



Traffic Commissioners  
for Great Britain

# Annual Report to the Secretary of State 2022-23



# **Traffic Commissioners for Great Britain: Annual Report to the Secretary of State 2022-2023**

(For the year ending 31 March 2023)

Annual report presented to the Secretary of State pursuant to Section 55 of the Public Passenger Vehicles Act 1981.

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Transparency Data: Information relating to the salaries, spending, gifts and hospitality of traffic commissioners is published on [GOV.UK](https://www.gov.uk).

# Foreword by the Senior Traffic Commissioner

## Introduction 2023

As the recent Ministry of Justice review records: the passenger and goods vehicle industries (directly employing more than half a million people) receive the benefit of a licensing authority, first-tier tribunal, and general regulator for the cost of the Traffic Commissioner function. The Minister's commendation of the Traffic Commissioners, the staff in the OTC, and our delivery partners is most welcome. It recognises that we continue to work on strengthening delivery of services, and the willingness of my colleagues to improve outcomes for the industry and the public.

It is a privilege to serve the communities of Great Britain and to make a contribution to the safety of road users. I make no apologies for the length of this report, which is the culmination of the hard work of my colleagues over the last three years. The review has identified the current workload, which involves a balancing of licensing, compliance, education, and industry engagement, all the while aligning activities with the principles of better regulation.

The legal expertise of the traffic commissioners and their officers was recognised during the introduction of the mobility package regulations. This is a further indication of the effectiveness of the working relationship with our sponsoring Department. I am pleased that the DfT website lists Traffic Commissioners as the Department's only tribunal and, in doing so, recognises the additional attention required to protect the fairness of proceedings.

Our work can often be mischaracterised as a form of sentencing exercise rather than a forward-look at the ability of the business to ensure safety and compliance. As with any tribunal, we can only take decisions based on robust evidence. This Annual Report provides several examples of Commissioners working with DVSA (the agency charged with supporting this tribunal). We continue to look for ways of improving the evidence available to us and continue to reach out to other enforcement bodies. In doing so we are continuing our work to target guidance and to make it more accessible, particularly with representatives of industries where transport is not the primary activity.

It has been over 10 years since work started on professionalising the jurisdiction, moving it towards consistent decision-making within published parameters, reflecting wider societal interests. We have continued to update that regulatory advice which provides Traffic Commissioners with the tools to identify a proportionate disposal.

The STC role has been described as a blend of responsibilities which in more standard Arms-Length Bodies would ordinarily relate to an ALB Chair and Chief Executive, but also includes a role as tribunal judge and a Chamber President. The review has identified a strong case to establish a President of the traffic commissioner tribunal. I look forward to working with officials on a renewed strategic vision for the jurisdiction, which clearly defines the remit of DfT, DVSA and the Traffic Commissioner functions, whilst ensuring the unique position of Traffic Commissioners to take judicial decisions.

The proportionality principle has been tested during the last year. The Court of Appeal was invited to consider whether a tariff system was required. Those arguing on behalf of the Secretary of State were able to point to the established guidance, which forms the basis of Traffic Commissioner induction and Bench training. Another legal challenge would have limited

the ability of Traffic Commissioners to take account of assurances given by operators. It risked a position where actions which point away from revocation would have to be ignored. In updating the guidance, I have sought to apply the case law in a way which ensures the proportionality of future decisions.

The Senior Traffic Commissioner role must now evolve to allow for additional judicial leadership and direction. The Statutory Documents have brought greater clarity on the law and legal process, helping to deliver transparency. There is a need to adopt an overriding objective which is suited to these inquisitorial proceedings, but which delivers decisions justly and expeditiously, in the interests of justice. We have started to identify how digital services might be extended into the tribunal environment, building on the lessons learned over the last three years. This will better equip us to ensure value for money in the use of time and resources, whilst dealing with each case in a way which is proportionate to the nature and scale of the breaches, the complexity of the issues and the likely directions.

If the Traffic Commissioner role is going to compete and attract a high calibre of candidate, there are lessons to be learned as the 2022 Judicial Attitude Survey for England & Wales and UK Tribunals helps to illustrate. It is vital that we have the right people with the right judicial skills in the role, so I am very pleased to welcome new colleagues: Miles Dorrington, as permanent traffic commissioner for the West Midlands, bringing with him years of experience as a judge and Deputy Traffic Commissioner. We are also joined by two highly experienced lawyers, Catherine Moxon and Paul Stookes who successfully passed a rigorous application process to be appointed as Deputy Traffic Commissioners. The Bench has been refreshed and we again look toward the future.

# Our purpose

The Traffic Commissioners for Great Britain (TCs) are independent regulators for the goods vehicle and public service vehicle (PSV) industries and their professional drivers.

Collectively, we act as a non-departmental tribunal and licensing authority, sponsored by the Department for Transport (DfT). Our mission is to promote safe, fair, efficient and reliable passenger and goods transport through effective licensing and regulation of the commercial vehicle industries.

Our shared vision is for traffic commissioners to be recognised by our stakeholders as providing proportionate, accountable, consistent and transparent decision-making - a model of independent regulation.

# What we do

We work to keep Great Britain's roads safe by licensing and regulating the commercial vehicle industries. With DfT, its agencies, the police and industry stakeholders we support the compliant, licensed operation of goods vehicles and PSVs. We do this by:

- publishing guidance and directions regarding the operator licensing regime and tribunal activities
- holding regulatory hearings to examine evidence and take proportionate action to maintain safety standards and promote fair competition in the industry
- holding conduct hearings to examine evidence and take proportionate action to ensure professional driving standards are upheld
- targeting tribunal resources so that the most serious cases are dealt with quickly and fairly
- delivering efficient, digital licensing services to responsible new applicants and compliant operators
- liaising with other regulatory bodies to identify and share knowledge around non-compliance
- educating and communicating with industry about the value of compliance and the licensing regime

Traffic commissioners seek to reduce regulatory burdens and support compliant businesses. The following statistics are unable to record the instances where the advice or assistance provided by individual traffic commissioners has resulted in improved compliance and road safety.

# Overview: regulation & industry

## Domestic freight (UK registered vehicles)

- c77% of domestic freight moved by road<sup>1</sup>
- 178 billion tonne kilometres moved<sup>2</sup>

## International freight (UK registered vehicles)

- 3.9 billion tonne kilometres moved<sup>1</sup>



## Local bus services

- 3.1 billion local bus service passenger journeys<sup>3</sup>
- 1.3 billion miles operated by local buses<sup>2</sup>



## Employment

- 1.66 million people employed in Transport and Storage<sup>4</sup>

## Our licensing work<sup>5</sup>

- 69,022 valid goods vehicle operator licences
- 379,081 goods vehicles authorised
- 5,809 valid PSV operator licences
- 86,371 passenger vehicles authorised
- 14,133 operator licence applications and variations processed
- 13,747 local bus registrations processed



## Our regulatory work<sup>4</sup>

- 1,347 public inquiries determined
- 269 preliminary hearings held
- 42 Senior Team Leader (STL) interviews held
- 15,167 vocational driver cases closed



<sup>1</sup> Department for Transport, Transport Statistics 2022 (figure represents 2020)

<sup>2</sup> Department for Transport, Transport Statistics 2022

<sup>3</sup> Department for Transport Annual Bus Statistics year ending March 2022

<sup>4</sup> Data published by Office for National Statistics, Employment by industry, 16 May 2023

<sup>5</sup> Figures represent the period 2022-23 as set out in the statistical section of this report.

# Performance against our strategic objectives for 2021-23

As we conclude this strategic period, we draw on previous Annual Reports regarding progress and set out what has been achieved during a challenging period for the regulators and the regulated industries. Inevitably, the difficult economic climate has impacted on fee income and therefore on the resources available. We have had to change priorities, as we have pivoted our focus to support those industries, but we retained the overarching aims:

- To deliver a modern and effective operator licensing regime that ensures operators are fit to hold a licence whilst minimising the regulatory burden on the compliant.
- To promote and develop a safe road transport industry, which delivers compliance, fair competition and protects the environment.

We then set out our priorities and how we sought to achieve them. We are in a position to report, as follows:

***1. To ensure that the new relationship with DVSA delivers a licensing service, which is properly resourced to deliver the agreed performance levels.***

***2. To work with stakeholders to rebuild services in support of communities across Great Britain.***

What was achieved:

*Developing the new working relationship with DVSA to ensure effective support and the efficient delivery of services.*

- As has been recognised, we work within a largely unique organisational structure. For the governance and sponsorship arrangements to work we have built and maintained quality relationships with key stakeholders, including the Agency which has delegated responsibility for supporting our statutory role. The pandemic, the driver shortage and recovery efforts tested our resilience but also proved the effectiveness of the working relationship with DVSA and DfT.
- The DVSA has recognised its role in supporting our services. The growing relationship with its Chief Executive and Board has led to increased accountability. It also allows Traffic Commissioners to contribute their expertise in the development of the Agency's services.
- The period has seen the implementation of a revised service level agreement with the DVSA and improved reporting against the targets set out in that agreement. Commissioners also noted the introduction of licensing-based measures in the DVSA Business Plan. We would encourage the expansion of that reporting to cover PSV services and for increased transparency to support the review of fees.
- DVSA is currently implementing a revised operating model for the Office of the Traffic Commissioner. The restructuring seeks to improve the support provided to the



commissioners and service users by creating a structure which properly balances the needs of service users and public safety. The project promises to deliver a well-trained and supported workforce which can deal with complex work in the most efficient way. The introduction of change of this nature will inevitably present a risk to the short-term delivery of the service, but commissioners will work with DVSA on how to overcome these challenges.

- Reflecting on recent caselaw, we have worked with the DVSA on how evidence presented by operators will be assessed prior to a public inquiry. This will ensure that clear directions can be given to operators attending public inquiry and will assist the running of the inquiry.

*By promoting the target set by Ministers to determine applications within an average of 35 working days and for public inquiry cases to be listed for hearing within 12 weeks.*

- We want to see financially viable operators, so that they are safe.
- Prior to the pandemic the average time taken to determine applications was 36.4 working days for goods licences and 50.1 for PSV licences. For obvious reasons, those achievements could not be sustained during periods of lock down but, through the efforts of Licensing teams and commissioners, the performance over the last 12 months performance has recovered to 41.4 working days and 50.4 respectively.
- However, using the experiences gained during the pandemic and following feedback from key stakeholders we now publish figures which better reflect the time it takes to get operating. By including the grant of interim licences, haulage businesses are better able to plan any expansion or how they might realise opportunities within the market.
- Using the updated reporting method, the average time taken falls to 34.4 for goods and 46.5 for PSV. The PSV figures include those applications for restricted licences. If restricted applications are removed, the figure falls further to 42.4, which makes the case for a form of interim licence provision. The legislation is highly complicated and requiring regulatory reform. Fees do not cover the cost of processing restricted PSV licences.

*Identify opportunities for the improved use of IT to streamline quality processes.*

- Commissioners have been key to the further development of those processes and are keen to see the full benefits of the Vehicle and Operator Licensing system (VOL) now realised. The method for operators to access their Operator Compliance Risk Score will soon change so that it can be accessed via VOL.
- We have continued to develop a risk-based approach. Decision making often involves the balancing of different rights, but there are defined areas where automation has a part to play, such as at the expiry of a defined period or exemption.
- We have seen an initiative to ensure improved accuracy of data held on VOL, recognising much of it is imported through the self-service portal, including contact details and email addresses.
- We consulted on and have now streamlined the methods of direct communication. It is a condition of an operator's licence to notify and maintain an address where notifications can be sent. Like the courts and tribunals, documents sent to the notified address by the

specified delivery method will be considered good service unless shown to the contrary. This will allow limited resources to be targeted but it does require operators and Transport Managers to maintain their contact details and regular reminders have been issued. Having a valid email address will be important to the success of the digitisation of evidence.

- The Traffic Commissioners have also permitted a project to explore the use and viability of digital evidence bundles. Commissioners will be key to investigating use beyond just the service of documents. The project has already identified potential benefits:
  - Cost savings through removal of paper, printing, postage, secure disposal, and long-term document storage costs.
  - Efficiency gains through the faster production of bundles with less opportunity for errors and re-work.
  - Improved tribunal-user experience due to faster and more convenient delivery of evidence bundles in digital form.
  - Improved data security through access controls, audit measures and reporting.
  - Reduced carbon footprint and associated environmental benefits.
- The interests of justice are paramount to the tribunal. In terms of our licensing function, we have sought to ensure that the interests of individuals are not prejudiced through pressures to speed up decision making.
- During the pandemic commissioners initiated the use of virtual hearings to hear certain cases. We have continued to make use of information technology and the Senior Traffic Commissioner has established guidance on when a case may be appropriate to hear virtually. The biggest advantage has been seen in the use of hybrid hearings where some of the participants can appear virtually. This is especially beneficial for professional witnesses as it means that time and travel costs are saved, enabling the witness to present their evidence and then return to operational duties.
- Virtual hearings have also been utilised for cases involving drivers. Their use means that drivers avoid long distances to appear at hearings that may only last 15 minutes. This makes the access to justice more accessible for those drivers. In 2022-23 a total of 1213 (10%) of driver hearings were heard virtually.

*Ensure that the tribunal facilities are fit for the purposes of a modern regulatory tribunal reflecting the efficiencies and new working practices developed during the coronavirus (COVID-19) pandemic.*

- Commissioners have sought to support DVSA in its understanding of the requirements of a modern tribunal. Progress has been made in the use of virtual and hybrid hearings, but physical hearings are still required in most cases to meet the interests of justice.
- New generation surface hubs, through which virtual hearings are made possible, have been rolled out across the tribunal locations. Guidance and training have also been provided to the Traffic Commissioner Bench.
- We recognise the certainty that the work of the DVSA Estates team has brought to tribunal users in the North-West, West Midlands and Eastern areas, and that progress

has been made in improving security for the North-East. However, there is further work to be done and pressures on the DVSA team has significantly hindered progress.

- The service level agreement provides opportunities for a shared understanding of tribunal requirements. We will continue to ensure that accessibility and the needs of vulnerable users are considered, particularly when developing new systems and premises.

*To seek a review of fees to ensure that a structure is in place where the burden is proportionate to the size of business and level of service received and to investigate how that might be used to deliver environmental targets.*

- As we continue to report, the fee structure for the operator licensing system requires a thorough review to ensure that it is equitable and suited to the demands of a modern licensing and regulatory regime. This need was recognised in the Tailored Review of the Traffic Commissioner functions carried out by the Ministry of Justice.
- The current structure takes no account of the large number of services that are provided at no charge to users whilst consuming a significant amount of resource, nor the impact to services that real term cuts in income will cause as a result of fees not increasing in a meaningful way since 2010.
- We will continue to press for fee reform as part of our new strategic objectives and to contribute expertise via our Corporate Office.

### **3. Seek legislative change for the benefit of the operator licensing system.**

*To investigate opportunities within the licensing system for reform which will contribute towards removing the cost of entry to the transport industry.*

*Working with stakeholders to minimise the burden on responsible businesses on the integration of Light Goods Vehicles and 'longer semi-trailers' into the operator licensing system.*

*Support innovation in the operator licensing system to prepare for future means of transport, such as autonomous and electric vehicles.*

#### What was achieved:

- As the Ministry of Justice review records, Traffic Commissioners are capable of taking action to mitigate any impact on service delivery and will adopt flexible, innovative practices to support businesses, where required.
- Using their specialist knowledge, Traffic Commissioners and their staff worked in partnership with DfT and DVSA to successfully incorporate 2900 LGV (over 1000 operations) into the licensing system, so that they could continue to operate internationally.
- The review found that Traffic Commissioners can deliver modern services but, whilst not insurmountable, there are several obstacles to making improvements from the statutory setup of the function and a restrictive legislative framework, which has failed to keep pace with shifts within industry and technology.

- The review concluded that substantial improvement to the Traffic Commissioner function requires fee reform and legislative change. Any legislative change will need to be carefully considered alongside other priorities.
- This report provides an opportunity for the sponsoring Department to consider meaningful change, much of which due to a lack of legislative opportunity, has not taken place in the years since the previous review.
- During the period of these objectives, the Department released the outcome of its consultation on the introduction of interim licences for PSVS and on tribunal rules. Both will have benefit to the administration of these functions.
- Noting the current level of truck sales, when the change to alternative fuels comes it will need to be rapid and supported by the regulatory regime.
- We have continued to work with CCAV, DVSA and others in advance of the move to autonomous operations.
- Traffic Commissioners have identified several ways in which the licensing and tribunal functions might be modernised.

#### **4. Support the delivery of improved local bus services and better journeys.**

*Integrate changes brought about by the National Bus Strategy.*

*Review how performance of local bus services is measured by engaging with the industry and other stakeholders and promoting updated statutory guidance.*

*Using the opportunities arising from the Bus Open Data service to improve local services.*

##### What was achieved:

- The imposition of financial penalties might be seen as an intervention of last resort. Actions to support bus services too priority over our review of those interventions. It will be completed as part of our ongoing objectives.
- In the meantime, local authorities in England have been working towards implementing enhanced partnership schemes as part of the National Bus Strategy. 63 authority notifications received of intended schemes, but most will not involve the transfer of registration authority.
- However, following the transfer of registrations in Hertfordshire in August 2022, services in the West Midlands transferred on 5 March 2023, our Bus Registrations team and Corporate Office have ensured the smooth transfer of functions within those localities. Those in the West of England Combined Authority will transfer in May 2023.
- In all partnership scheme areas where there are route or operational requirements, the Traffic Commissioner will continue to have a responsibility to refuse or cancel services that do not meet them. Work has been undertaken to understand and introduce templates to speed those processes and to prepare for circumstances where a local authority removes the registration, and there is an appeal to a Traffic Commissioner.

- Work has progressed with Transport for Great Manchester on the introduction of franchising, with the first phase due in September 2023.
- The introduction of Enhanced Partnerships and Franchising has meant amending application forms. The form to register a service was published by 7 March 2023, with others to follow shortly afterwards. We take this opportunity to remind other local authorities of the need to engage with the process.
- It is important for operators and passengers that the benefits of open data are realised. Our Corporate Office has continued to assist discussions between DfT (assisted by KPMG) and DVSA on questions around enforcement against operators who fail to comply with the legislation and across several forums involving operators and local authorities.

**5. Ensuring the efficient use of resources to deliver compliance across all sectors.**

**6. Supporting those we regulate, to comply and grow; making engagement accessible so that operators and drivers are provided with the information they require to manage their licences and meet safety standards.**

*Continued efforts to effectively target our communication and educational resources at service users, particularly those who do not already enjoy access to relevant information or other advice and to assist them with compliance.*

*Improved guidance made available to operators and developed channels for engagement. Maintaining fair competition through checks on the eligibility and the main operation of licence holders.*

*Improved transparency in the reasons for decisions in our publications.*

**What was achieved:**

- The commissioners continue in their efforts to improve road safety. This is a two-fold task: acting against the non-compliant and helping compliant businesses to enable them to thrive.
- Where public inquiry decisions are made in writing, they contain the reasons and are published on the Traffic Commissioner GOV.UK site, so that they may be read by a wider audience. The regulatory pages also now include driver conduct decisions (1900 in the last year).
- Key case decisions, which contain important educational or deterrent messages, are highlighted to attract wider circulation in the trade press and the attention of subscribers to the GOV.UK service. The decisions (136 in the last year) cover a wide range of different issues and allow industry to continue to learn and to avoid recurring pitfalls.
- The Senior Traffic Commissioner undertook a statutory consultation to update Guidance and Directions with a significant amount of guidance to industry. Those will be further developed as we see more autonomous vehicles being brought into operation.
- The amendment of those public documents reflects changes in processes, such as the service of documents, but more importantly, the response of the appeal courts to various

legal challenges encountered during the reporting period. The exercise involved examining whether there should be a tariff for disqualification following consideration by the Court of Appeal. Other challenges sought to restrict the ability of Traffic Commissioners to take account of undertakings from individual operators, or to undermine the proportionality of Traffic Commissioner interventions by extending the Regulators' Code to individual tribunal decisions.

- The Senior Traffic Commissioner responded quickly to new interpretations of the law by the Upper Tribunal and sent out direct guidance to both applicants and current licence holders. Following engagement with trade representatives, we have provided further examples of the law in action, for example around restricted good licences.
- A number of new guides or updates have been introduced to assist service users, including:
  - Goods vehicle operator licensing guide.
  - Public Service vehicle operator licensing guide.
  - A Guide to Instructing Transport Consultants.
  - A Guide to Public Inquiries.
  - A Guide to Driver Conduct Hearings.
- Work has commenced on a new guide to local bus service registrations to reflect the new legislation on bus services. Different documents will be required to reflect the separate jurisdictions and different legislation in England, Wales and Scotland.
- With the digital mandate for new operators and the GOV.UK move to the One GOV sign in; we have encouraged all operators to regularly check that the details held about their operations are correct to avoid potential action.
- The Commissioners have visited conferences and provided seminars to help those within those industries who seek to be compliant on their operator licences, including those who have a main business focused away from transport. The commissioners have spoken at events for the following, varied organisations: RHA, LUK, CPT, DVSA, APSE, British Association of Removers, CheckedSafe, Microlise, Network Rail, OWL (Optimised Waste & Logistics), the Road Transport Expo, Scaffolding Association, and the UK Coach Operators Association.
- As well as publishing through gov.uk, we have also used targeted mailing and social media to give advice and direct service users to examples of good practice along with examples of bad practice and the consequences. Analysis by our messaging providers has also shown the Traffic Commissioners to be a trustworthy service.
- We have developed a suite of messages to send to operators on the DVSA's OCRS system who have fallen into danger of regulatory action. These messages will be deployed in order to encourage those operators to address their deficiencies before a public inquiry becomes necessary.
- We have sent 29 unique messages to service users through our email contacts. Some have been sent on behalf of organisations such as HMRC or DVSA. Messages have covered topics such as DBS reminders for PSV drivers, to advise on the impact of industrial action at ports, advice on accessing operator reports and information on import controls.

- With the increasing sophistication of goods and passenger vehicle operations arising from new technologies and alternative fuels (as noted above), the Traffic Commissioners expect operators to proactively manage their own risks to prepare for potential problems.
- The Traffic Commissioners have agreed memoranda of understanding with several other agencies to assist with better regulation. At present, they include the National Police Chief Counsel and the Home Office with a view to developing a similar agreement with the National Crime Agency. This sharing of information has already yielded positive fruits, with rogue operators found more easily. Our work with data has also enabled us to contribute meaningfully to the Roads Policing Review and we look forward to seeing an increase in cases where police forces use their position as statutory objectors.

## Our Future Plans

### Review of the Traffic Commissioner Functions

The 2023 Traffic Commissioner Function Review confirms that Traffic Commissioners undertake an important function. The report recognises the contribution of Commissioners and the support staff to the improvement of transport for the user, by promoting the safe operation of heavy vehicles and buses on the roads and growing our economy by supporting transport operators to keep goods and passengers moving. The Review found compelling evidence in support of Traffic Commissioner functions with an average of only 5.41% of respondents who disagreed.

Traffic Commissioners are naturally proud of that recognition and the Minister's endorsement of the action taken to mitigate impacts on service delivery and adopt flexible, innovative practices in support of businesses during challenging times. This includes the efforts to ensure that businesses comply and grow by effectively targeting communication and educational resources at service users, particularly those who need assistance with compliance. Traffic Commissioners adopted the five principles of better regulation in 2005 and have regard to the government's [Regulators' Code](#) when determining any general policy or principles about the exercise of regulatory (non-judicial) functions or setting standards or giving general guidance about other regulatory functions. The review acknowledges that this adds complexity and additional obligations to Traffic Commissioners' wider regulatory. This is in line with other industry regulators, but few have the same range of responsibilities of Traffic Commissioners.

The report refers to our work with public and private organisations to inform the decision-making process, whilst maintaining a heavy emphasis on road safety. It confirms our ability to innovate, which bodes well for new and improved ways of working in the future. The review saw evidence of the wider work done by Traffic Commissioners beyond core statutory functions to assist, educate and inform the industry of matters that affect it and refers to the twin challenges of exiting the EU followed by the Covid-19 pandemic. It affirms the advantage of having a well-respected and engaged regulatory function which can use targeted messaging to reach specific groups of users in local areas.

The review has helpfully identified the main obstacles to any improvements to the efficiency and effectiveness of the OTC, resulting largely from the statutory setup. That is not always well understood. There is a need to have a significant and material presence across Great Britain.

That requires a coherent location strategy which delivers accessible justice to local communities.

In response to previous internal reviews, it found that the function is relatively lean, operating at (and in some cases beyond) capacity and represents good value for money to consumers. The Review also identifies the serious impact that OTC retention difficulties and staff turnover cause to the function. It refers to the specialist skills of OTC staff members and the need for a thorough understanding of source material to perform their duties effectively. Opportunities for further standardisation and refined processes can be used to realise productivity savings, but as the Review states, further financial efficiencies may have a severe impact on the service.

As the leadership of the main tribunal judiciary evolves into a more cohesive justice system, the Ministry of Justice's ambition for One Judiciary highlights the support structure missing from this tribunal. It is unfortunate that greater efficiencies through the sharing of facilities are not realisable at this stage of the HMCTS transformation programme.

The Review describes the current fee structure as flawed and points to the flat-rate fee structure resulting in a disproportionate burden on smaller and medium sized businesses. Any substantial improvement to the Traffic Commissioner functions would require fee reform and legislative change but, if the status quo cannot be amended to adequately satisfy the needs of all stakeholders, then the Review recommends serious consideration of the alternative options.

## **The role of Traffic Commissioner**

It has become increasingly evident that even those with some knowledge of the Traffic Commissioner role are not entirely clear on the extent of our jurisdiction or how we do our jobs. The core aim of the Traffic Commissioners remains to champion safe, fair, and reliable passenger and goods transport. Traffic Commissioners were originally established to consider applications for road service licences for buses and coaches. That was extended in 1934 to include Heavy Goods Vehicles. Traffic Commissioners have since been allocated additional responsibilities, including the registration of local bus services (outside London), and assessing the environmental suitability of planning proposals for HGV operating centres.

In fulfilling these aims, Traffic Commissioners promote compliance and best practice across the sectors, engaging with operators and enforcement bodies. The Traffic Commissioner Function Review refers to the operation of HGVs and PSVs as complex, with potentially fatal consequences if not carried out properly. There is a clear rationale for having a licensing system provided for in the legislation. Similar arguments apply to the compliance functions conducted by Traffic Commissioners. If there are to be licenses issued, there must be a process for challenge when the licence requirements are said to have been breached and the Review recognises the necessity of the Traffic Commissioners' tribunal hearings.

As highlighted by the Ministry of Justice's ALB Centre of Expertise, the title of "Traffic Commissioner" does not assist understanding. The word "commissioner" suggests an administrative function and there is no statutory connection to traffic. The Review correctly identifies the legal requirement for a judicial determination on the property rights which come with an operator's licence, so the role is more akin to a transport judge. Each Traffic Commissioner is therefore listed as an NDPB tribunal. As the Review illustrates, it is not easy to distinguish the roles and obligations as public bodies from those as tribunal decision-makers, which bring with them strict legal protections for parties appearing before Traffic Commissioners.



It would be impossible for a Traffic Commissioner to make every decision on every licence. Where a case is referred to a Traffic Commissioner, it will be summarised by those members of Office of the Traffic Commissioner staff. There is a scheme of delegation which sets out what functions can be delegated to Office of the Traffic Commissioner staff. Parliament has given Traffic Commissioners (acting in a judicial capacity) their functions and Traffic Commissioners decide the limited circumstances in which those functions can be delegated. Office of the Traffic Commissioner staff cannot take any decision which might be deemed to be judicial in nature and which should properly be taken by a Traffic Commissioner, nor any decision which might negatively affect an operator or other person's rights.

The Ministry of Justice Review recognises that, if the licensing function were to be treated as a purely administrative exercise, Traffic Commissioners would lose the role as direct gatekeepers to the industry and reduce the detailed end-to-end oversight of the sector. The loss of that link would naturally point to integration with the unified tribunal system.

There is a misconception that Traffic Commissioners change the legal requirements. Parliament has responsibility for making laws. Traffic Commissioners are legally obliged to apply the law even where it can appear bureaucratic or in need of updating, as suggested by the Review. Press commentary on the qualifications needed for Traffic Commissioners miss the purpose of the role. Officials in our sponsoring Department are careful to respect the need for independent judicial decision-making when consulting with Traffic Commissioners on policy and legal changes. The Review has identified ways in which to formalise those arrangements.

The UK legal system is based on judicial decisions and precedents, as well as written statutes and secondary legislation. Recognising the wording of section 13 of the Tribunals, Court and Enforcement Act 2007, the legislation nevertheless provides for an appeal to the Upper Tribunal. Like any equivalent first-tier tribunal, Traffic Commissioners are bound by those decisions, which often provide new interpretations of the law.

Traffic Commissioners do not seek to duplicate the work of the enforcement agencies. As its title suggests, the Driver and Vehicle Standards Agency is best placed to set or endorse safety standards. Its Examiners provide expert evidence whilst Traffic Commissioners are taught how to interpret and apply the law. Traffic Commissioners are a specialist tribunal and use their expertise to evaluate the evidence and how compliant a transport business might be. To quote the appellate tribunal: *The role of any traffic commissioner is essentially a judicial one, but a public inquiry is an inquiry, and a traffic commissioner has a public duty, as regulator, to inquire carefully and diligently. It is a pro-active role, although the traffic commissioner must always be careful to maintain an open mind until the conclusion of evidence and submissions and must never assume the role of prosecutor. Nevertheless, the duty of the traffic commissioner will often involve ascertaining the true facts, which means exploring and testing the evidence, and resisting so far as practicable those witnesses who attempt to pull the wool over his or her eyes.*

In future, there is a need to increase the diversity of the Bench to represent the communities which we serve. We need to better understand the barriers to recruitment including the time taken to appointment and the disparity with other tribunals.

# Strategic Objectives from 2023 to 2025

**Our vision is to deliver a licensing and regulatory system which champions safe, fair, and reliable transport.**

## Our Objectives

To deliver a modern and effective operator licensing regime that ensures operators are fit to hold a licence whilst minimising the regulatory burden on the compliant.

To promote and develop a safe road transport industry, which delivers compliance, fair competition and protects the environment.

### **Delivering a better service**

- 1. To continue our work with DVSA to deliver a licensing service, which is properly resourced and delivers the agreed service to our users.**
- 2. To work with stakeholders to better understand the service required by the communities of Great Britain.**

### How we will deliver this:

- Determine goods and standard public service vehicle applications within an average of 35 working days.
- Setting a target for all public inquiry cases to be listed for hearing within 12 weeks.
- Supporting the DVSA to restructure the Office of the Traffic Commissioner to deliver a better service to stakeholders.
- Identify opportunities for the improved use of IT to streamline quality. processes and working with DVSA in support of a modern tribunal function.
- To press for a review of fees which cover the cost of the service with charges which are proportionate to the size of business and level of service received.

At the time of writing this report we await the implementation of the DVSA Target Operating Model for the Office of the Traffic Commissioner. This model seeks to improve the support provided to the commissioners and service users with a focus on creating a structured, flexible, and well-trained workforce. The implementation of these changes should enable us to realise the key targets set by the Government. As with any change, there is a potential for short-term upheaval, but we will attempt to work with DVSA to manage those risks in the interests of service users.

The Commissioners will work with DVSA on exploring the potential for further modernisation to maximise the benefits from the investment in the Vehicle and Operator Licensing system and the digitalisation of evidence bundles used for Public Inquiries. The introduction of digital bundles for Public Inquiries has the potential to benefit the process by allowing all parties to have easy and ready access to updated information. The Commissioners will draw on the experiences of other jurisdictions on the matter to ensure that the most appropriate model is developed, which meets the needs of this tribunal and its users.

A modern jurisdiction requires to be funded appropriately and by those who use the service. We

cannot continue to provide services for free, but that requires legislative change. We will continue to pursue a reformed fee structure which covers the cost of providing the service and is also proportionate so that those who use the service most often contribute more.

## **Legislative Change**

### **3. Seek legislative change for an improved operator licensing system.**

#### *How we will deliver this:*

- Promote opportunities within the licensing system for reform which will contribute towards reducing the cost of entry to the transport industry.
- Working with stakeholders to manage the regulatory burden arising from changes to operator licensing legislation.
- Support innovation in the operator licensing system to prepare for future means of transport, such as autonomous and electric vehicles.

To remain relevant legislation needs to adapt to the changes in technology and society. We will work to promote changes in legislation where we believe it will lead to a greater understanding and compliance outcome, but also to support the growth of the UK economy.

One example where we believe that change is long overdue is in the approach to Operating Centres for Goods operators. That will benefit applicants and provide greater clarity for local residents over the role that Traffic Commissioners have in determining the suitability of an operating centre. The Department for Transport has previously accepted the case for exploring changes to the legislation that requires an operator to place an advert in a local newspaper and which invites owners/occupiers of land within the vicinity to oppose those applications. Advertising requirements impose significant costs on applicants and are inconsistent with on-line publishing. There is general confusion over the extent of a Commissioner's powers and how that intersects with the powers of the planning authorities. Experiences during and since the pandemic have shown that provisions requiring publication in hard copy and circulating within the locality, are now outdated, whilst the cost of advertising have risen significantly.

This type of decision, which impacts on the local community may be better made by local representatives. Local Authorities are already charged with considering planning applications and have developed the expertise to consider the impact on the relevant local community.

At present, the Commissioners believe there is an imbalance in the regulatory system where PSV operators do not have the opportunity to respond quickly to market opportunities. The Commissioners wish to see the benefit of interim licences extended into the PSV operating licence system as soon as is possible.

As technology changes, the Commissioners will work with government, for instance on regulations for longer semi-trailers, heavier vehicles, electric vehicles, and autonomous vehicles to ensure that regulatory burdens are not disproportionate and do not act as barrier to innovation.

## **Connecting Communities**

### **4. Support the delivery of improved local bus services and better journeys.**

#### *How we will deliver this:*

- Working with stakeholders on the implementation of enhanced partnership schemes and the franchising of bus services.
- Review how performance of local bus services is measured by engaging with the industry and other stakeholders and promoting updated Statutory Guidance.
- Encouraging the take-up of the Bus Open Data service to improve the transparency of services and support increased use of public transport.

Following the upheaval of the Covid-19 pandemic, the Commissioners look forward to a period of stability, which can only benefit licensing and tribunal users. We will commence our work in reviewing our expectations in relation to punctuality and reliability of services and will work with operators and local authorities to implement the enhanced partnerships schemes and franchising.

As the Bus Open Data Service is developed, commissioners will work to encourage operators to comply with the requirements. Reliable and accessible public transport leads to carbon reduction, improving the lives of local residents and contributing to greater sustainability.

## Targeted Regulation

### 5. Ensuring the efficient use of resources to deliver compliance across all sectors.

#### How we will deliver this:

- Reviewing how we determine a driver's suitability.
- Working with partners to identify opportunities to coordinate activities to improve compliance, and on the sharing of information to improve targeted enforcement.
- Helping to shape the future of enforcement activity and improving the evidence available to Traffic Commissioners, in particular through working with the police and DVSA to achieve greater integration of roadside interventions.

The Commissioners will undertake a review of their approach to determining a driver's suitability to drive large goods vehicles or passenger carrying vehicles. The current process has been largely unchanged for several years, and it is an appropriate time to consider whether our approach remains effective and fit for purpose in the current century.

Departmental officials are currently reviewing the Driver Certificate of Professional Competence requirements. The Traffic Commissioners will continue to use their expertise to assist this review.

Commissioners are already actively engaged with the enforcement bodies, specifically the DVSA and police, on pilot schemes which are aimed at improving collaborative working. We want to ensure that information on non-compliant operators is lawfully available to the relevant agencies. The commissioners will continue to develop relationships with other partners such as HMRC and Border Force.

## Helping Businesses to be Compliant

### 6. We will support those we regulate, to comply and grow; making engagement accessible so that operators and drivers are provided with the information they require to manage their licences and meet safety standards.

### How we will deliver this:

- Continuing to improve our communication and educational resources for service users, particularly targeting those who do not have access to relevant information or compliance advice.
- Identify opportunities for the improved use of IT to assist operators to manage their operator's licence.
- Balancing regulatory work with education at national and regional level.
- Provision of advice and support to LGV operators in meeting the professional competence requirements prior to the expiry of Acquired Rights status in May 2025
- Supporting any development of means by which operators can assess the competence and capability of their service providers, particularly in relation to vehicle maintenance standards.

We will further develop the suite of information and guidance available to service users; making sure that it is clear and accessible. We will continue to contribute to educating operators to be compliant, focussing attendance at national and local level to maximise the impact.

We will provide targeted information, for instance those LGV operator licences who need to appoint a suitably qualified transport manager by the May 2025 deadline when Acquired Rights granted in 2022 will expire. We want to help responsible operators to avoid interference with their businesses.

### **Inter-dependencies**

Legislation dictates how Traffic Commissioners regulate the lorry and bus industries. Their approach is restricted to what the law allows, and any changes may impact on our ability to deliver those functions.

Judicial independence is a prerequisite to the rule of law and a fundamental guarantee of a fair trial.

Traffic Commissioners work closely with policy officials in central Government, the devolved administrations and are highly reliant on the support provided by the sponsorship team in the Department for Transport and the Driver and Vehicle Standards Agency. They are accountable for the services delivered in the name of Traffic Commissioners and for their support thereby promoting judicial independence and maintaining confidence in the rule of law.

# Summaries from England, Scotland and Wales

As in previous years we have collated the collective observations of the Traffic Commissioners into defined narrative sections. Adopting this format, the following sections again combine those themes and observations of the Commissioners.

## Traffic Commissioners for England

Sarah Bell, Tim Blackmore, Miles Dorrington, Gerallt Evans, Kevin Rooney, Richard Turfitt

Challenges within the industry –

### *Availability of drivers and maintenance suppliers*

In last year's annual report, we commented on the shortage of drivers within the industry. The impact of shortages is still being seen at Public Inquiry. The efforts to ensure that the goods, which we all rely on, continue to be delivered are proving successful, but there has been an inevitable impact elsewhere.

Trade representatives and other industry leaders continue to raise awareness of the wider impact on the supply chain.

Bus services have come under increased scrutiny in the media and in public opinion through the course of the year as a result. The challenge of driver availability has added to those around the profitability of routes within the PSV sector.

Part-time staff may mitigate some of the problems. The report from Transport Focus in August 2022 on drivers' experiences and road-side facilities reinforced what are real barriers to entry to the profession. The match funding scheme launched by DfT to help improve truck stop facilities is a welcome development but there is a need to look at the wider industries. Transport needs to be viewed as a career available to all and Generation Logistics and its ambassadors have started that work.

We are now worryingly starting to see shortages within the maintenance industry, upon which regulated businesses rely. The availability of timely and good maintenance is in short supply. Many maintenance providers are struggling to find qualified mechanics and fitters. For many reasons, providers are also struggling to source spare parts for many vehicles.

In our previous report we commented on the advantages of a maintenance qualification to responsible operators. We look to the upcoming consultation on autonomous vehicles but that will not provide an immediate answer to the challenges facing transport businesses and a high degree of certainty will be required if those business are to invest. The complexity of those vehicles and the change in operations will only add to the demand for highly skilled maintenance staff. We also need to get ahead of the curve and consider what will be needed from us as regulators as more of our operators consider autonomous and alternative fuelled vehicles. It is important that, in the development of our services, we continue to support compliant businesses.

## *LGV vans*

Following our interventions during the pandemic, there can be no doubt about the ability of Traffic Commissioners to adapt to changes in the market and regulation, whilst ensuring consistent application of safety standards. Traffic Commissioners have successfully worked in partnership with the DVSA and DfT to bring the international operation of Light Goods and other vehicles between 2.5 and 3.5 tonnes into the licensing regime. This inevitably increased administrative pressures on the OTC during the implementation period.

## *CPC Transport Managers*

We have been pleased to see the change in focus on the transport manager CPC exams. As Traffic Commissioners, we feel the increased focus on the transport manager responsibilities in the real world are very important. However, from experiences at public inquiries the Traffic Commissioners retain some concern at the weighting given to driver scheduling and vehicle costing in the case study. We have often commented, and we do so again, but there is a difference between obtaining a paper qualification and the ability to actually exercise effective and continuous management of a transport operation which is the statutory requirement of a transport manager. We would suggest therefore that more emphasis should be placed on actual compliance and safety.

## *Managing risks*

We are often asked what the most common issue is at a Public Inquiry. There are rarely any single-issue hearings, but most regulatory proceedings stem from a failure to manage effectively, often where Directors, senior managers, those at the top of the business, lose sight of the need to monitor and manage compliance with the operator licence requirements. We can all appreciate the pressures on businesses as costs rise and margins are squeezed, but that puts the very existence of a transport business at risk from loss of the operator's licence. That means that those in charge need to develop management systems (key performance indicators) to manage that risk. They should know their businesses best but there are a lot of resources available for assistance.

A business might start with DVSA's targeting tool, the Operator Compliance Risk Score, that gives an indication of any adverse events such as failed annual tests or roadside encounters, but responsible operators will want to ensure that they ensure compliance before any encounter with the enforcement authorities, using information and alerts to help them identify and manage the risks. A good example of this is DVSA's report on the top ten prohibited defects: direction indicators, tyre tread and condition, stop lamps, spray suppression, cracked windscreens, service brakes, registration lamps, parking brakes, and wheel nuts.

Running a transport business should involve a high degree of intelligence and sophistication. That needs to be reflected in the management reporting and oversight. These measures should also equip senior managers to deal with incidents when things go wrong. It would also result in far fewer Public Inquiries, so we offer that challenge to the industry and its representatives.

## *Local Bus Services*

We have been working with local authorities in England on enhanced partnership schemes as part of the National Bus Strategy. Whilst 63 authorities received notifications of intended schemes, we understand that most will not involve the transfer of regular registration authority. However, a notable few will. Following the transfer of registrations in Hertfordshire in August

2022, services in the West Midlands will transfer on the 5th of March 2023. Those in the West of England combined authority will then transfer in May 2023. We will monitor developments in these areas with interest.

In addition to this, work is progressing with Transport for Great Manchester on the introduction of franchising in Greater Manchester, with the first phase due in September 2023. For this to progress, the OTC must finalise guidance, processes, and an appeal route so that they are in place for operators who fail to get a service permit.



# Traffic Commissioner for Scotland

Claire Gilmore

By the time this report is published we will more than halfway through 2023. The shadow of the pandemic and many of the pressures which that brought for operators are now well behind us. However, some of the challenges posed by the 'new normal' are still being felt across our industries, most notably with the continued shortage of vocational drivers.

My GB workload remains as busy as ever with the usual diet of public inquiries and driver conduct hearings being conducted across Scotland. We continue to use technology to best advantage conducting hearings remotely where appropriate and in enabling witnesses or observers in remote locations to attend or give evidence at inquiries. We will continue to seek new ways of increasing access to hearings, supporting the principle of open justice.

One particularly pressing issue this year has been the reduction in local bus services across Scotland. Operators continue to strive to deliver services in commercially challenging circumstances where patronage levels are yet to return to pre pandemic levels. Bus registration and enforcement in relation to those operators who fail to meet the registration standards is a devolved matter, which my office administers for all operators of Scotland's local bus services.

The volume of devolved work undertaken by my office has remained consistently high this year. In addition, I now have new devolved responsibilities with more significant powers and responsibilities in terms of franchising and bus service improvement partnerships to follow.

It is disappointing, therefore, to report that the Scottish Government have still to make any funding available for this crucial work. Despite parts of the 2019 Act now being in force, I have yet to receive any proposals as to how this new work is to be resourced, or as to how my existing devolved work on bus registration and enforcement is to be supported for the future.

As highlighted elsewhere in this report, a new target operating model is being implemented by DVSA to support Traffic Commissioners in their work across GB. The aim is to provide more resilience, but there are also some risks. It is perhaps stating the obvious to say that it may become more challenging to prioritise unfunded work going forward.

As previously reported, I also have devolved responsibility for considering appeals against taxi fare scales fixed by Scotland's 32 Local authorities. Local authorities are under an obligation to review the fare scales in force in their licensing area every 18 months. In 2022/23, my office dealt with 13 appeals. That is an increase on previous years which undoubtedly, at least in part, arises as a result of current cost of living pressures. I encourage local authorities to continue to consult as widely as possible with taxi operators in undertaking their reviews.

I am pleased to report that DfT are in the process of recruiting an additional Deputy Traffic Commissioner for Scotland to support me in my work. I very much look forward to welcoming a new member of the team when that process is complete.

On a final note, I have particularly enjoyed engaging with operators at the events I have attended this year. The RHA briefing at Linwood was a highlight, in amongst the fascinating surroundings of the Donald Malcolm Heritage Centre.

I also attended an event in Kilmarnock organised by the Institute of Road Transport Engineers (IRTE) which focused on an issue close to my heart – how we can work together to attract much needed new talent into our industries here in Scotland. Discussions are also underway as to how we can support better training and accreditation for engineers and workshop facilities. I look forward to working with partners, stakeholders and others as we continue this work later in the year.

# Traffic Commissioner for Wales

Victoria Davies

I am delighted to report that a recruitment exercise for the third bilingual caseworker in OTC Wales was successful. For the first time, I now have the full staff complement of three bilingual caseworkers with dedicated line manager support based in my two offices in Wales, and now with the addition of secretarial support.

The Welsh Traffic Area is unique in having two OTC offices with co-located Tribunal Hearing facilities, in Caernarfon and Pontypridd. This is important to ensure that justice is accessible to all communities in Wales, both Welsh and English speaking, North and South, but it does mean that there is a need for greater resilience in terms of supporting those two locations.

I have previously reported on the difficulties that DVSA experienced in recruiting suitably qualified bilingual staff, particularly in Pontypridd. Until recently, staff from the Caernarfon office had to travel to South Wales to provide me with support and to clerk all my hearings in Pontypridd. This year, one of the caseworkers decided to relocate and is now based in the Pontypridd office, which has been of huge benefit in terms of efficiency of resource and the provision of locally based support. His presence in South Wales has also allowed me further to develop and improve my Welsh language skills, supplemented by Welsh language training I have undertaken this year. I am also pleased to report that DVSA has now installed the IT equipment which will allow us to operate as a fully functioning modern tribunal centre. Although travel from South to North Wales (a ten hour round trip) will always remain a feature of my work, the recent installation of a Surface Hub in Pontypridd allows opportunity to explore different ways of working in suitable cases, for example, sitting in the Tribunal hearing room in Pontypridd, hearing cases listed and clerked in Caernarfon.

Last year, I reported that numbers of hearings were almost at pre-pandemic levels. Unfortunately, this year there has been a notable reduction in the number of compliance cases reported by the DVSA in Wales which has resulted in fewer regulatory hearings. I have alerted DVSA and understand that it is due to Examiners having left the Agency coupled with internal reorganisation involving staff moves. Whilst I always recognise the pressures on the DVSA, I also stress the value of DVSA intervention to road safety and fair competition. I will continue my useful liaison with DVSA senior managers.

The pandemic has undoubtedly changed the way we all work, and I have continued to engage with some stakeholders virtually this year where that has been the most efficient and effective means. However, there is no substitute for meeting face to face with those I regulate and other stakeholders, which is key to my role of educating industry and supporting compliant operators. This year I had the opportunity to do so at Road Haulage Association (RHA) seminars in North and South Wales, Logistics UK Transport Managers' conference, the Optimised Waste and Logistics conference in Cardiff and meetings of the Wales Road Transport Advisory Group. I received a warm welcome when I visited a local HGV operator in Newport, South Wales (facilitated by the RHA) and was able to see how a compliant operating centre is run and hear directly from those involved in its operation. I was delighted to attend the launch of the Women in Transport Wales Hub at the Senedd and to attend one of their discussion meetings in Pontypridd in March. This collaborative community for transport industry professionals in Wales will help promote better diversity and inclusion within the industry in Wales, an aim which I wholeheartedly support.

I have continued to work closely with Welsh Government officials, exploring how to develop my

role in Wales now that we have emerged from the pandemic, but recognising the effect it has had, particularly on the bus industry in Wales (where patronage has not returned to pre-Covid levels). I am keen to connect with those sectors of the HGV and PSV industries which have historically been harder to reach but would benefit most from direct engagement and education with a view to improving compliance and improving road safety and am taking this work forward with officials. I have had useful meetings with the Director for Wales' Community Transport Association, the Director of CPT Cymru and representatives from CaBAC to discuss matters of particular concern to their members. There have, inevitably, been bus registration issues again this year and I have engaged with Welsh Government, local authorities and the industry in a proportionate way to support operators as far as possible. I also benefited from initial meetings with Welsh Government officials about their legislative proposals for bus reform, in particular what is proposed regarding bus registrations in Wales. I look forward to further engagement in the coming months as work on the Bill progresses.

# Acknowledgements

The reporting period saw an increase in activity for the staff in the Office of the Traffic Commissioner. Their hard work and commitment have seen the average processing time for a goods application fall to within the standard of 35 days and a notable reduction in PSV applications. As the Office of the Traffic Commissioner undergoes an internal reorganisation, it is highly appropriate to again recognise the hard work and expertise demonstrated by individual members of staff across licensing, compliance, training, information access, policy, and management teams across the service. It is impossible to name everyone who has contributed to the service recovery, but we take the opportunity to thank them and those members of staff who have departed during the period. In particular, we recognise the valuable contribution of Naomi McCoy to the raising of standards within our licensing services, and the scrutiny provided by members of our Corporate Office, without which the mobility package would not have been implemented.

As we welcome new colleagues (mentioned above), it is also appropriate to record the long service of Nick Jones and Marcia Davies who stood down as Deputy Traffic Commissioners during the past year.

It is now widely recognised that commercial drivers are vital to the British economy (with over seven million people connected to the logistics industries alone) and the future of low carbon transport. They are not only deserving of respect, but facilities which encourage citizens of all ages and background to consider transport as a career. We therefore add our voice to that of Government in support of the industry-led campaigns which are demonstrating that the regulated industries offer wide opportunities.

In an increasingly competitive and challenging market, many operators have seized the initiative and *train to retain* drivers. Our shared aim as Traffic Commissioners is to champion safe, fair, and reliable transport; we recognise that it is responsible commercial drivers who deliver. We would like to encourage anyone to consider a job in transport, particularly as we start to realise the benefits of changes in technology.

The spirit of the transport industries is reflected in a charity with close links to the transport industries. We therefore congratulate Transaid on its 25-year anniversary.

# Risk Assurance Statement

Gerallt Evans, Traffic Commissioner for the Northwest of England and  
Chair of the Traffic Commissioner Audit & Risk sub-committee

Following on from the decision last year, we have again included a Risk Assurance Statement. As stated last year, this reflects the mature state of our governance arrangements, pending restructuring of the tribunal Chamber.

Overall oversight is exercised by the Traffic Commissioner Board, with designated Traffic Commissioner leads in areas such as Quality Assurance and Data. As before, the Traffic Commissioners' risk culture is defined, communicated, and promoted through the Governance Policy Guidance and is subject to periodic assessment by the Board's Audit and Risk sub-committee, utilising our well-established audit and reporting methods. The intention is to ensure that effective systems are in place to manage any challenges to the delivery of our functions. In that context we were pleased to note that the Vehicle Operator Licensing system supplied by DVSA has now moved from Beta testing to Live Assessment status. This is vital to the support of our decision to move to digital by default in support of improved licensing services. Traffic Commissioners continue to be supported by DVSA technical teams, which in turn assists Board decision making. Emerging risks are identified in the development of policy and the benefits of a dedicated Policy Manager and team have been fully demonstrated during the last year. Audit and Risk sub-committee meetings have continued.

Service levels have been set for the delivery of functions on our behalf. The assurance processes ensure that the quality of service is also maintained. The continued recovery of average application and listing times is recorded elsewhere in this Annual Report. Where statistics rely on manual input there will always be a risk to accuracy, but the improvement in the reliability of bus service data has been sustained. We continue to monitor recommendations on how metrics might be further automated to increase reliability. 5 of the 9 tribunal centres do not currently meet the agreed tribunal specification. There are different causes, but most relate to accessibility. It is important that DVSA teams are properly resourced, to manage costs and Estates. We will continue to oversee the efforts to realise the benefits of digital services to the tribunal function, but it is vital not to lose sight of the importance of in-person hearings, particularly to the more vulnerable. The limitations on virtual hearings are now well-recognised and the statutory guidance contains proportionate control measures.

Published policies explain the relevance of individual Traffic Commissioner performance, outside the tribunal function. The MoJ review has helped to further describe the risks and management arising from the deployment of staff to the OTC. The Audit and Risk sub-committee's Quality Assurance Working Group continues to monitor adherence to delegations and published standards.

As stated elsewhere, DVSA is implementing a new Target Operating Model for the Office of the Traffic Commissioner. It is intended to improve the support provided to the Traffic Commissioners by increasing resilience and recognising the skills of licensing and compliance staff. Any change of this nature will inevitably present a risk to the short-term delivery of the service. The changes need to be better understood. Traffic Commissioners have already fed in their observations and will continue to contribute so that the support function works as effectively as possible and delivers the standards which service and tribunal users are entitled to expect. The quality assurance processes will assume greater importance during this period of change.

We have continued to build on the successes of our Information Access Team, in managing data risks. Regular training has been delivered to OTC staff, including 12 'Introduction to Data' training sessions for new staff and staff requiring refresher training, which has been used to reinforce the Information Governance Framework, as well as sessions on risk management training for senior managers. There have been visits to 6 regional offices to carry out physical audits of data arrangements, including the Licensing offices in Leeds. The robustness of the data arrangements was demonstrated through the formal responses to requests for an internal review of data decisions. We will be developing a process guide for the Reviewing Officer, and a repeat complainant policy.

The Traffic Commissioner Board continues to rely heavily on the relationship with the sponsoring Department and the Executive agency delegated to support commissioners. It is therefore important that those officials have an understanding of the risks associated with and to the tribunal and licensing functions. Last year, the Audit and Risk sub-committee has also identified the need for a more formal reporting process whereby higher-level risks are communicated to the sponsoring Department. The review has made recommendations on how those relationships might be further strengthened, which will contribute to our assurance processes.

# Statistics

Please note that some of the statistics set out in the tables are compiled manually by OTC staff. This can result in the potential for minor inaccuracies occurring within the statistics. To minimise the potential for inaccuracies the figures have been subject to a validation exercise undertaken by OTC managers who have provided the traffic commissioners with their assurance that the figures are accurate to the best of their knowledge.

In particular, we draw your attention to the footnote in Table 13 relating to Local Bus Service Registrations and the accounting error identified in annual reports prior to 2021.

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**TABLE 1: GOODS VEHICLE OPERATORS - LICENCES CONTINUED AND IN ISSUE**

	Type of Licence			Total number of licences in issue	Total continuations sought	Continuations not sought	
	Year	Restricted	Standard National				Standard International
Eastern Traffic Area	2022-23	6212	4537	2451	13200	1758	418
	2021-22	6305	4641	2346	13292	1809	426
North Eastern Traffic Area	2022-23	4940	3983	1425	10348	1533	347
	2021-22	5116	4116	1380	10612	1458	305
North Western Traffic Area	2022-23	4853	3295	1100	9248	1392	347
	2021-22	4995	3470	1111	9576	1368	308
South Eastern and Metropolitan Traffic Area	2022-23	4253	2490	1279	8022	1099	314
	2021-22	4406	2550	1187	8143	1086	287
West Midlands Traffic Area	2022-23	3909	2897	1134	7940	1111	252
	2021-22	3994	2932	1095	8021	1061	203
Western Traffic Area	2022-23	5314	3452	1396	10162	1462	353
	2021-22	5424	3564	1379	10367	1475	343
Scotland	2022-23	2545	2354	591	5490	855	176
	2021-22	2608	2413	579	5600	807	168
Wales	2022-23	2514	1670	428	4612	713	185
	2021-22	2533	1742	433	4708	673	170
Total	2022-23	34540	24678	9804	69022	9923	2392
	2021-22	35381	25428	9510	70319	9737	2210

**TABLE 2: GOODS VEHICLE OPERATORS - NUMBERS OF SPECIFIED VEHICLES ON LICENCES**

	Specified vehicles by type of licence				Total number of specified vehicles	Certified copies of UK Licence for the Community
	Year	Restricted	Standard National	Standard International		
Eastern Traffic Area	2022-23	17310	37548	20765	75623	8111
	2021-22	17342	37188	20420	74950	7780
North Eastern Traffic Area	2022-23	13777	31454	14638	59869	5765
	2021-22	13929	31261	15088	60278	5699
North Western Traffic Area	2022-23	13319	26904	12204	52427	4528
	2021-22	13464	27208	12431	53103	4525
South Eastern and Metropolitan Traffic Area	2022-23	12534	20542	10050	43126	5190
	2021-22	12678	20385	9359	42422	4455
West Midlands Traffic Area	2022-23	9979	21534	10247	41760	3570
	2021-22	10095	21282	10373	41750	3404
Western Traffic Area	2022-23	13617	28569	11773	53959	4920
	2021-22	13733	28740	11655	54128	4831
Scotland	2022-23	6344	20174	5593	32111	2491
	2021-22	6403	20031	5539	31973	2454
Wales	2022-23	5641	11205	3360	20206	1527
	2021-22	5661	11236	3401	20298	1528
Total	2022-23	92521	197930	88630	379081	36102
	2021-22	93305	197331	88266	378902	34676

Note: UK Licence for the Community replaced Community Licences in December 2020.

The operator is also issued with an office copy and certified copies which have to be carried in vehicles on international journeys.

**TABLE 3: GOODS VEHICLE OPERATORS - APPLICATIONS FOR NEW LICENCES AND TO VARY LICENCES**

	Year	Number of applications processed		Number of licences issued in full		Number of applications refused		Number of applications withdrawn		Number of licences issued with environmental restrictions	
		New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations
Eastern Traffic Area	<b>2022-23</b>	<b>1395</b>	<b>1626</b>	<b>1188</b>	<b>1554</b>	<b>192</b>	<b>72</b>	<b>128</b>	<b>85</b>	<b>17</b>	<b>15</b>
	2021-22	1533	1836	1329	1771	194	65	128	96	5	10
North Eastern Traffic Area	<b>2022-23</b>	<b>770</b>	<b>1088</b>	<b>666</b>	<b>1056</b>	<b>100</b>	<b>32</b>	<b>53</b>	<b>65</b>	<b>0</b>	<b>3</b>
	2021-22	892	1251	789	1224	94	27	85	64	2	2
North Western Traffic Area	<b>2022-23</b>	<b>686</b>	<b>949</b>	<b>586</b>	<b>906</b>	<b>93</b>	<b>43</b>	<b>53</b>	<b>56</b>	<b>10</b>	<b>7</b>
	2021-22	762	1054	654	1013	98	41	62	54	3	4
South Eastern and Metropolitan Traffic Area	<b>2022-23</b>	<b>774</b>	<b>913</b>	<b>659</b>	<b>873</b>	<b>107</b>	<b>40</b>	<b>78</b>	<b>55</b>	<b>21</b>	<b>10</b>
	2021-22	838	1001	728	958	103	43	94	56	8	7
West Midlands Traffic Area	<b>2022-23</b>	<b>739</b>	<b>819</b>	<b>645</b>	<b>799</b>	<b>88</b>	<b>20</b>	<b>42</b>	<b>37</b>	<b>3</b>	<b>4</b>
	2021-22	869	875	769	850	95	25	53	35	4	4
Western Traffic Area	<b>2022-23</b>	<b>835</b>	<b>1088</b>	<b>736</b>	<b>1064</b>	<b>98</b>	<b>24</b>	<b>74</b>	<b>65</b>	<b>15</b>	<b>17</b>
	2021-22	871	1285	769	1267	92	18	83	49	7	8
Scotland	<b>2022-23</b>	<b>336</b>	<b>490</b>	<b>296</b>	<b>473</b>	<b>39</b>	<b>17</b>	<b>26</b>	<b>23</b>	<b>3</b>	<b>2</b>
	2021-22	383	602	345	585	38	17	26	29	1	0
Wales	<b>2022-23</b>	<b>338</b>	<b>375</b>	<b>295</b>	<b>358</b>	<b>37</b>	<b>17</b>	<b>18</b>	<b>15</b>	<b>2</b>	<b>1</b>
	2021-22	347	411	309	395	36	16	29	21	1	0
Total	<b>2022-23</b>	<b>5873</b>	<b>7348</b>	<b>5071</b>	<b>7083</b>	<b>754</b>	<b>265</b>	<b>472</b>	<b>401</b>	<b>71</b>	<b>59</b>
	2021-22	6495	8315	5692	8063	750	252	560	404	31	35

**TABLE 4: GOODS VEHICLE OPERATORS - RESULTS OF OPPOSED APPLICATIONS FOR NEW LICENCES AND FOR PUBLISHABLE VARIATIONS TO LICENCES**

	Number of applications received		Number of applications processed		Number of applications opposed		Opposed applications issued in full		Opposed applications issued with restrictions		
	Year	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New Licences	Publishable variations
Eastern Traffic Area	2022-23	1338	1614	1395	1626	23	13	2	5	8	5
	2021-22	1704	1956	1533	1836	16	25	6	6	5	10
North Eastern Traffic Area	2022-23	716	1133	770	1088	6	7	4	4	0	1
	2021-22	997	1267	892	1251	8	8	1	5	2	2
North Western Traffic Area	2022-23	692	935	686	949	7	5	2	1	2	2
	2021-22	829	1113	762	1054	9	9	1	4	3	4
South Eastern and Metropolitan Traffic Area	2022-23	779	938	774	913	26	21	5	5	9	4
	2021-22	898	993	838	1001	25	25	2	12	8	7
West Midlands Traffic Area	2022-23	711	818	739	819	3	7	1	5	2	2
	2021-22	929	909	869	875	6	9	0	2	4	4
Western Traffic Area	2022-23	854	1122	835	1088	25	21	6	5	8	8
	2021-22	935	1236	871	1285	18	19	2	6	7	8
Scotland	2022-23	342	494	336	490	7	4	2	2	3	0
	2021-22	384	590	383	602	5	2	0	2	1	0
Wales	2022-23	326	360	338	375	3	3	0	2	2	0
	2021-22	373	411	347	411	4	7	2	4	1	0
Total	2022-23	5758	7414	5873	7348	100	81	22	29	34	22
	2021-22	7049	8475	6495	8315	91	104	14	41	31	35

**TABLE 4 (CONTINUED)**

	Year	Opposed applications refused		Opposed applications withdrawn		Number of applications heard at Public Inquiry	
		New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations
Eastern Traffic Area	2022-23	3	0	9	0	0	4
	2021-22	2	4	3	5	1	2
North Eastern Traffic Area	2022-23	1	1	1	1	0	0
	2021-22	0	1	5	0	0	0
North Western Traffic Area	2022-23	0	1	2	1	0	1
	2021-22	4	0	1	1	1	0
South Eastern and Metropolitan Traffic Area	2022-23	9	4	4	7	1	1
	2021-22	7	2	8	4	1	4
West Midlands Traffic Area	2022-23	0	0	0	1	0	0
	2021-22	2	2	0	1	1	1
Western Traffic Area	2022-23	9	1	2	4	2	0
	2021-22	3	2	6	3	2	1
Scotland	2022-23	0	0	3	0	0	0
	2021-22	2	0	2	0	2	0
Wales	2022-23	0	0	0	2	0	0
	2021-22	0	0	1	3	0	0
Total	2022-23	22	7	21	16	3	6
	2021-22	20	11	26	17	8	8

**TABLE 5: GOODS VEHICLE OPERATORS - COMPLAINTS AGAINST EXISTING OPERATING CENTRES**

	Year	Total licences reviewed where complaints received	Number called to public inquiry	Continued without change	Continued with new restrictions	Removal of operating centre
Eastern Traffic Area	2022-23	8	2	3	5	1
	2021-22	4	2	0	4	0
North Eastern Traffic Area	2022-23	2	0	2	0	0
	2021-22	6	1	0	6	0
North Western Traffic Area	2022-23	4	0	2	2	0
	2021-22	5	0	4	1	0
South Eastern and Metropolitan Traffic Area	2022-23	3	0	1	2	0
	2021-22	5	1	1	3	1
West Midlands Traffic Area	2022-23	2	0	0	2	0
	2021-22	0	0	0	0	0
Western Traffic Area	2022-23	11	0	2	9	0
	2021-22	6	0	2	4	0
Scotland	2022-23	1	0	0	1	0
	2021-22	2	0	1	1	0
Wales	2022-23	0	0	0	0	0
	2021-22	2	0	1	1	0
Total	2022-23	31	2	10	21	1
	2021-22	30	4	9	20	1

TABLE 6: GOODS VEHICLE OPERATORS - ACTION TAKEN AT PUBLIC INQUIRY FOR NON-COMPLIANCE									
	Year	Number of public inquiries completed	Licence revocations	Licence suspensions	Curtailment or conditions imposed	Notification of formal warning	Disqualification of licence holder under Section 28	Disqualification of transport manager	No action taken
Eastern Traffic Area	2022-23	127	58	19	33	55	18	22	13
	2021-22	135	50	13	43	25	12	25	7
North Eastern Traffic Area	2022-23	135	32	8	50	37	7	15	11
	2021-22	167	56	6	60	43	10	24	7
North Western Traffic Area	2022-23	113	27	9	31	64	10	7	8
	2021-22	104	19	12	37	64	6	3	5
South Eastern and Metropolitan Traffic Area	2022-23	159	60	32	37	24	10	14	12
	2021-22	194	70	29	46	35	19	16	19
West Midlands Traffic Area	2022-23	103	39	19	22	26	8	18	7
	2021-22	101	40	16	20	21	20	18	10
Western Traffic Area	2022-23	123	35	11	22	64	0	16	3
	2021-22	105	30	6	14	46	6	12	10
Scotland	2022-23	58	19	0	12	28	3	3	4
	2021-22	60	20	2	15	19	6	10	5
Wales	2022-23	43	10	10	9	12	1	4	2
	2021-22	54	17	5	6	23	3	11	4
Total	2022-23	861	280	108	216	310	57	99	60
	2021-22	920	302	89	241	276	82	119	67

Note: the figures in the last seven columns may not equal the number of public inquiries completed, as more than one action may be taken against a licence holder.



**TABLE 7: GOODS VEHICLE OPERATORS - RESULTS OF UNOPPOSED NEW AND VARIATION APPLICATIONS HEARD AT PUBLIC INQUIRY**

	Year	Number of applications determined at public inquiry		Applications granted as applied for		Applications granted in part		Applications granted with conditions		Applications refused		Applications withdrawn	
		New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations
Eastern Traffic Area	2022-23	54	29	31	11	1	3	1	1	16	8	5	6
	2021-22	53	40	18	13	3	5	0	0	30	18	2	4
North Eastern Traffic Area	2022-23	58	22	24	7	4	5	1	0	26	10	3	0
	2021-22	40	26	20	14	3	1	0	0	16	11	1	0
North Western Traffic Area	2022-23	16	22	10	11	0	5	0	0	6	4	0	2
	2021-22	24	34	16	19	0	2	0	0	6	10	2	3
South Eastern and Metropolitan Traffic Area	2022-23	55	28	31	13	3	2	2	0	14	10	5	3
	2021-22	70	50	32	21	10	1	1	0	17	23	10	5
West Midlands Traffic Area	2022-23	34	12	18	4	0	3	0	0	12	3	4	2
	2021-22	42	23	18	12	3	2	0	0	20	8	1	1
Western Traffic Area	2022-23	27	11	12	6	1	1	1	0	9	4	4	0
	2021-22	28	34	14	22	0	4	0	0	14	8	0	0
Scotland	2022-23	28	11	11	8	4	1	0	0	13	2	0	0
	2021-22	31	17	24	8	0	3	0	0	7	5	0	1
Wales	2022-23	15	10	7	6	1	1	0	0	5	2	2	0
	2021-22	27	11	18	6	3	2	11	0	5	3	1	0
Total	2022-23	287	145	144	66	14	21	5	1	101	43	23	13
	2021-22	315	235	160	115	22	20	12	0	115	86	17	14

Note: this table only shows applications that were heard at public inquiry. Some applications are heard at preliminary hearings, but these are not included in the figure in this table. Table 3 shows the total number of applications determined.

**TABLE 8: BUS AND COACH OPERATORS - LICENCES CONTINUED AND IN ISSUE**

	Year	Restricted	Standard National	Standard International	Total number of licences in issue	Total continuations sought
<b>Eastern Traffic Area</b>	<b>2022-23</b>	<b>198</b>	<b>312</b>	<b>267</b>	<b>777</b>	<b>107</b>
	2021-22	225	323	267	815	117
<b>North Eastern Traffic Area</b>	<b>2022-23</b>	<b>303</b>	<b>348</b>	<b>255</b>	<b>906</b>	<b>142</b>
	2021-22	347	354	268	969	141
<b>North Western Traffic Area</b>	<b>2022-23</b>	<b>333</b>	<b>350</b>	<b>207</b>	<b>890</b>	<b>125</b>
	2021-22	363	365	211	939	155
<b>South Eastern and Metropolitan Traffic Area</b>	<b>2022-23</b>	<b>216</b>	<b>270</b>	<b>319</b>	<b>805</b>	<b>115</b>
	2021-22	237	284	332	853	135
<b>West Midlands Traffic Area</b>	<b>2022-23</b>	<b>155</b>	<b>210</b>	<b>169</b>	<b>534</b>	<b>76</b>
	2021-22	173	215	173	561	80
<b>Western Traffic Area</b>	<b>2022-23</b>	<b>207</b>	<b>272</b>	<b>229</b>	<b>708</b>	<b>126</b>
	2021-22	249	291	240	780	110
<b>Scotland</b>	<b>2022-23</b>	<b>188</b>	<b>339</b>	<b>124</b>	<b>651</b>	<b>109</b>
	2021-22	196	362	128	686	112
<b>Wales</b>	<b>2022-23</b>	<b>197</b>	<b>195</b>	<b>146</b>	<b>538</b>	<b>99</b>
	2021-22	212	198	145	555	84
<b>Total</b>	<b>2022-23</b>	<b>1797</b>	<b>2296</b>	<b>1716</b>	<b>5809</b>	<b>899</b>
	2021-22	2002	2392	1764	6158	934

**TABLE 9: BUS AND COACH OPERATORS - DISCS IN ISSUE**

	Year	Restricted	Standard National	Standard International	Total discs
Eastern Traffic Area	<b>2022-23</b>	<b>286</b>	<b>5336</b>	<b>4890</b>	<b>10512</b>
	2021-22	327	5521	4784	10632
North Eastern Traffic Area	<b>2022-23</b>	<b>448</b>	<b>6472</b>	<b>5135</b>	<b>12055</b>
	2021-22	510	6816	5114	12440
North Western Traffic Area	<b>2022-23</b>	<b>476</b>	<b>6229</b>	<b>3778</b>	<b>10483</b>
	2021-22	519	6349	3853	10721
South Eastern and Metropolitan Traffic Area	<b>2022-23</b>	<b>330</b>	<b>12526</b>	<b>5540</b>	<b>18396</b>
	2021-22	357	12846	5741	18944
West Midlands Traffic Area	<b>2022-23</b>	<b>220</b>	<b>3821</b>	<b>3331</b>	<b>7372</b>
	2021-22	244	4463	2786	7493
Western Traffic Area	<b>2022-23</b>	<b>316</b>	<b>6043</b>	<b>4908</b>	<b>11267</b>
	2021-22	385	6436	4925	11746
Scotland	<b>2022-23</b>	<b>270</b>	<b>6078</b>	<b>4376</b>	<b>10724</b>
	2021-22	284	6216	4463	10963
Wales	<b>2022-23</b>	<b>302</b>	<b>2397</b>	<b>2863</b>	<b>5562</b>
	2021-22	325	2417	2901	5643
Total	<b>2022-23</b>	<b>2648</b>	<b>48902</b>	<b>34821</b>	<b>86371</b>
	2021-22	2951	51064	34567	88582

**TABLE 10: BUS AND COACH OPERATORS - APPLICATIONS FOR NEW LICENCES AND TO VARY EXISTING LICENCES**

	Year	Number of applications processed		Number of licences granted in full		Number of licences granted with less than applied for		Number of applications refused		Number of applications withdrawn	
		New licences	Major variations	New licences	Major variations	New licences	Major variations	New licences	Major variations	New licences	Major variations
Eastern Traffic Area	2022-23	70	65	40	47	1	0	8	0	22	18
	2021-22	60	76	35	60	1	1	11	5	14	11
North Eastern Traffic Area	2022-23	85	74	56	61	1	0	14	1	15	12
	2021-22	76	65	35	55	0	0	22	0	19	10
North Western Traffic Area	2022-23	73	75	40	67	2	0	18	3	15	5
	2021-22	73	51	40	43	1	0	21	3	12	5
South Eastern and Metropolitan Traffic Area	2022-23	87	63	45	56	1	0	19	0	23	7
	2021-22	70	74	40	62	0	1	20	1	10	11
West Midlands Traffic Area	2022-23	54	35	25	31	2	1	14	1	15	2
	2021-22	57	44	34	39	0	0	11	0	12	5
Western Traffic Area	2022-23	57	41	36	34	1	0	9	1	12	6
	2021-22	69	49	35	44	0	0	18	3	16	2
Scotland	2022-23	56	35	32	28	0	0	9	1	15	6
	2021-22	45	52	22	46	0	0	10	2	13	4
Wales	2022-23	51	40	27	26	1	1	8	4	16	9
	2021-22	39	38	20	33	1	0	5	2	14	3
Total	2022-23	533	428	301	350	9	2	99	11	133	65
	2021-22	489	449	261	382	3	2	118	16	110	51

Note: figures included applications treated as withdrawn because the fee had not been paid

**TABLE 11: BUS AND COACH OPERATORS - RESULTS OF APPLICATIONS HEARD AT PUBLIC INQUIRY**

	Number of applications determined at public inquiry		Applications granted as applied for		Applications granted in part		Applications granted with conditions		Applications refused		Applications withdrawn		
	Year	New licences	Major variations	New licences	Major variations	New licences	Major variations	New licences	Major variations	New licences	Major variations	New licences	Major variations
Eastern Traffic Area	2022-23	6	1	5	1	1	0	0	0	0	0	0	0
	2021-22	1	4	0	2	0	0	0	0	1	2	0	0
North Eastern Traffic Area	2022-23	7	2	3	0	1	0	0	0	2	2	1	0
	2021-22	4	2	1	2	0	0	0	0	3	0	0	0
North Western Traffic Area	2022-23	3	2	1	1	0	1	0	0	2	0	0	0
	2021-22	4	5	1	4	0	0	0	0	3	1	0	0
South Eastern and Metropolitan Traffic Area	2022-23	5	2	4	0	0	0	0	0	1	2	0	0
	2021-22	5	5	4	3	0	1	0	0	1	0	0	0
West Midlands Traffic Area	2022-23	3	2	0	0	0	0	0	0	3	2	0	0
	2021-22	1	0	0	0	0	0	0	0	1	0	0	0
Western Traffic Area	2022-23	2	0	0	0	0	0	0	0	1	0	1	0
	2021-22	8	0	2	0	1	0	0	0	3	0	2	0
Scotland	2022-23	3	1	1	0	0	0	0	0	2	1	0	0
	2021-22	5	2	2	1	0	1	1	0	2	0	0	0
Wales	2022-23	3	3	3	1	0	1	0	0	0	1	0	0
	2021-22	2	1	1	0	0	0	0	0	1	1	0	0
Total	2022-23	32	13	17	3	2	2	0	0	11	8	2	0
	2021-22	30	19	11	12	1	2	1	0	15	4	2	0

Note: this table only shows applications that were heard at public inquiry. Some applications are heard at preliminary hearings but these are not included in the figure in this table. Table 10 shows the total number of applications determined.

**TABLE 12: BUS AND COACH OPERATORS - SPECIAL RESTRICTED PUBLIC SERVICE VEHICLE OPERATOR LICENCES**

	Year	Licence applications processed	Licences issued	Applications refused	Applications withdrawn and grants not taken up	Licences continued at five-year review date	Licences not continued at five-year review date	Total number of licences in issue
Eastern Traffic Area	<b>2022-23</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>6</b>
	2021-22	0	0	0	0	1	1	9
North Eastern Traffic Area	<b>2022-23</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>7</b>
	2021-22	2	0	0	2	2	1	9
North Western Traffic Area	<b>2022-23</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>4</b>
	2021-22	1	0	0	1	1	0	5
South Eastern and Metropolitan Traffic Area	<b>2022-23</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>4</b>
	2021-22	2	1	0	1	0	0	4
West Midlands Traffic Area	<b>2022-23</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>
	2021-22	0	0	0	0	0	0	1
Western Traffic Area	<b>2022-23</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>
	2021-22	0	0	0	0	1	2	2
Scotland	<b>2022-23</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>36</b>
	2021-22	1	0	0	1	1	0	37
Wales	<b>2022-23</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</b>
	2021-22	0	0	0	0	2	0	8
Total	<b>2022-23</b>	<b>12</b>	<b>4</b>	<b>1</b>	<b>7</b>	<b>4</b>	<b>7</b>	<b>69</b>
	2021-22	6	1	0	5	8	4	75

Note: the figures in columns 2-4 may not equal the figures shown in the 'licence applications processed' column, as applications may have been carried over from the previous year or carried forward into next year.

**TABLE 13: LOCAL BUS SERVICE REGISTRATIONS - LIVE, NEW, VARIATIONS AND CANCELLED LOCAL BUS SERVICES**

	Year	Live local bus registrations	Applications processed		Applications accepted		Refused	Withdrawn	Existing registrations cancelled
			New	Variations	New	Variations			
Eastern Traffic Area	<b>2022-23</b>	<b>1597</b>	<b>268</b>	<b>1215</b>	<b>268</b>	<b>1215</b>	<b>0</b>	<b>0</b>	<b>279</b>
	2021-22	1696	191	1785	191	1785	0	0	205
North Eastern Traffic Area	<b>2022-23</b>	<b>1967</b>	<b>429</b>	<b>1449</b>	<b>429</b>	<b>1449</b>	<b>0</b>	<b>0</b>	<b>550</b>
	2021-22	2477	436	2292	436	2292	0	0	742
North Western Traffic Area	<b>2022-23</b>	<b>2028</b>	<b>420</b>	<b>1569</b>	<b>420</b>	<b>1569</b>	<b>0</b>	<b>0</b>	<b>617</b>
	2021-22	2679	487	1952	487	1952	0	0	560
South Eastern and Metropolitan Traffic Area	<b>2022-23</b>	<b>906</b>	<b>131</b>	<b>589</b>	<b>131</b>	<b>589</b>	<b>0</b>	<b>0</b>	<b>167</b>
	2021-22	976	102	779	102	779	0	0	138
West Midlands Traffic Area	<b>2022-23</b>	<b>702</b>	<b>175</b>	<b>738</b>	<b>175</b>	<b>738</b>	<b>0</b>	<b>0</b>	<b>336</b>
	2021-22	1136	117	1332	117	1332	0	0	524
Western Traffic Area	<b>2022-23</b>	<b>1581</b>	<b>225</b>	<b>1584</b>	<b>225</b>	<b>1584</b>	<b>0</b>	<b>0</b>	<b>401</b>
	2021-22	1977	214	2010	214	2010	0	0	219
Scotland	<b>2022-23</b>	<b>1970</b>	<b>271</b>	<b>1223</b>	<b>271</b>	<b>1223</b>	<b>0</b>	<b>0</b>	<b>340</b>
	2021-22	2130	192	1714	192	1714	0	0	209
Wales	<b>2022-23</b>	<b>1020</b>	<b>94</b>	<b>513</b>	<b>94</b>	<b>513</b>	<b>0</b>	<b>0</b>	<b>164</b>
	2021-22	1194	59	889	59	889	0	0	50
Total	<b>2022-23</b>	<b>11771</b>	<b>2013</b>	<b>8880</b>	<b>2013</b>	<b>8880</b>	<b>0</b>	<b>0</b>	<b>2854</b>
	2021-22	14265	1798	12753	1798	12753	0	0	2647

Note: It has been identified that the total number of live local bus registrations have been presented incorrectly by the Office of the Traffic Commissioner for a number of years. Services running in multiple local authority areas have been recorded multiple times, e.g. a service running between the West Midlands and Staffordshire has been presented as two services when it should have been counted as a single service. This has now been rectified and accounts for the significantly lower figure from 2019/20.

**TABLE 14: FLEXIBLE BUS REGISTRATIONS**

	Year	Received	Accepted	Refused	Withdrawn	Varied	Cancelled
Eastern Traffic Area	<b>2022-23</b>	<b>53</b>	<b>47</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>21</b>
	2021-22	18	20	0	1	10	2
North Eastern Traffic Area	<b>2022-23</b>	<b>26</b>	<b>18</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>8</b>
	2021-22	6	12	0	0	8	1
North Western Traffic Area	<b>2022-23</b>	<b>10</b>	<b>11</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>5</b>
	2021-22	17	17	0	0	0	5
South Eastern and Metropolitan Traffic Area	<b>2022-23</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>
	2021-22	3	3	0	0	0	0
West Midlands Traffic Area	<b>2022-23</b>	<b>7</b>	<b>6</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>1</b>
	2021-22	6	6	0	0	2	1
Western Traffic Area	<b>2022-23</b>	<b>7</b>	<b>7</b>	<b>0</b>	<b>6</b>	<b>2</b>	<b>0</b>
	2021-22	3	2	0	0	2	0
Scotland	<b>2022-23</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	2021-22	0	0	0	0	0	0
Wales	<b>2022-23</b>	<b>16</b>	<b>11</b>	<b>0</b>	<b>6</b>	<b>2</b>	<b>0</b>
	2021-22	11	12	0	0	5	1
Total	<b>2022-23</b>	<b>121</b>	<b>102</b>	<b>0</b>	<b>17</b>	<b>25</b>	<b>35</b>
	2021-22	64	72	0	1	27	10



**TABLE 15: BUS AND COACH OPERATORS - NUMBER OF STANDARD, LARGE AND COMMUNITY BUS PERMITS ISSUED**

	Standard Bus Permits Issued by				Total	Large Bus Permits	Community Bus Permits
	Year	Traffic Commissioners	Local authorities	Designated bodies			
<b>Eastern Traffic Area</b>	<b>2022-23</b>	<b>476</b>	<b>179</b>	<b>399</b>	<b>1054</b>	<b>0</b>	<b>24</b>
	2021-22	542	315	481	1338	0	28
<b>North Eastern Traffic Area</b>	<b>2022-23</b>	<b>507</b>	<b>423</b>	<b>356</b>	<b>1286</b>	<b>10</b>	<b>53</b>
	2021-22	329	315	202	846	1	15
<b>North Western Traffic Area</b>	<b>2022-23</b>	<b>530</b>	<b>138</b>	<b>243</b>	<b>911</b>	<b>0</b>	<b>13</b>
	2021-22	367	147	255	769	1	4
<b>South Eastern and Metropolitan Traffic Area</b>	<b>2022-23</b>	<b>641</b>	<b>137</b>	<b>626</b>	<b>1404</b>	<b>6</b>	<b>10</b>
	2021-22	638	226	449	1313	75	20
<b>West Midlands Traffic Area</b>	<b>2022-23</b>	<b>248</b>	<b>216</b>	<b>224</b>	<b>688</b>	<b>6</b>	<b>6</b>
	2021-22	238	187	155	580	9	0
<b>Western Traffic Area</b>	<b>2022-23</b>	<b>739</b>	<b>277</b>	<b>609</b>	<b>1625</b>	<b>2</b>	<b>67</b>
	2021-22	512	337	325	1174	1	55
<b>Scotland</b>	<b>2022-23</b>	<b>174</b>	<b>162</b>	<b>207</b>	<b>543</b>	<b>68</b>	<b>16</b>
	2021-22	143	152	121	416	3	10
<b>Wales</b>	<b>2022-23</b>	<b>147</b>	<b>92</b>	<b>137</b>	<b>376</b>	<b>25</b>	<b>29</b>
	2021-22	71	58	72	201	21	3
<b>Total</b>	<b>2022-23</b>	<b>3462</b>	<b>1624</b>	<b>2801</b>	<b>7887</b>	<b>117</b>	<b>218</b>
	2021-22	2840	1737	2060	6637	111	135

Note: The numbers of permits issued by local authorities or designated bodies cannot be verified. A small number of permit issuing bodies have been unable to provide returns, or have provided incomplete returns to the traffic commissioners. The figures provided for permits issued by the traffic commissioners are correct.

**TABLE 16: BUS AND COACH OPERATORS - ACTION TAKEN AT PUBLIC INQUIRY FOR NON COMPLIANCE (UNDER THE PUBLIC PASSENGER VEHICLES ACT 1981)**

	Year	Number of public inquiries completed	Licence revocations	Licence suspensions	Reduction of vehicles authorised on licence	Other conditions imposed on licence	Formal warning given	Disqualification of licence holder under the 1985 Act	Disqualification of transport manager	No action taken
Eastern Traffic Area	2022-23	9	2	0	2	0	4	0	2	1
	2021-22	6	3	0	3	0	0	1	2	0
North Eastern Traffic Area	2022-23	16	5	0	7	0	4	2	1	1
	2021-22	12	5	0	4	0	2	0	1	1
North Western Traffic Area	2022-23	17	4	0	5	0	9	1	4	1
	2021-22	14	4	2	6	0	6	1	0	0
South Eastern and Metropolitan Traffic Area	2022-23	14	6	1	2	0	4	2	1	1
	2021-22	14	2	3	6	0	2	0	1	1
West Midlands Traffic Area	2022-23	11	3	2	3	0	3	1	8	0
	2021-22	4	1	0	2	0	1	0	0	0
Western Traffic Area	2022-23	7	3	0	0	0	3	0	2	1
	2021-22	6	2	1	1	0	2	0	2	0
Scotland	2022-23	12	3	0	3	0	6	0	2	3
	2021-22	7	2	0	1	0	3	0	1	1
Wales	2022-23	15	6	2	3	0	2	0	0	2
	2021-22	8	5	0	0	0	2	2	5	0
Total	2022-23	101	32	5	25	0	35	6	20	10
	2021-22	71	24	6	23	0	18	4	12	3

Note: the figures in the last 8 columns may not equal the number of public inquiries held, as more than one action may be taken against a licence holder.

**TABLE 17: LOCAL BUS SERVICES - ACTION TAKEN AGAINST OPERATORS (UNDER THE TRANSPORT ACTS 1985 AND 2000)**

	Year	Number of public inquiries	Restrictions imposed on licences under Section 26 of the 1985 Act	Penalty imposed under Section 155 of the 2000 Act*	Formal warnings given	No action taken
Eastern Traffic Area	2022-23	1	0	0	1	0
	2021-22	0	0	0	0	0
North Eastern Traffic Area	2022-23	0	0	0	0	0
	2021-22	0	0	0	0	0
North Western Traffic Area	2022-23	0	0	0	0	0
	2021-22	0	0	0	0	0
South Eastern and Metropolitan Traffic Area	2022-23	0	0	0	0	0
	2021-22	0	0	0	0	0
West Midlands Traffic Area	2022-23	0	0	0	0	0
	2021-22	0	0	0	0	0
Western Traffic Area	2022-23	1	0	1	1	0
	2021-22	0	0	0	0	0
Scotland	2022-23	0	0	0	0	0
	2021-22	0	0	0	0	0
Wales	2022-23	1	0	1	0	0
	2021-22	0	0	0	0	0
Total	2022-23	3	0	2	2	0
	2021-22	0	0	0	0	0

Note: the figures contained in the last four columns may not equal the number of public inquiries held, as more than one action may be taken against an operator.

\* In Scotland action is taken under Section 39 of the Transport (Scotland) Act 2001.

**TABLE 18: PUBLIC INQUIRIES**

	Year	Traffic Commissioners	Deputy Traffic Commissioners	Total
Eastern Traffic Area	<b>2022-23</b>	<b>93</b>	<b>140</b>	<b>233</b>
	2021-22	81	127	208
North Eastern Traffic Area	<b>2022-23</b>	<b>117</b>	<b>102</b>	<b>219</b>
	2021-22	147	87	234
North Western Traffic Area	<b>2022-23</b>	<b>66</b>	<b>86</b>	<b>152</b>
	2021-22	56	91	147
South Eastern and Metropolitan Traffic Area	<b>2022-23</b>	<b>162</b>	<b>75</b>	<b>237</b>
	2021-22	206	82	288
West Midlands Traffic Area	<b>2022-23</b>	<b>89</b>	<b>69</b>	<b>158</b>
	2021-22	143	13	156
Western Traffic Area	<b>2022-23</b>	<b>125</b>	<b>40</b>	<b>165</b>
	2021-22	131	22	153
Scotland	<b>2022-23</b>	<b>67</b>	<b>35</b>	<b>102</b>
	2021-22	79	27	106
Wales	<b>2022-23</b>	<b>61</b>	<b>20</b>	<b>81</b>
	2021-22	52	48	100
Total	<b>2022-23</b>	<b>780</b>	<b>567</b>	<b>1347</b>
	2021-22	895	497	1392

**TABLE 18A: PRELIMINARY HEARINGS AND SENIOR TEAM LEADER INTERVIEWS**

	Year	Preliminary hearings	Senior Team Leader interviews	Total
<b>Eastern Traffic Area</b>	<b>2022-23</b>	<b>67</b>	<b>12</b>	<b>79</b>
	2021-22	61	5	66
<b>North Eastern Traffic Area</b>	<b>2022-23</b>	<b>33</b>	<b>10</b>	<b>43</b>
	2021-22	47	13	60
<b>North Western Traffic Area</b>	<b>2022-23</b>	<b>28</b>	<b>3</b>	<b>31</b>
	2021-22	44	6	50
<b>South Eastern and Metropolitan Traffic Area</b>	<b>2022-23</b>	<b>50</b>	<b>0</b>	<b>50</b>
	2021-22	41	2	43
<b>West Midlands Traffic Area</b>	<b>2022-23</b>	<b>30</b>	<b>3</b>	<b>33</b>
	2021-22	47	21	68
<b>Western Traffic Area</b>	<b>2022-23</b>	<b>38</b>	<b>2</b>	<b>40</b>
	2021-22	37	0	37
<b>Scotland</b>	<b>2022-23</b>	<b>13</b>	<b>7</b>	<b>20</b>
	2021-22	18	9	27
<b>Wales</b>	<b>2022-23</b>	<b>10</b>	<b>5</b>	<b>15</b>
	2021-22	14	1	15
<b>Total</b>	<b>2022-23</b>	<b>269</b>	<b>42</b>	<b>311</b>
	2021-22	309	57	366

**TABLE 19: BUS, COACH AND LORRY OPERATORS - APPEALS TO THE UPPER TRIBUNAL**

	Year	Number of appeals made	Number of appeals heard	Number of appeals withdrawn	Number of appeals successful or partially successful
Eastern Traffic Area	2022-23	10	15	2	5
	2021-22	8	6	3	1
North Eastern Traffic Area	2022-23	3	5	0	0
	2021-22	0	0	0	0
North Western Traffic Area	2022-23	10	7	4	0
	2021-22	4	1	0	0
South Eastern and Metropolitan Traffic Area	2022-23	9	8	0	3
	2021-22	7	3	1	1
West Midlands Traffic Area	2022-23	7	5	0	3
	2021-22	4	2	1	1
Western Traffic Area	2022-23	2	3	0	1
	2021-22	8	3	3	0
Scotland	2022-23	3	3	0	0
	2021-22	2	1	0	0
Wales	2022-23	1	4	1	0
	2021-22	4	1	0	0
Total	2022-23	45	50	7	12
	2021-22	37	17	8	3

Note: the number of appeals heard cannot be directly compared to the number of appeals made in the year, as some of the appeals heard will have been made in the previous year, and some may still be pending.

**TABLE 20: LGV AND PCV DRIVER CONDUCT CASES - ACTION AGAINST DRIVERS**

	Total	Total cases closed	Licences refused	Licences revoked	Licences suspended	Licences granted	Verbal warning	Routine warning letters		Refer on application	No action taken	Called to a hearing
								Endorsable	Non-endorsable			
Eastern Traffic Area	2022-23	2048	727	13	41	151	43	309	0	187	580	282
	2021-22	1894	625	14	50	176	37	302	0	110	584	282
North Eastern Traffic Area	2022-23	2519	587	11	77	65	141	892	56	88	743	322
	2021-22	2388	438	16	84	82	32	873	156	135	730	252
North Western Traffic Area	2022-23	2189	777	49	96	250	78	255	75	168	467	668
	2021-22	1931	432	84	101	498	44	273	109	99	277	437
South Eastern and Metropolitan Traffic Area	2022-23	2374	611	40	57	40	104	570	23	271	612	293
	2021-22	1924	531	24	51	123	58	452	20	146	525	233
West Midlands Traffic Area	2022-23	1513	505	21	93	139	114	182	0	61	392	407
	2021-22	1398	395	31	92	160	81	185	10	45	397	443
Western Traffic Area	2022-23	1788	565	15	35	130	37	315	3	119	572	314
	2021-22	1595	344	12	41	146	34	299	3	72	649	226
Scotland	2022-23	1001	318	9	34	47	50	105	0	56	384	276
	2021-22	1007	188	18	117	89	84	80	23	67	352	387
Wales	2022-23	875	253	4	13	274	19	155	26	8	118	138
	2021-22	779	182	19	25	266	25	113	22	28	87	166
Military	2022-23	860	211	0	1	11	3	336	0	12	186	2
	2021-22	738	171	0	0	11	0	325	0	76	158	0
Total	2022-23	15167	4554	162	447	1107	589	3119	183	970	4054	2702
	2021-22	13654	3306	218	561	1551	395	2902	343	778	3759	2426

Note: The figures for military vehicles were first reported for the year 2019-20

**TABLE 21: APPLICATIONS FOR THE RETURN OF IMPOUNDED VEHICLES**

	Year	Number of vehicles impounded	Number of applications received and processed	Granted		Refused		Appeals to Upper Tribunal			
				with hearing	without hearing	with hearing	without hearing	made	heard	withdrawn	successful
Eastern Traffic Area	2022-23	6	5	0	0	4	1	2	1	0	1
	2021-22	5	5	1	0	4	0	0	0	0	0
North Eastern Traffic Area	2022-23	7	6	2	0	2	0	0	0	0	0
	2021-22	2	2	0	0	2	0	0	0	0	0
North Western Traffic Area	2022-23	8	5	0	0	2	1	1	0	0	0
	2021-22	0	0	0	0	0	0	0	0	0	0
South Eastern and Metropolitan Traffic Area	2022-23	3	2	0	0	2	0	2	0	2	0
	2021-22	4	4	0	0	3	1	1	1	0	0
West Midlands Traffic Area	2022-23	3	3	1	0	2	0	0	0	0	0
	2021-22	2	2	0	0	2	0	0	0	0	0
Western Traffic Area	2022-23	2	2	0	1	0	1	0	0	0	0
	2021-22	4	4	0	0	4	0	0	1	0	0
Scotland	2022-23	0	0	0	0	0	0	0	0	0	0
	2021-22	2	2	0	0	2	0	0	0	0	0
Wales	2022-23	10	9	0	0	3	0	0	0	0	0
	2021-22	0	0	0	0	0	0	0	0	0	0
Total	2022-23	39	32	3	1	15	3	5	1	2	1
	2021-22	19	19	1	0	17	1	1	2	0	0

Note: the number of applications received and processed may be greater than the number of vehicles impounded as more than one application may be made for the return of a vehicle where there is a dispute regarding the ownership of a vehicle.



# Contact Details

Further details about the commissioners and their other publications can be found at:  
<https://www.gov.uk/government/organisations/traffic-commissioners>

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(table 15)

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16-21)

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<https://www.gov.uk/government/organisations/traffic-commissioners/about/media-enquiries>