



South Yorkshire Passenger
Transport Executive

30th January 2009

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Mr M Tyler
Dft

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INVESTOR IN PEOPLE



CUSTOMER SERVICE EXCELLENCE



Dear Matt

Re: Tribunal Service Consultation on Changes to the Transport Tribunal

I refer to the Tribunal Service letter of 15th January 2009, and in particular the request for any initial thoughts on the level of the Tribunal any appeals to an LTA decision to make a QCS should go to.

As you will be aware, *pteg* believes that any such appeal should go to the Upper Tribunal only. We are concerned to ensure that the appeals process is not unduly delayed, particularly as, by that time, the LTA will probably have commenced the invitation to tender stage (the 2008 Act specifically allows for such a step to proceed during the appeal process, (see clause 27 of the 2008 Act). Further, any delay in dealing with appeals could have a detrimental impact on bus services in an area subject to a disputed QCS due to incumbent operators not investing during that period.

There is also significant protection without two Tribunal levels. By the time any appeal gets to the Tribunal the Scheme will already have been scrutinized by the QCS Board and their position in respect of the LTA scheme will have been published together with a response by the LTA and as we understand it, even after the matter has been dealt with by the Tribunal, there would be a right of appeal to the Court of Appeal. In addition, having only one tier of appeal in the Tribunal system mirrors, to an extent, what would have happened had the LTA's decision been susceptible to judicial review, in such a case any judicial review would have been heard in the High Court with that decision being open to appeal, to the Court of Appeal. It is right that there should be a role for a Tribunal in ensuring that a Local Transport Authority has followed due process in reaching a decision on a QCS and to provide for a degree of independent scrutiny of decisions which might have adverse implications for those affected. However, to have two tiers of Tribunal would be excessive and would risk tipping the balance of the determination of a QCS service away from locally accountable transport authorities and towards non-accountable bodies. We believe that this would not reflect the will or intent of Parliament in the Local Transport Act on the importance of the local determination of Quality Contract Schemes

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Travel South Yorkshire partnership, delivering the county's public transport network.

Please contact me if you require any further information in respect of this issue.

Kind regards

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line that ends in a small loop.

**S C DAVENPORT
ON BEHALF OF PTEG**