

STATES OF JERSEY

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DRIVER AND VEHICLE STANDARDS: PROPOSED TRANSFER TO TRANSPORT AND TECHNICAL SERVICES

**Lodged au Greffe on 6th September 2005
by the Policy and Resources Committee**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to refer to their Act dated 6th July 2005, in which *inter alia* they agreed that following the introduction of the ministerial system there should be a Minister for Transport and Technical Services, and –

to agree that political responsibility for the Driver and Vehicle Standards Department, and the functions undertaken by that Department, should be transferred from the Home Affairs Minister to the Transport and Technical Services Minister.

POLICY AND RESOURCES COMMITTEE

REPORT

1. Introduction

- 1.1 Following a States' debate in July 2005, discussions have taken place on whether there should be any transfer of responsibility for Driver and Vehicle Standards following the introduction of the ministerial system. Having reviewed this matter with the Home Affairs and Environment and Public Services Committees, the Policy and Resources Committee is recommending that political and operational responsibility for Driver and Vehicle Standards should be transferred from Home Affairs to Transport and Technical Services.

2. Background

- 2.1 On 6th July 2005 the States approved a report and proposition of the Policy and Resources Committee on 'Environment and Public Services: Establishment of Ministers and Departments' (P.120/2005). In adopting this proposition, the States agreed that –
- (a) responsibility for on-Island transport policy should rest with a single minister ('*Transport and Technical Services*'); and
 - (b) the name of the Minister/Department for 'Environment' should be changed to '*Planning and Environment*', and the Minister/Department for 'Public Services' to '*Transport and Technical Services*'.
- 2.2 In the report accompanying P.120/2005 the Policy and Resources Committee referred to the Driver and Vehicle Standards Department in the following terms –

'Responsibility for the Driver and Vehicle Standards Department (DVS) currently rests with the Home Affairs Committee, and it is suggested that discussions should take place with that Committee in order to establish whether there should be any changes in this respect. Any specific proposals arising from these discussions can be brought forward for consideration by the States in due course, following the introduction of the ministerial system.' (paragraph 3.6)

- 2.3 The proposition P.120/2005 was the subject of an amendment of the Environment and Public Services Committee in which it was proposed that '*political responsibility for the Driver and Vehicle Standards Department and the functions undertaken by that Department*' should be transferred from Home Affairs to Transport and Technical Services. However, this amendment was withdrawn for procedural reasons by the Environment and Public Services Committee at the beginning of the debate on P.120/2005.
- 2.4 During the States' debate on P.120/2005, the Policy and Resources Committee confirmed that it would be willing to examine the subject of responsibility for DVS in more detail, and stated that it would report back to the States at an early opportunity.

3. Responsibility for Driver and Vehicle Standards

- 3.1 Following on from the States' decision on 6th July, discussions have taken place at officer level to consider the arguments for and against the possible transfer of Driver and Vehicle Standards. These discussions have involved officers from Home Affairs (including DVS), Environment and Public Services, and Policy and Resources, and they have made the following recommendations –
- that the functions of Driver and Vehicle Standards fit well together and they should be maintained as a single entity; and
 - that the Driver and Vehicle Standards Department should be transferred from Home Affairs to Transport and Technical Services.

3.2 The views of the officer group were forwarded on to the Home Affairs and Environment and Public Services Committees, and both committees have supported these recommendations.

3.3 The Policy and Resources Committee also agrees with these recommendations, and believes that there are good reasons to support the proposed transfer. In particular, the Committee believes that a transfer would bring the following benefits –

- **Clarity of responsibility** – The Transport and Technical Services Minister/Department will have a designated responsibility for on-Island transport policy. This will include such areas as traffic management and planning, main roads maintenance, and car parking.

Given that the work of DVS is centred entirely on on-Island transport matters, it is considered that it would be both desirable and logical for it to come under the umbrella of Transport and Technical Services. This arrangement would be very much in line with one of the key principles in P.70/2002 ('Machinery of Government: Proposed Departmental Structure and Transitional Arrangements'), i.e. that there should be '*clear accountability, at ministerial level, for defined functions and areas of public service as perceived by the community at large*'.

- **Practical benefits** – There are significant practical benefits to be derived from DVS moving to the Transport and Technical Services Department. This department includes services where officers already have an expertise in technical and transport matters, including traffic engineers. There will be ample opportunities for internal cross-departmental working, and this will allow technical specialists to work together when developing new policies.

Synergy – There is a close synergy between the DVS regulatory policies, which relate to transport safety and matters such as width restrictions on vehicles, and the responsibilities of the highways authority in respect of safety and the free flow of traffic.

3.4 The argument has been made that Driver and Vehicle Standards should remain within Home Affairs because much of its work is regulatory in nature, and is therefore similar in nature to the policing and enforcement work that is carried out by the States of Jersey Police. The Policy and Resources Committee does not believe this argument to be persuasive, and in this connection it is worth noting that Home Affairs is not the only department in the States that to carry out regulatory and enforcement work. Indeed, there are several departments that have significant responsibilities in this area, e.g. the Housing Department in relation to the Housing and Lodging Houses Laws, and the Employment and Social Security Department in relation to laws on benefits and contributions. There are also successful arrangements in place for the regulation of functions within the same department, the most notable being the responsibility of Health and Social Services for regulating standards in nursing homes and hospitals.

3.5 It is important, of course, that there should be a good working relationship between Driver and Vehicle Standards and the Police, but this is already in place and it is not considered that it will be affected by a move from Home Affairs to Transport and Technical Services.

3.6 In reviewing the regulatory aspects of the work of Driver and Vehicle Standards, consideration has been given to the need to maintain an appropriate separation of regulatory and operational functions. The Committee believes that it is important to avoid any conflicts of interest between the regulator (in this case, DVS) and the operator in the event of a transfer to Transport and Technical Services. The prime area of concern relates to the arrangements for dealing with serious defects, incidents, or prosecutions involving States-owned vehicles. In such circumstances it is proposed that cases should be referred by DVS directly to the Law Officers, without the involvement of the Chief Officer of the Transport and Technical Services Department, nor of the Chief Executive of the Council of Ministers.

3.7 The other main issue for consideration by the Committee has been whether it would be desirable to separate out one or more of the functions of the Driver and Vehicle Standards Department. The

Committee has reviewed the Department's main functions, and a list of these functions is attached for information in the Appendix to this report. It will be seen that the responsibilities of the department are inter-related, with there being a natural link between vehicle registrations, vehicle inspections, driving tests, etc. In the Committee's view, it would be counter-productive to start separating out these responsibilities, especially as this could affect the quality of service to the public. It is therefore proposed that the DVS department should remain as a single entity.

4. Recommendation and implementation

4.1 The Policy and Resources Committee recommends that political and operational responsibility for the Driver and Vehicle Standards Department should be transferred from Home Affairs to the Transport and Technical Services Minister.

4.2 Subject to approval by the States, the transfer of Driver and Vehicle Standards will require a significant number of consequential amendments to legislation. It is unlikely that there will be sufficient time to prepare and obtain States' approval to these amendments before the ministerial system comes into effect at the beginning of December, and it is therefore proposed that the legislative changes should be submitted for approval by the States early next year. The transfer of DVS from Home Affairs to Transport and Technical Services can then take immediate effect.

5. Financial and manpower implications

5.1 The financial and manpower implications of this proposition are not considered to be significant.

DVS MAIN FUNCTIONS**1. DRIVING EXAMINERS**Driving Tests

- Conduct Practical Tests – 2,800
- Conduct Island Knowledge Tests for Public Service Vehicle Licence applicants

2. VEHICLE REGISTRATION/GENERAL OFFICEVehicle Registration

- Register Motor Vehicles imported to Jersey – 8,500
- Transfer Ownership of Vehicles – 24,150
- Remove scrapped vehicles from register – 3,200
- Remove exported vehicles from register and issue Certificates of Export – 5,300
- Record changes of name and addresses on register – 6,000
- Record changes to vehicle details on register – 250
- Issue Trade Plates
- Deal with all vehicle registration enquires – phone, counter and post
- In addition to above we collect £4m in Vehicle Registration Duty on behalf of Customs
- Prosecute those who fail to notify change of ownership of vehicles

Driving Tests

- Book Theory Test appointments – 3,000 (balance booked on line)
- Book Practical Test appointments – 2,300 (balance booked on line)
- Invigilate the 3,800 Theory Tests

Public Service Vehicles

- Issue PSV Drivers' Licences – 850
- Issue PSV Vehicle Certificates of Fitness – 524

3. TRAFFIC OFFICERSVehicle Inspections

- Examine vehicles on behalf of States and Honorary Police – accidents, defects – 280 and produce reports for evidence. Act as witnesses if required
- Inspect previously registered vehicles prior to re-registration in Jersey (probity and condition) – 1,120
- Inspect vehicles not having type approval prior to registration – 30
- Inspect vehicles over 25 years of age prior to registration – 45
- Inspect, annually, all Public Service Vehicles to ascertain their fitness – 524
- Inspect all oversized vehicles for fitness and issue permanent permits to circulate – 476
- Issue temporary permits for oversized visiting vehicles – 460
- Deal with all technical enquires re above – phone, counter and post.

Roadside Checks

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- In conjunction with States and Honorary Police conduct 30 roadside checks per year, stopping 6,400 vehicles, issuing 375 defect notices and impounding 16 vehicles.

4. LEGAL

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- In addition to the above specifics, The Department acts as –
- The Jersey Driving Licence Authority in domestic, national and international matters
- Jersey's vehicle registration authority in domestic, national and international matters
- The advisers to the Home Affairs Committee in relation to the policy re the Public Service Vehicle industry
- The enactor of legislation in relation to road closures in respect of races.

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