.

Traffic regulation conditions may be in force in places where there are traffic problems or severe traffic congestion, a potential danger to road users or concerns over the level of noise and engine emissions.

These conditions apply to all registered local services within the affected area. If you are considering registering a local service which goes through a place where traffic regulation conditions are in force, you should contact VOSA who will provide advice and guidance on the steps that you must take.

A local authority with traffic responsibilities (i.e. a traffic authority) can ask the traffic commissioner to put traffic regulation conditions on a certain area. If a traffic authority asks for new traffic regulation conditions which would affect one of your registered services, the traffic commissioner will give you the chance to make representations at an inquiry. If conditions are put on which you think are unfair or unnecessary, you can appeal to the Transport Tribunal. You can get more help from *A Guide to Local Bus Service Registration* (PSV 353A or PSV 353A (Scotland)).

You must also give notice before you change or cancel the service. Before registering you should read the above mentioned guide. For further information on bus services and the standards you must adhere to, see Annex 8.

For advice on the registration of flexible local bus services you should read *A Guide to Flexible Local Bus Service Registrations* (PSV 358A).

Within London

There is a different system for local services with stopping places within London. The majority of services in London are operated under contract to Transport for London (TfL).

Contracts are awarded following competitive tender. There are also a small number of services that form part of the TfL bus network operated under a London Local Service Agreement with TfL. Other services including tourist and commuter coach services operate under a London Service Permit granted by TfL.

If you wish to apply for a London Service Permit, or require clarification concerning a service that you intend operating in London, you need to contact the Licensing Manager, Surface Transport Communications, 11th Floor, Palestra, 197 Blackfriars Road, London SE1 8NJ or email lspt@tfl.gov.uk

International operations

This applies to the holders of standard international and restricted operator's licences. Both these licences authorise the operation of PSVs in the United Kingdom and abroad. A standard national licence authorises the operation of PSVs solely within the United Kingdom.

Any operator who wishes to use their PSVs to take passengers abroad to other Member States must have a Community licence, issued by the traffic commissioner. The original of the licence must be retained by the operator and a certified copy must be kept in each vehicle being used in an international transport operation.

Under EC regulations an operator licensed in one Member State is also allowed temporarily to carry out national passenger services in another Member State without being required to have a registered office or other establishment in that State. This is known as cabotage. A Community licence is required and a certified copy of the certificate must be kept in the vehicle.

For regular services you will need to get permission from the Department for Transport, and from the appropriate authorities in the countries you are visiting.

Application forms to operate a regular service between EU Member States and between the UK and non-EU countries can be obtained from the International Road Freight Office (IRFO) at City House, 126–130 Hills Road, Cambridge CB2 1NP. Advice on international operations can be sought by telephoning 01223 531030.

Operators who wish to operate a shuttle service are advised to contact IRFO for further advice.

For other journeys, waybills (journey forms) are required and can be purchased from the Confederation of Passenger Transport, 3rd Floor, Drury House, 34–43 Russell Street, London WC2B 5HA. Telephone 020 7240 3131, fax 020 7240 6565 or email admin@cpt-uk.org

Non-profit making organisations should apply to IRFO for an own-account certificate to use their vehicles to carry their own members abroad.

11. Hiring from other operators

Methods of hiring

You can hire vehicles from other operators in two ways:

1) You may want to hire vehicles whenever you have any of your own vehicles off the road for repairs. If so, you may hire vehicles for as long as you like provided that you do not operate more than the total number of vehicles authorised on your licence. You must display your own discs in these hired vehicles. Make sure that you remove the discs from any out-of-service vehicles that you are replacing, or from any vehicles that are being returned to the operator from whom you hired them. You will be as fully responsible for these hired vehicles as you would be if you were their permanent operator, so you should make sure that they are in good mechanical order before you hire them. You will also be the employer of the driver.

2) You may also hire vehicles (with or without a driver) on a temporary basis for up to 14 days without replacing the discs of the operator from whom you hired them; however, you cannot just borrow a disc from another operator. There must be a gap of 14 days before you hire the same vehicle again. This is a special arrangement to cover unforeseen emergencies or peaks in your business where you need more vehicles than you have been licensed to operate. In this case, the operator who hired out the vehicle to you is still legally the operator, as long as their disc is displayed. You should make sure that the hiring agreement you have with them places every responsibility on them for maintaining the vehicles even while they are in your possession. (However, your own drivers must still carry out the daily walkaround checks as detailed in the pull-out section of the *Guide to Maintaining Roadworthiness*.)

Take note

If you hire a vehicle from someone you are responsible for its safe roadworthy operation. You should ensure that appropriate checks are carried out before and during use. You must keep proper records of the vehicle's use including hire arrangements and maintenance, ensuring that the vehicle has a COIF.

If you hold a restricted licence, you cannot hire vehicles that carry more than 16 passengers.

Take note

You must not run extra vehicles until this is specifically authorised by the traffic commissioner. Remember, any vehicle operated under your licence must display a valid disc.

12. Making changes to your licence

Increasing the number of vehicles authorised under the licence

If you want to operate more vehicles than the total number authorised on your licence you should apply to vary your licence on form PSV 431. You should allow up to nine weeks for delivery of your licence.

You need to submit the form to the Central Licensing Unit (see Annex 11) together with any relevant fee. The traffic commissioner will then consider if you have enough money and adequate maintenance facilities or arrangements to operate the extra vehicles. If satisfied, the traffic commissioner will vary your licence when you have paid the fee. Additional discs with the same expiry date as those you already have will be issued on payment of the separate fee for discs.

You may request a lesser number of discs if you wish and increase the number up to the maximum authorised as your business expands.

Reducing the number of vehicles you operate

You can also reduce the authorisation on your licence, by applying to vary your licence on form PSV 431A.

You will then be able to get a refund, as long as you return the discs you no longer need. The amount refunded will depend on the number of discs you return and the number of full months still to run on the discs. It will be paid at the rate of the original fee paid. You are entitled to a refund only if you apply to the traffic commissioner to vary your licence, not if you decide to operate fewer vehicles than the authorisation on your licence.

Refunds may be paid if you stop operating in a traffic area and give up your licence completely.

Making other changes

If your licence has conditions that stop you from operating certain types of vehicles, or lets you operate only specified vehicles, you may apply to have the condition varied or removed from your licence.

You may need to prove to the traffic commissioner that your maintenance facilities or arrangements are now adequate for the vehicles you want to operate, or that the condition is no longer necessary or appropriate.

You may also apply to the traffic commissioner to vary or remove undertakings that you made when your licence was granted. If your application is refused, you may appeal to the Transport Tribunal.

Upgrading a restricted licence

If you wish to upgrade a restricted licence to a standard licence you will have to make a fresh application to the traffic commissioner for a new licence using form PSV 421. Proof of professional competence will be required and your financial standing will need to be reconsidered. You cannot swap a restricted licence for a standard licence.

You can apply to upgrade from standard national to international by varying your existing licence. Proof of professional competence for international operations is required. You will need to return your licence documents and vehicle discs so that new ones can be issued.

Changes in your circumstances

You must notify the traffic commissioner in writing within 28 days (by contacting the Central Licensing Unit) of any of the following changes:

1. Any change in legal entity in your business:
 - if you change from being a sole trader or partnership into a limited company; or
 - if the structure of a limited company changes, resulting in a change of registered company number.
 - material change in the company such as a change of directors, or a change in share holding.

2. Any cases of death of persons named on the licence, personal or company bankruptcy or liquidation of those involved in the management of the company or similar situations. In most cases the licence will be terminated automatically unless the traffic commissioner specially allows it to carry on for a specified period. At the request of the operator the traffic commissioner can grant an extension of up to 18 months.
3. Any change of transport manager, with evidence of the new manager's professional competence.
4. Any change of partners within a partnership firm (in some cases you may need a new licence).
5. Any relevant convictions of yourself, your transport manager, officers, employees, or agents.
6. Any change in the address for correspondence that you gave on your application.
7. Any change in the address of your operating centre(s).
8. Any other changes which the traffic commissioner may have required you to report as a condition of granting your licence.

The traffic commissioner may also require you to provide information about the vehicles that are used under your operator's licence. It is up to the traffic commissioner to decide the exact details of the information required but it is likely to include details of the vehicle registration numbers.

Take note

It is against the law to operate as a new entity without telling the traffic commissioner. A new licence for the new entity must be obtained before operating.

Take note

You have a legal duty to notify VOSA as soon as practicable of any failure or damage to your vehicle that could affect safety of your passengers or other road users and of any alterations made to its structure or fixed equipment.

Every five years you will be sent a list of the information held on your licence so that you can check it and update any details that are incorrect. Do not wait for the checklist to tell the traffic commissioner of any changes: you must report them as soon as possible when alterations occur and no later than 28 days afterwards.

13. What if I get it wrong?

Evidence

Evidence of non-compliance can be brought to the traffic commissioner's attention from a number of sources, usually VOSA examiners. There is a wide range of powers available to VOSA and some examples are detailed in Annex 9.

The traffic commissioner may take action against your licence if:

- you no longer meet the requirements of good repute or financial standing;
- in the case of a standard licence, there is no longer a professionally competent person working in the firm (see Annex 4);
- you make a false statement to get a licence, or have not kept to an agreement you made when you applied for your licence;
- you have broken a condition or not kept any undertaking on your licence;

- a Vehicle Examiner has prohibited the use of any of your vehicles because of their dangerous condition; your vehicles have not been maintained in a safe and roadworthy condition; or rules surrounding the safe operation of vehicles and drivers' hours regulations have not been adhered to;
- there has been a change of circumstances which affects your suitability as an operator; or
- there has been a material change, e.g. a business has changed from a sole trader or partnership to a limited company. This would constitute what is known as a change in legal entity.

If you operate a local service unreliably or in a dangerous way, the traffic commissioner can put a condition on your licence which will stop you operating either that service, or any local services. If there have been maintenance defects, or if vehicles have been swapped between operators to avoid enforcement, the traffic commissioner may specify that you only operate certain vehicles and no others.

The action the traffic commissioner can take

The traffic commissioner has the power to revoke your licence (take it away) or to suspend it so that you cannot use it for a given time or until some defect in your operation has been put right.

The traffic commissioner may also reduce the number of vehicles authorised or put conditions on your licence so that you can operate only certain types of vehicle (e.g. nothing larger than a minibus).

The traffic commissioner can also put conditions on your licence to control coaches carrying football supporters, setting out the times you may leave and arrive and what breaks in the journeys you may take. This is also covered by a voluntary code of practice.

The traffic commissioner can also impose a financial penalty for operating local services in an unreliable manner.

In most cases the traffic commissioner will ask you to come to an inquiry before any action against your licence is taken. If the traffic commissioner does not, you have the right to ask for an inquiry to be held.

In some cases, the traffic commissioner may take action immediately (e.g. in the interests of public safety) and the inquiry will be held later. You can be represented by a legal or professional adviser if you wish.

Appealing against a decision made by the traffic commissioner

You may appeal to the Transport Tribunal if the traffic commissioner takes regulatory action against your licence or imposes a condition.

If your licence has been revoked, suspended or had conditions placed on it, this starts on the date stipulated by the traffic commissioner.

You can ask the traffic commissioner to delay any decision pending appeal and if the traffic commissioner refuses, you can apply to the Transport Tribunal to make a special direction (called a 'stay') which will let you carry on as before until the appeal is heard.

The Transport Tribunal must reach a decision on this application for a stay within 14 days. Whatever they decide this will not affect the result of the appeal when it is heard.

A free booklet, *Appeals to the Transport Tribunal*, is available from the Transport Tribunal (address at Annex 11).

Applying for another licence when your licence has been revoked

You can apply for another licence if you have had one revoked but you should wait until you have put your affairs in order and can satisfy the traffic commissioner that you are now a suitable person to operate PSVs. You must declare all previous licences when making a new application.

Take note

The traffic commissioner has the power to disqualify anyone whose licence has been revoked from holding an operator's licence in that or any other traffic area indefinitely or for a specified period of time. If the disqualification applies to another traffic area, the licence will automatically be suspended from the date of the disqualification order.

A disqualification order may also stop you from operating in a partnership or being a director or major shareholder in any company that operates PSVs. Operator's licences held by partnerships or companies in which you are involved may also be revoked, but the traffic commissioner is likely to take such a severe step only where it is very clearly justified. You have a right of appeal to the Transport Tribunal against a disqualification order.

If, after a period of time, you feel your circumstances have improved, you may apply to the traffic commissioner to have the order cancelled or varied.

As described in section 2.8, the functions of the Transport Tribunal will be transferred into the new tribunals system during the next 12 months. New procedural rules will apply, and it is possible that some of the time limits might be changed. Further information can be obtained from the Tribunals Service at www.tribunals.gov.uk.

14. Where to get further information

Annex 10 lists various Acts of Parliament, regulations, guides and booklets that may answer your questions more fully.

For further information, you may also visit www.businesslink.gov.uk

If you need any more help or advice, please contact VOSA (see Annex 11).

The Confederation of Passenger Transport may also be able to help you.

If you are interested in operating local bus services you should get in touch with the appropriate local authority, or equivalent:

- for services in London – Transport for London;
- for services in the six English Metropolitan areas – the Passenger Transport Executive;
- for services in other parts of England or any part of Wales – the Transport Co-ordinating Office for the county/unitary authority; or
- for services in Scotland – the Transport Co-ordinating Officer for the relevant council.

Annex 1

Using a stretched limousine on an operator's licence

There has been an increase in the use of stretched limousines on our roads. Although different in appearance to traditional vehicles due to the body style, they are still classed as cars, minibuses, coaches or buses. All stretched limousine style vehicles need to be operated under a licensing system as it is a criminal offence to operate a vehicle for hire (i.e. to convey paying passengers in the course of a business, for payment or otherwise) without a licence.

The vast majority of stretched limousines used in Great Britain are imported from the USA. Legislation governing the construction and use of vehicles is significantly different in the USA and therefore these vehicles will need modifications (significant modifications in the case of larger vehicles) in order to be compliant with British requirements and suitable for hire.

Stretched limousines can be split into three separate groups based on the seating capacity. The vehicle type is set out in the European Community Whole Vehicle Type Approval (ECWVTA) framework directive and classes the vehicles as follows:

- M1 vehicles designed and constructed for carriage of passengers and comprising no more than eight seats in addition to the driver's seat;
- M2 vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes (essentially minibuses); and
- M3 vehicles designed and constructed for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding 5 tonnes (large coaches and buses).

The main purpose of type approval is to ensure that all vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads.

The classifications of the vehicle type will dictate the type approval and registration requirements that the vehicle will have to meet and also the licensing system that the vehicle must be operated under.

Limousines with more than eight passenger seats (M2 and M3)

Most of these large limousines were originally built in the USA and do not comply with British requirements for a vehicle of this passenger capacity. The main areas of non-compliance are the turning circle, size of emergency exit and lack of 'e-markings' on mirrors, seat belts, glass and lights to show compliance with European laws.

For vehicles with more than eight passenger seats there is no requirement for type approval or single vehicle approval (SVA) at present; however, the vehicles must meet the British requirements for use on the road. There is a requirement for the vehicle to have a Certificate of Initial Fitness (COIF) if it is to be used on the road to convey paying passengers as a PSV.

Once a vehicle has obtained the relevant COIF it can be licensed in exactly the same way as any traditional bus or coach.

Take note

It is essential if you are considering using a large limousine that it has been built and approved to full COIF standards, otherwise you will be committing an offence.

Limousines with up to eight passenger seats (M1)

Most of the small limousines were originally built in the USA and do not comply with British requirements for a vehicle of this passenger capacity. To become 'road legal' in Great Britain the vehicle must meet the ECWVTA standards or can be submitted to VOSA for single vehicle approval (SVA), which checks compliance with British construction requirements. Granting approval allows registration with DVLA. DVLA will refuse to register a vehicle without a type approval or SVA certificate.

Take note

It is essential if you are considering using an eight passenger seat limousine that it has been built and approved to ECWVTA or SVA standards, otherwise you will be committing an offence.

Limousines with up to eight passenger seats are normally operated as private hire vehicles (PHVs), which means they can be ordered by phone but not hailed in the street. The PHV rules do not require separate fares; a 15 mile rule; or a 'tours and excursions' exemption provision (see below). The basis on which limousines operate under a PHV licence is far less restrictive than a PSV operator's licence. PHV licences are administered outside London by the relevant local authority or in London by Transport for London (TfL), who have discretion on which vehicles they will license.

There is also the possibility of licensing limousines with traffic commissioners as small buses. Although the legislation was not intended to facilitate this, a traffic commissioner can grant a licence.

Where an operator intends to operate services using a stretched limousine as a small PSV, the traffic commissioner will require the following undertakings or conditions from the applicant, and these will be recorded on the licence.

You must keep to any such undertakings or conditions, or the traffic commissioner may take regulatory action against your licence. Examples of these are as follows:

- The operator will advise the traffic commissioner of the type and registration numbers of vehicles used under that licence, and will advise of any changes – section 20 (3) of the Public Passenger Vehicles Act 1981.
- The operator will send in the original V5 document to the traffic commissioner, and will not use any vehicle without prior written approval from the traffic commissioner.
- Each stretched limousine to be used under the licence will have a V5 registration book, and the operator must possess and produce when asked to do so a document confirming this.
- Each stretched limousine will receive a full safety inspection (maximum every 10 weeks) in premises suitable for the vehicle to ensure that its roadworthiness is maintained. Records of all inspections must be kept in accordance with the *Guide to Maintaining Roadworthiness*.
- At no time will the stretched limousine carry more than eight passengers.
- The operator will at all relevant times comply with the legislation in respect of charging separate fares and retain 12 months' evidence of this compliance for each journey.
- Drivers of a stretched limousine will carry with them documentary evidence that separate fares have been charged for the current journey.
- The operator will comply with sections 2 and 6 of the Transport Act 1985 with regard to local service registration and must be able to show compliance with these sections to VOSA, on request. This will include proof of payment of separate fares and either:

- proof that passengers have travelled more than 15 miles. This will usually be evidenced by showing postcodes; or
- proof that the service is an excursion or tour and falls outside the definition of a local service.
- The operator will not use a vehicle that does not meet the ECWVTA standards or British construction and use requirements.
- The operator will not use any vehicle where the traffic commissioner considers its use to constitute an illegal practice such as ‘dry hiring’ or purporting to operate under specious and irrelevant authority such as references to schedule 6 or section 6 (which usually refers to construction and use provisions to allow the driving of a vehicle for private use – as opposed to hire or reward), in an effort to circumvent the operator licensing requirements.
- If the operator seeks to use the ‘tours and excursions’ exemption to the 15 mile rule, again this should be evidenced and readily available to VOSA. This may be on the booking form. The limits of the ‘tours and excursions’ exemption will also be fully understood by the operator, for example it cannot be available for more than six weeks.
- The operator or driver will not break the alcohol laws.

Take note

Local authorities license the supply of alcohol and if alcohol is consumed in your vehicles, the relevant local authority must be satisfied that this is legal, otherwise your reputation as an operator will be called into question. The supply of alcohol as part of a package to provide a limousine service requires an alcohol licence or a criminal offence is committed.

Annex 2

Special restricted PSV operator's licences

This annex is for proprietors of licensed taxis and, with effect from spring 2009, private hire vehicles (PHVs) who want to use their vehicles to run a local bus service.

To be able to run a local bus service you must first be issued with a PSV operator's licence. Normally this would be a restricted or standard licence but holders of licensed taxis or private hire cars can apply for a special restricted operator's licence. This licence allows taxis and PHVs to be used to provide local bus services.

The application form is available from www.businesslink.gov.uk or from VOSA and on completion should be sent, with the relevant fee, to VOSA. No one can object to your application and the licence will be granted once the traffic commissioner has checked that you hold at least one taxi or PHV licence.

The licence covers you in perpetuity for all the taxis or PHVs for which you hold licences, as long as you pay the relevant fee to keep your licence in force. Although the number of vehicles you have may change during this time you will not need to change your special licence.

Rules

You must undertake to operate a local service, which must be registered with the traffic commissioner before you want it to start. If the service is to run in London then you will need a permit from Transport for London (TfL).

It must have at least one stopping place in the area of the district council that issued your taxi or PHV licence. Other stopping places can be in any other district.

Any vehicle you use under a special restricted licence must be a licensed taxi or PHV. When being used on a local service the vehicle must not be used to ply for exclusive hire, or pick up passengers waiting at taxi ranks. There must be a notice on the front of the vehicle with the word 'Bus' on it in letters at least 60mm high and showing the route, the destination or the kind of service you are running. You must also have a fare table on display in the vehicle so that passengers can check the fare for any journey, or how the fare is worked out.

The vehicle can be used to operate taxi or PHV services when it is not being used to provide a local bus service.

Once the service has been registered you are committed to running at the times you said it would and along the registered route.

Before registering you should read *A Guide to Local Bus Service Registration*, or for flexible bus services *A Guide to Flexible Local Bus Service Registrations*.

Local bus services (other than excursions and tours) are the only type of PSV operation you can undertake. You cannot run any other type of PSV service with your taxis or PHVs (e.g. an express service with stopping places more than 15 miles apart).

Driver licensing requirements

The driver must be a licensed taxi or PHV driver and should be licensed by the same district council as the vehicle. Drivers must not be used unless they also hold the appropriate taxi or PHV licence.

Other PSV operator's licences

In addition to holding a special licence you may apply for a restricted or standard licence.

A restricted licence will let you run two vehicles with up to eight passenger seats as PSVs (but not as taxis or PHVs) as well as your taxi(s). And if the bulk of your earnings will still be from taxi or PHV operation, you may be granted a restricted licence for two PSVs with up to 16 passenger seats.

Should you wish to operate larger vehicles or more than two vehicles then you will need to apply for a standard licence.

You should read the main part of this guide for more information.

Annex 3

Not-for-profit transport

Permit schemes

Some not-for-profit operators of small vehicles, minibuses and, in a few cases, larger buses are free from PSV operator licensing if they use their vehicle under permit. These permits let the holder carry fare-paying passengers in fairly restricted circumstances.

This annex gives only an outline of the subject. For more information please see the guide PSV 385 *Passenger Transport Provided by Not-for-profit Groups*.

There are two permit schemes:

- standard and large bus permits: issued under section 19 of the Transport Act 1985, as amended; and
- community bus permits: these are issued under section 22 of the Transport Act 1985, as amended.

Section 19 permits

Not-for-profit groups concerned with education, religion, social welfare, recreation (standard permits only) or other activities of benefit to the community can get permits. The standard permit is for a vehicle that can carry up to 16 passengers. These permits are issued either by traffic commissioners or designated bodies (local authorities, various national charities or church organisations etc). They allow the holder of the permit to carry members of the group (e.g. Scouts) or people whom the group aims to help (e.g. disabled people). The permit gives details of those who may use the vehicle but it must not be the general public.

Not-for-profit groups that act as ‘umbrella organisations’ for small bodies concerned with education, religion, social welfare or other

activities that benefit the community can get a large bus permit for vehicles with more than 16 passenger seats. You can get these only from the traffic commissioner, who must be satisfied that the group has adequate facilities or arrangements for maintaining the vehicles.

Permits do not allow a vehicle to be used with a view to making a profit, or to be used in connection with a profit-making activity. Permits are only valid for use in the UK.

Community bus permits

Community bus permits are meant for a different purpose. They are issued to groups that want to run a local bus service on a non-profit basis.

Unlike section 19 permit vehicles, community buses can carry the general public, and their main use is to give the public a local bus service (which must be registered with the traffic commissioner). Permits are issued by the traffic commissioner who can, at their discretion, allow the operator to use the vehicle for non-local services (e.g. contract hire) that help to give financial backing to the local operation. Community bus operators have to run their local services just as reliably as professional operators. The traffic commissioner must also be satisfied that their maintenance facilities or arrangements are adequate. The traffic commissioner can revoke the permit if standards are not maintained.

From 6 April 2009, newly issued permits can authorise the use of any vehicle (COIF-compliant where necessary) with more than nine passenger seats, but the traffic commissioner may attach a condition preventing the use of vehicles with more than 16 seats unless they are satisfied that appropriate maintenance facilities or arrangements are in place.

Annex 4

Transport managers

A professionally competent person must be in charge of running your business. This person can be you or a transport manager you employ (the person does not have to be part of your full-time staff but must have and be able to demonstrate continuous and effective control of the transport operations). The business may employ more than one transport manager. The professionally competent person must also be of good repute.

A person can be professionally competent for national operations only, or for both national and international operations. If the transport manager has professional competence for national operations only, you should apply for a standard national licence. If they have professional competence for both national and international operations you can apply for a standard international licence.

Professional competence can be claimed in one of the three following ways.

1. On grounds of experience as a PSV operator or transport manager – but only if this experience began before 1 January 1978 and was gained:
 - a) at any time in the period 1 January 1970 to 31 December 1974; or
 - b) over a period or periods that add up to at least two years between 1 January 1975 and 31 December 1979.
2. By passing the examination for a Certificate of Professional Competence (CPC) for national and/or international road passenger transport operations as set by the OCR Examinations Board (formerly the Royal Society of the Arts (RSA)). Details of the examination dates, test and study centres and details on the syllabus are available from the OCR Examinations Board, Westwood Way, Coventry CV4 8HS (tel: 02476 470033).

3. By holding certain professional qualifications given by one of the following groups:

For national and international operations:

- Fellow (FCILT) or Chartered Member (CMILT) of the Chartered Institute of Logistics and Transport by examination and/or formal accreditation in road passenger transport, on production of the exemption certificate issued by the Institute;
- Member or Associate Member of the Institute of Road Transport Engineers;
- holder of the Institute of Logistics and Transport Certificate in Logistics and Transport with an endorsement in road passenger transport, on production of the exemption certificate issued by the Institute; or
- Associate of the Institute of Transport Administration by examination.

For national operations only:

- holder of the Royal Society of Arts Certificate in Road Passenger Transport. This certificate exempts you from the CPC only if it was obtained after May 1984.
- Member (MILT) of the Chartered Institute of Logistics and Transport by examination and/or formal accreditation in road passenger transport, on production of the exemption certificate issued by the Institute;
- Associate of the Institute of Road Transport Engineers (by examination); or
- holder of the Institute of Logistics and Transport Certificate in Logistics and Transport with an endorsement in passenger transport coordination, on production of the exemption certificate issued by the Institute.

Annex 5

Relevant convictions

Rules for public service vehicle operators and their staff

This annex concerns all those who either hold a PSV operator’s licence, or who are in the process of applying for one, including persons in partnership and those acting on behalf of a company. It aims to summarise what the relevant convictions are, and when they should be reported.

Section 19 of the Public Passenger Vehicles Act 1981 requires those who hold a PSV operator’s licence to report certain convictions of themselves and those who work for them to the traffic commissioner. It places a similar requirement on those who are applying for a PSV operator’s licence. Convictions that have to be notified are known as relevant convictions.

In assessing whether an operator or applicant meets the requirement to be of ‘good repute’, the traffic commissioner shall take account of any relevant evidence; and in particular must consider relevant convictions. How much weight the traffic commissioner gives to each conviction will depend on the seriousness of the offence, and the extent to which it reflects on the operator’s (or applicant’s) fitness to manage a passenger transport business.

Convictions

The convictions fall into two broad categories:

1. Convictions for serious offences

Where a sentence of imprisonment for a term exceeding three months, a fine exceeding level 4 on the standard scale or a community service order for more than 60 hours was imposed.

2. Convictions for offences concerning the use of PSVs and the licensing requirements for their operators and drivers

The offences include, but are not limited to:

- PSV operator licensing offences;
- contraventions of vehicle fitness/excise/insurance requirements;
- driving and traffic offences;
- offences relating to drivers’ hours and records; and
- offences relating to bus service operators’ grants.

Spent convictions

For this purpose, spent convictions include findings of guilt. Even if a conviction has occurred, it should not be reported if it has become a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974. As a starting point, a conviction resulting in a fine becomes spent after five years unless, in certain circumstances, the offender is convicted of a further offence during that period. For example, if you have fines imposed every four years for 20 years, all convictions are current. If in doubt, declare a conviction. The traffic commissioner will then consider each case on its merits.

For offenders who are under 17 at the time of the conviction (finding of guilt), there are different rules.

Foreign convictions

If a conviction has been imposed by a court outside Great Britain (including a Northern Ireland court) it will be relevant, and should be reported.

In what circumstances must relevant convictions be reported?

You will be asked when you apply for a PSV operator's licence to list all the relevant convictions over the last five years (excluding spent convictions) of:

- yourself (or any company on whose behalf you are applying);
- the person you propose to engage as your transport manager; and
- any employee or agent of yours.

These details must be given on your application form.

If in the period when your application is being considered, a relevant conviction of any of these persons occurs, you must report it immediately to the traffic commissioner to whom you have applied.

If you are the holder of a PSV operator's licence, you must continue to report relevant convictions throughout the currency of the licence as follows:

- those of yourself (or any company holding the licence) within 28 days of the conviction;
- those of the transport manager, if they concern offences committed in the course of your PSV business, within 28 days of the conviction; and
- those of any other officer, employee or agent, if they concern offences committed in the course of your PSV business, within 28 days of their coming to your knowledge.

If you have any relevant convictions, you must report them even if they occurred in the course of a business other than the one for which you hold or are seeking a licence. In the case of your proposed transport manager you should, on application if so requested, report all relevant convictions, including those incurred outside your own business. Thereafter you need report only

those incurred by the transport manager in your business as a road passenger transport operator.

You are not required to report convictions incurred by your other employees outside your passenger transport business (e.g. in previous jobs, or in any different business). But you should bear in mind that any misconduct by an operator or employee may put the operator’s good reputation at risk, even if it does not amount to a relevant conviction.

Take note

There is also a separate requirement to report convictions on an application for a passenger-carrying vehicle driver’s licence.

Partnerships and limited companies or a limited company

When persons in partnership apply for, or hold, a PSV operator’s licence, every one of the partners and directors must meet the requirement of ‘good reputation’, so the relevant convictions of each person must be notified as if they were the operator.

Annex 6

Maintenance arrangements

VOSA attaches great importance to proper maintenance, and has produced a guide entitled *Guide to Maintaining Roadworthiness: Commercial Goods and Passenger Carrying Vehicles* jointly with the Confederation of Passenger Transport, Freight Transport Association and Road Haulage Association. The guide can be downloaded from the website at www.businesslink.gov.uk

A summary of the guide is reproduced below.

Summary of *Guide to Maintaining Roadworthiness: Commercial Goods and Passenger Carrying Vehicles*

1. A daily walkaround check must be undertaken by a responsible person before a vehicle is used.
2. First-use inspections are essential for operators who lease, hire or borrow vehicles, including trailers, from other people. Inspections wherever vehicles and trailers have been off the road for some time are essential.
3. Drivers must be able to report promptly any defects or symptoms of defects that could adversely affect the safe operation of vehicles. Reports must be made in writing and provision should be made to record details of any rectification work done.
4. Drivers' defect reports that record any faults must be kept for at least 15 months.
5. Operators must ensure that checks are made regularly of items that affect roadworthiness.
6. Safety inspections must include those items covered by the appropriate Department for Transport annual test.
7. Safety inspections should be pre-planned preferably using a time-based programme.
8. The system of safety inspections must be regularly monitored particularly in the early stages.
9. Any remedial work carried out arising from safety inspections must be the subject of a written record.
10. The safety inspection report must include:
 - vehicle details;
 - a list of all items to be inspected;
 - when and by whom the inspections are carried out;
 - the result of the inspection;
 - details of any rectification work; and
 - a declaration that defects have been rectified satisfactorily.
11. On some types of vehicle and operations, intermediate safety checks may be necessary.
12. Records of safety inspections must be kept for at least 15 months.
13. Staff carrying out safety inspections must be competent to assess the significance of defects. Assistance must be available to operate the vehicle controls as necessary.
14. There must be a system to ensure that unroadworthy vehicles are removed from service.

15. Operators who undertake their own safety inspections must have adequate facilities and tools available. They must be appropriate to the size of fleet and type of vehicle operated.
16. Operators should have access to a means of measuring brake efficiency, setting headlamp aim and measuring exhaust emissions.
17. An operator is responsible for the condition of vehicles inspected and/or maintained by their agents, contractors or hire companies (this includes trailers).
18. Operators who contract out their safety inspections must draw up, and have approved, a formal written contract with an inspection agency or garage. Such operators must have a means of regularly monitoring the quality of work produced for them.
19. The dates when safety inspections are due must be the subject of forward planning.
20. A maintenance planner or wall chart should be used to identify dates at least six months in advance of when safety inspections are due.
21. Any system of maintaining roadworthiness must be effectively and continually monitored.
22. Any change by licensed operators to arrangements for safety inspections must be notified to VOSA without delay.
23. Drivers must be given clear written instructions about their responsibilities.

Annex 7

Monitoring procedures and systems

The table below provides a summary of best practice advice on the procedures and systems to put in place in order to comply with the law.

As an operator, it is your responsibility to put proper arrangements in place to make sure that, where relevant, each vehicle and driver complies with all the items listed below.

We recommend that each item in the list has a related procedure for checking the standard of compliance and a system for immediately acting on any non-compliance.

It is important to have a system for immediate action so that the situation can be corrected, procedures can be introduced for training, and control measures can be introduced to prevent non-compliance happening again. You must make sure that vehicles are operated as safely as possible. There is little point in having a good monitoring system in place if faults and bad behaviour (minor or serious) are seen and acknowledged but just allowed to continue.

All monitoring systems should make sure that you or the responsible manager are aware of all critical dates for mandatory and safety checks on vehicles and components.¹

Items to be monitored	Action or information available
Tachographs	When installed and when last calibrated, check for malfunction or repairs needed.
Speed limiters	When fitted or repaired, check for malfunction.
Record keeping	Issue, return, check/analyse, store/file tachograph charts or manual record books and/or duty rosters and timetables. Download, store and analyse digital data from driver smart cards and digital tachographs. Ensure that adequate numbers of company cards are available to manage and download data on digital tachographs.
Drivers	Check driving licence, Driver Certificate of Professional Competence, driver smart cards, training, scheduling of duties and rotas, hours of work, record keeping and control measures around non-compliance.
COIF, Testing	Check dates and details of MOTs, accuracy of vehicle approval information and storage of current certificates.
Insurance	Check extent and relevance of cover, and check dates of expiry for each vehicle.
Vehicle Excise Duty	Check correct duty paid and Vehicle Excise Licence clearly displayed on each vehicle. Check Reduced Pollution Certificates.
Carrying passengers	Check that you comply with vehicle weight limits. Ensure vehicle specification safely meets passenger safety needs (e.g. Disability Discrimination Act or other requirements).
Operator licensing (authorisation and discs)	Update authorisation and specification of current vehicles. Monitor PSV licence discs on vehicles in service or being used to carry passengers. Check that all sub-contracted operators hold an operator's licence.
Vehicle condition and maintenance records	Complete records of safety maintenance inspections and repairs should be retained to demonstrate that the vehicles have been kept in a roadworthy condition. This is equally important when the maintenance is contracted out.

¹ The sample planner chart in VOSA's *Guide to Maintaining Roadworthiness* can be adapted for this purpose.

Annex 8

Running local bus services

A local service is one where passengers are carried at separate fares over short distances. The route can be of any overall length, as long as throughout its length passengers can get off within 15 miles (24.15 km) (measured in a straight line) of the place at which they were picked up.

Separate fares

A separate fare is where each passenger makes a separate payment to the driver, conductor or an agent to use the service. The passengers may pay as they get on the bus, or they may buy tickets in advance, have season tickets or use concessionary passes. Payment can also be by some indirect means, e.g. a concert ticket that includes travel.

Registrations

A registration is a notice of the local bus service you want to operate. To register a service outside London you must give the traffic commissioner a full description of the service you will be running. The following groups can register local bus services:

- anyone who holds a valid PSV operator's licence (provided there are no restrictions placed upon it);
- holders of community bus permits can register a community bus service;
- local education authorities can register a school bus service provided by their own vehicles;
- licensed taxi or private hire operators who hold a special restricted PSV operator's licence.

Further advice on eligibility and how to register bus services can be found in the guidebook PSV 353A for England and Wales and PSV

353A (Scotland) for Scotland entitled *Local Bus Service Registration*. Contact VOSA for further advice.

Standards for local bus services

It should be the overriding aim of operators to run their registered services to their published times. The traffic commissioners are the regulators of local bus services in their areas and have the power to take action against operators who fail to run their services in accordance with the registered particulars.

These powers can include the imposition of financial penalties, removing existing registrations or preventing operators from registering new services. As the impact of this type of action could significantly affect their business, operators are advised to ensure that service reliability is given equal importance to other aspects of their operation. Operators should audit their own performance against schedules and service reliability issues should be reported on at board meetings.

Traffic commissioners have set a target whereby 95% of services should depart from stated timing points within the bracket of up to one minute early and up to five minutes late. Traffic commissioners expect 95% of services to arrive at the final destination point no more than five minutes late.

While accepting that there will be short-term difficulties that may cause delays, traffic commissioners believe that operators must construct their timetables to take account of known peaks of congestion and other factors.

An operator will always have the opportunity to persuade a traffic commissioner that there was a 'reasonable excuse' for a bus failing to run to its registered timetable but the traffic commissioner will be particularly interested in patterns of timekeeping and whether the operator has taken all reasonable steps to ensure that buses run to their published times.

Annex 9

VOSA Examiners (authorisation and powers)

1. Warrants are issued by the Secretary of State for Transport to:

- Traffic Examiners (TEs) who tend to concentrate on driver documentation such as tachograph charts, driver's and operator's licences or other vehicle documentation such as plating and testing or insurance certificates; and
- Vehicle Examiners (VEs) who primarily concentrate on vehicle condition, inspection systems and maintenance records.

2. The warrant authorises an Examiner to:

- inspect any goods or passenger carrying vehicle and, for that purpose, detain the vehicle for as long as it takes to carry out the inspection. An Examiner may issue a prohibition notice to a defective vehicle which will be in accordance with VOSA's published Categorisation of Defects;
- prohibit a vehicle if the driver has contravened drivers' hours or record keeping regulations;
- ask the driver to divert up to five miles and to direct the vehicle to a suitable place of inspection or weighing;
- in certain circumstances (i.e. when a vehicle is being used by a known unlicensed operator), confiscate and impound the vehicle and its load;
- at any time that is reasonable given the circumstances, enter any premises on which the Examiner has reason to believe that a goods or public service vehicle is kept and inspect that vehicle;
- investigate an operator's vehicle inspection and maintenance system, including the engineering facilities and vehicle maintenance records;
- inspect tachograph charts, drivers' records such as driver's licences and drivers' hours related documents (e.g. payment records), and remove those items where an offence is suspected;
- instigate, on behalf of VOSA and the Secretary of State for Transport, prosecution proceedings in a magistrates' court; and
- issue drivers with the offer of a fixed penalty for certain offences.



Annex 10

Legislation and other useful information

These Acts (and their corresponding regulations) should be read in conjunction with one another. The 1981 Act is the primary legislation for PSV operator licensing, but it has been amended by several sections of subsequent Acts:

- Public Passenger Vehicles Act 1981
- Transport Act 1985
- Transport Act 2000
- Transport (Scotland) Act 2001
- Disability Discrimination Act 1995
- Deregulation and Contracting Out Act 1994
- Local Transport Act 2008.

The relevant legislation may be found at www.opsi.gov.uk

Guides and leaflets

You can obtain the following from VOSA:

- *The Safe Operator's Guide*
- *Guide to Maintaining Roadworthiness*
- *Drivers' Hours Rules for Road Passenger Vehicles*
- *A Guide to Local Bus Service Registration* – PSV 353A
- *A Guide to Flexible Local Bus Service Registrations.*

PSV operator licensing forms

PSV 356: Application for a special restricted PSV operator's licence (fee payable with application).

PSV 421: Application form for standard or restricted operator's licence (fee payable with application).

PSV 421A: Supplementary form for detailing vehicles to be used under the licence.

PSV 421F: Supplementary form requesting financial information in support of licence application.

PSV 430: Form to notify change of vehicle registration numbers.

PSV 431: Application for chargeable variations to a PSV operator's licence.

PSV 431A: Application for non-chargeable variations to a PSV operator's licence.

Annex 11

Useful contacts

All correspondence relating to operator licensing and permits should be addressed to:

Central Licensing Unit, Hillcrest House, 386 Harehills Lane, Leeds LS9 6NF

Tel: 0300 123 9000

Self.Service@vosa.gov.uk

The table below shows the coverage of the different traffic areas and the addresses for the local Office of the Traffic Commissioner. Only correspondence relating to public inquiries should be sent to the local Office of the Traffic Commissioner.

Traffic area	Responsible for	Office of the Traffic Commissioner
North Eastern	The Metropolitan Boroughs within South Yorkshire, Tyne and Wear and West Yorkshire. The Counties of Durham, Northumberland, Nottinghamshire and North Yorkshire. The Districts of Darlington, East Riding of Yorkshire, Hartlepool, Kingston upon Hull, Middlesbrough, North Lincolnshire, North East Lincolnshire, Nottingham, Redcar and Cleveland, Stockton-on-Tees and York	Hillcrest House 386 Harehills Lane Leeds LS9 6NF
North Western	The Metropolitan Boroughs within Greater Manchester and Merseyside. The Counties of Cheshire, Cumbria, Derbyshire and Lancashire. The Districts of Blackburn with Darwen, Blackpool, Derby City, Halton and Warrington	Suites 4–6 Stone Cross Place Stone Cross Lane North Golborne Warrington WA3 2SH
Eastern	The Counties of Bedfordshire, Buckinghamshire, Cambridgeshire, Hertfordshire, Essex, Leicestershire, Lincolnshire (except the Districts of North Lincolnshire and North East Lincolnshire), Norfolk, Northamptonshire and Suffolk. The Districts of Leicester, Luton, Milton Keynes, Peterborough, Rutland, Southend-on-Sea and Thurrock	City House 126–130 Hills Road Cambridge CB2 1NP

Traffic area	Responsible for	Office of the Traffic Commissioner
West Midland	The Metropolitan Boroughs within the West Midlands. The Counties of Shropshire, Staffordshire, Warwickshire and Worcestershire. The Districts of Herefordshire, Stoke-on-Trent and Telford and Wrekin	38 George Road Edgbaston Birmingham B15 1PL
Welsh (Cymru)	Wales (Cymru)	38 George Road Edgbaston Birmingham B15 1PL
Western	The Counties of Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Oxfordshire, Somerset and Wiltshire. The Districts of Bath and North East Somerset, Bournemouth, Bracknell Forest, Bristol, Isle of Wight, North Somerset, Plymouth, Poole, Portsmouth, Reading, Slough, Southampton, South Gloucestershire, Swindon, Torbay, West Berkshire, Windsor and Maidenhead and Wokingham	2 Rivergate Temple Quay Bristol BS1 6EH
South Eastern and Metropolitan	The Counties of Kent, Surrey, East Sussex and West Sussex. The Districts of Brighton and Hove, the Medway Towns	Ivy House 3 Ivy Terrace Eastbourne BN21 4QT
Scottish	Scotland	Level 6 The Stamp Office Waterloo Place Edinburgh EH1 3EG

Other useful contact details

VOSA	<p>Berkeley House Croydon Street Bristol BS5 0DA</p> <p>Tel: 0300 123 9000 www.businesslink.gov.uk Self.Service@vosa.gov.uk</p>
The Transport Tribunal	<p>11th Floor Cardinal Tower 12 Farringdon Road London EC1M 3HS</p> <p>Tel: 020 7549 4620 Fax: 020 7549 4866</p>
Confederation of Passenger Transport	<p>3rd Floor Drury House 34–43 Russell Street London WC2B 5HA</p> <p>Tel: 020 7240 3131 Fax: 020 7240 6565</p>
Bus Service Operator's Grant (BSOG)	<p>F14 Ashdown House Sedlescombe Road North St Leonards-on-Sea East Sussex TW37 7GA</p> <p>Tel: 020 7944 8588 FDR@dft.gsi.gov.uk</p>
Freight Transport Association	<p>St John's Road Tunbridge Wells Kent TN4 9UZ</p> <p>Tel: 01892 526171 Fax: 01892 534989</p>

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