



Office of the Traffic Commissioners

Traffic Commissioners' Annual Reports

2011–12

Traffic Commissioners for Great Britain



This year marks the 80th annual report of the traffic commissioners and while there have been substantial and extensive changes in commercial transport since that time, our individual and collective work mirrors many of the themes of the first report published in 1932.

Then, as now, commissioners have been engaged with new and substantial legislative developments. We have worked against a backdrop of financial challenges and pressure on resources, in line with government departments. And we have also continued to ensure that the judicial independence of commissioners is preserved, so that we can – to quote the first report for the Yorkshire Traffic Area – “give our decisions without fear or favour”.

But most importantly, our reports share with those written in 1932 the same commitment to ensuring that commercial businesses – and their drivers – operate vehicles in a compliant and safe manner, to improve road safety and promote fair competition.

This year, as with those more recently passed, commissioners also outline their commitment to further modernise regulation of the goods and passenger transport industries.

A significant amount of work took place to draft a framework document with the Department for Transport. It has been designed to support commissioners in their work, to assist licence holders, specifically when they engage with commissioners as a specialist regulatory tribunal, and to describe the relationship between commissioners and the department. It is a vital document for all who provide support to, and engage with, traffic commissioners.

Beverley Bell

Beverley Bell, Senior Traffic Commissioner

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Chapter 1

The traffic commissioners

Introduction

The traffic commissioners

The seven traffic commissioners are appointed by the Secretary of State for Transport and have responsibility in their region or country for the licensing of the operators of heavy goods vehicles (HGVs) and of buses and coaches (public service vehicles or PSVs); the registration of local bus services; and regulatory action against drivers of HGVs and PSVs. The seven commissioners regulate eight geographical areas. Details of their activities are on pages 14 to 44.

The Traffic Commissioner for Scotland also has statutory powers to consider appeals by taxi operators against fare scales fixed or reviewed by Scottish licensing authorities. She is also empowered under the Road Traffic Act 1991 to appoint adjudicators to consider appeals against penalty charge notices issued in respect of improperly parked vehicles in Scottish local authority areas where parking offences have been decriminalised.

The post of traffic commissioner has existed with effect from 01 January 1931. Commissioners have always been required to exercise a number of their powers in public and a great emphasis continues to be placed on the need to ensure road safety and fair competition.

The commissioners' purpose is to champion safe, fair and reliable passenger and goods transport. They do so by ensuring licensed operators comply with undertakings that are made upon grant of a licence, as well as the mandatory requirements for holding a licence. This work is driven by their commitment to managing risks to road safety, protecting fair competition and promoting the running of punctual and reliable registered local bus services;

The traffic commissioners are assisted in this work by deputy traffic commissioners, who preside over a number of public inquiries.

One traffic commissioner (currently the Commissioner for the North Western Traffic Area, Beverley Bell) is the Senior Traffic Commissioner. The role is a statutory one, following the implementation of the relevant part of the Local Transport Act 2008.

Offices of the traffic commissioners in England, Scotland and Wales

Administrative support to the traffic commissioners is provided by staff employed by the Vehicle and Operator Services Agency (VOSA), an executive agency of the Department for Transport (DfT). Some of those caseworkers and managers are located at the individual offices of the traffic commissioners, to assist the commissioner in their public inquiry work and tribunal roles. Licensing administrative functions are undertaken by staff based at offices in Leeds and Edinburgh.

Staff engaged in commissioner support work act under delegated authority in the discharge of certain individual functions and within tightly defined parameters. Staff members cannot exercise delegated functions unless the individual has been specifically authorised in writing by a relevant traffic commissioner.

Traffic commissioners do not manage any of the support staff but delegate and supervise work undertaken on their behalf. The recruitment, retention and performance management

of the staff of the offices of the traffic commissioners and office of the Senior Traffic Commissioner are retained by the Accounting Officer of VOSA.

Traffic commissioners are funded from two sources. The administrative work that is carried out to support them in their driver conduct work is funded by the DVLA and central Government. However, the majority of the funds are obtained from powers in the Public Passenger Vehicles Act 1981, which allow a commissioner to charge fees for licensing activities. VOSA collects those fees and therefore has a duty to ensure that they are used to cover the full cost of the TC licensing system. The majority of the spend is on the staff allocated to support the commissioners.

Geography

Each traffic commissioner is a separate public body and independent office holder appointed by the Secretary of State to cover a specified geographical area. The Traffic Commissioner based in Birmingham is responsible for both the West Midland Traffic Area and Wales. A map of the geographical areas is on page nine, and details of the traffic commissioners and deputy traffic commissioners are on pages seven and eight.

The Local Transport Act 2008 reformed the arrangements for the deployment of traffic commissioners and led to each commissioner being appointed as a deputy traffic commissioner for Great Britain.

The Act also removed the requirement (in England and Wales) for commissioners to be based in the locality for which he or she takes responsibility, however, the Department for Transport has indicated a commitment to local accountability and recognised the benefit of the existing relationship between commissioners and their region.

Values

In the performance of their duties, traffic commissioners seek to act in accordance with the standards expected of those in public life. The following values reflect accepted principles of better regulation and underpin the way in which commissioners seek to approach their work and those they work with:

- Proportionality – action taken by commissioners must be proportionate to the shortcomings revealed in evidence brought to them;
- Accountability – commissioners will give reasons for their decisions;
- Consistency – commissioners are committed to consistency in their approach to decision making;
- Transparency – commissioners believe it is important that the transport industry, their representatives and the public understand their role and their work and welcome the opportunity to engage in dialogue with those who have an interest in their work;
- Targeting – commissioners will focus their attention on those who cannot, or choose not to, run their businesses properly, and on those individual drivers who fall short in their conduct

Further information about the role of Traffic Commissioners is available in a briefing booklet entitled 'Traffic Commissioners, what you need to know', which is available upon request from the regional offices of the traffic commissioners.

Traffic commissioners, deputy traffic commissioners and offices of the traffic commissioners on 31 March 2012

	Traffic Commissioner	Deputy Traffic Commissioner	Address
Eastern Traffic Area	Mr Richard Turfitt	Marcia Davis Gillian Ekins	City House 126 – 130 Hills Rd Cambridge CB2 1NP Tel: 01223 531028
North Eastern Traffic Area	Mr Tom Macartney (retired on 03 October 2011) Mr Kevin Rooney (with effect from 05 March 2012)	Liz Perrett	Hillcrest House 386 Harehills Lane Leeds LS9 6NF Tel: 0113 2543224
North Western Traffic Area	Mrs Beverley Bell	Patrick Mulvenna Simon Evans	Suites 4-6 Stone Cross Place Stone Cross Lane North Golborne Warrington WA3 2SH Tel: 01942 295021
South Eastern and Metropolitan Traffic Area	Mr Philip Brown (retired on 24 October 2011) Mr Nick Denton (with effect from 26 March 2012)	John Baker Mary Kane	Ivy House 3 Ivy Terrace Eastbourne East Sussex BN21 4QT Tel: 01323 452403
West Midlands Traffic Area	Mr Nick Jones	James Astle Miles Dorrington Anthony Seculer Roger Seymour	38 George Rd Edgbaston Birmingham B15 1PL Tel: 0121 609 6807
Western Traffic Area	Miss Sarah Bell	Fiona Harrington Tim Hayden Lester Maddrell	Jubilee House Croydon Street Bristol BS5 0GB Tel: 0117 9008516

	Traffic Commissioner	Deputy Traffic Commissioner	Address
Scotland	Ms Joan Aitken SSC	Richard McFarlane	Level 6 The Stamp Office Waterloo Place Edinburgh EH1 3EG Tel: 0131 200 4911
Wales	Mr Nick Jones	James Astle Miles Dorrington Anthony Seculer Roger Seymour	38 George Rd Edgbaston Birmingham B15 1PL Tel: 0121 609 6823

Note 1: All Deputy Traffic Commissioners have been appointed as deputies in the English Traffic Areas, Scotland and Wales and the locations indicated above are their home geographical region although they do sit in other locations.

Geographical boundaries of the traffic commissioners and office locations



Chapter 2

Traffic commissioners' Annual Reports to the Secretary of State for 2011-12



Report of the Senior Traffic Commissioner Beverley Bell

Introduction

Secretary of State, in submitting my annual report to you I take the opportunity to look back over the last 12 months as well as looking forward to the coming year. The past 12 months has been a turbulent time but despite this commissioners have achieved a great deal.

Looking back

When I took up the post of deputy STC in June 2011 there was much to be done to ensure the implementation of the EU Regulations and the Statutory Guidance Documents. Because of the impossibly tight time scales all commissioners had to work very hard to ensure that we did not fail but I must make you aware that Richard Turfitt deserves special mention, recognition and thanks for the huge amount of work that he carried out at extremely short notice and under considerable pressure to ensure the delivery of these vitally important documents in time for the deadline of 4 December 2011. The very tight timescales also put pressure on all staff who act on behalf of traffic commissioners and we are very grateful to them for their professional and calm approach to their work in the face of that pressure.

As you know the other major problem that commissioners and your Department faced last year was the nature of the relationship with VOSA and it was always intended that the publication of a framework document would address the concerns that arose out of that relationship. All commissioners are therefore delighted that the framework document has now been issued together with accompanying administrative assurances processes. This very positive step will enable commissioners, your Department and VOSA to follow the principles as well as the practicalities of the framework document.

In addition to this commissioners have achieved a lot in the past year. These include the publication of four STC Administrative Policy Guidance documents dealing with stakeholder engagement and consultation, a guide for travel and subsistence, a conduct guide, and an induction programme. The publication of a formal traffic commissioner complaints protocol and implementation of a new traffic commissioners' appraisal scheme and revisions of the registers dealing with administrative matters all ensure not only transparency about commissioners' regulatory work but also about their accountability.

Sarah Bell's lead on behalf of all commissioners with regard to all matters Olympic and Paralympic has been a success as she has worked closely with key Olympic stakeholders and operators in preparation for the Games.

Much of this has improved the working relationship between commissioners and VOSA staff and I am grateful to some key individuals in VOSA who have made my task easier since my appointment with their professional approach and willingness to assist me whenever I ask for help. Beverly Crowley in the FOI team deserves special mention as

does Ashley Isaacs who has helped me get to grips with the intricacies of how VOSA spends operator licence fee income.

I am also grateful to your team at DfT who when I asked for help on matters about which I knew little did all that they could to help and advise me. Anthony Ferguson and his team have been particularly helpful regarding the complex bus and coach work. Cathy Jenkins and her team have also worked hard to ensure that Richard Turfitt and I were fully briefed at very short notice regarding the EU Regulations giving a steer when it was needed and ensuring that commissioners took the lead where appropriate as well as ensuring acceptance and signature of the framework document and accompanying administrative and financial arrangements.

I would also like to emphasise the huge amount of work that has been done by all commissioners whilst they were also doing “the day job”. Each commissioner has had their own significant challenges and I am personally grateful to each and every one of them for supporting me so well over the past 12 months – always being willing to take my urgent calls regardless of the inconvenience to themselves, offering to take on work when they knew that it would add significantly to their own heavy workload, always responding to requests for information within the stated time frame thereby ensuring that I met my own deadlines, taking on work on my behalf when I was not able to deal with it, remaining positive and enthusiastic when faced with major difficulties and most importantly, playing the role of “critical friend” – putting me right when I went wrong and always putting the other side of the argument – their wise counsel has been and continues to be invaluable to me.

You will also be aware that much of this has been done when we were a team of five rather than a team of seven and I am very grateful not just to those who took over responsibility for an area (and this includes Tom Macartney who has since retired) but also to all commissioners whose own workload has increased as a result of the reduction in the team.

Consequently many of us knew that we would have to rely on our deputies even more than before and the statistics this year have indeed proved this to be the case. Our deputies are a valued resource bringing a rich breadth and diversity to our jurisdiction and I know that all traffic commissioners appreciate their unstinting support. However the recruitment and subsequent training of two new commissioners means that we are now back up to our full compliment and we all look forward to working with Kevin Rooney and Nick Denton as they become more confident in their new role.

As I write my first annual report as senior traffic commissioner I am sad to say a farewell to Linda Featherstone who has not only assisted me greatly and been “the fount of all knowledge” with her task lists but who also helped my predecessor for several years. Linda’s move to another department means the loss of a valuable resource which will make my tasks for this year that much harder. Finally I could not possibly submit my report without recording my complete gratitude to Corrina Bielby who has risen to the challenge of taking over from Linda. Corrina’s service over and above the call of duty has quite simply meant that not only did we meet the deadlines for the implementation of the Statutory Guidance Documents but also that we have achieved so much over the past year.

Looking forward

Whilst a lot has been achieved in the past year there is still much to do but I am confident that in the next 12 months commissioners will be able to work in a more proactive and measured manner setting our agenda with key stakeholders in achieving our aims of safer roads and fairer competition.

Looking forward commissioners have identified some key matters that we need to resolve over the coming year.

Agreement is needed with VOSA, DfT and other stakeholders to ensure proper data handling procedures are in place so that the appropriate Memoranda of Agreement and Service Level Agreements can be signed and implemented. I am determined that this long standing matter should be resolved as soon as possible and I record my thanks to David Coker from DfT for his considerable assistance.

Bus punctuality and reliability are never far from the top of traffic commissioners' agendas and there remain substantial challenges in promoting and ensuring this as a result of the policy change by DfT and the way in which VOSA is currently implementing this. I am sure that the publication of a new set of Statutory Guidance documents regarding Registered Service Reliability and Punctuality will assist and commissioners will be working on this over the coming year.

I am sure that the continued development of a more effective relationship with VOSA, DfT and other stakeholders (where appropriate) regarding delivery of our objectives of safer roads and fairer competition will be achieved through commissioners' attendance at the Compliance Forum set up by your Department in response to the request from industry and supported by Alastair Peoples.

Commissioners look forward to liaising with the Northern Ireland Transport Regulation Unit as they implement their new operator licence legislation to include those businesses that carry their own goods.

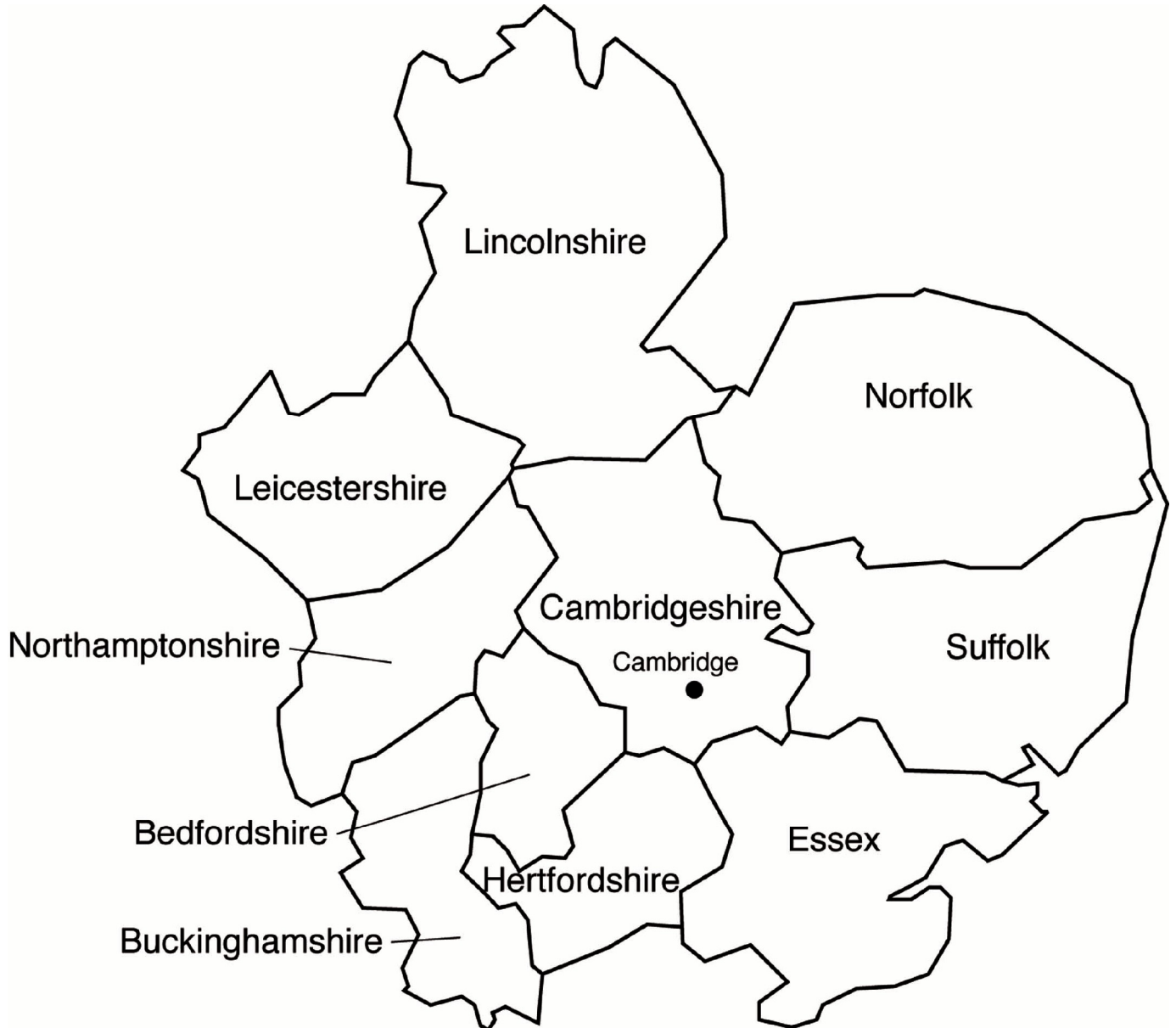
But I think that the most exciting part of our work over the next 12 months will be to look again at how commissioners can continue to modernise and to review our regulation of the commercial goods and PSV industries. You will be aware that commissioners have looked at this previously and we are keen to look at it again.

Since my appointment I have retained some concerns around the operator licence fee spend and it is vital that this matter is resolved this year – and I am sure it will be. But I want to make one final and most important point – commissioners can only be effective if we have the proper resources available to us and this is a matter that has taxed me considerably over the past 12 months – indeed I was asked about it by the Transport Select Committee in April of this year (outside the terms of this report). I made the point that commissioners understand we are in difficult economic times and remind ourselves that our work is paid for by operators – so we would not advocate a fee increase. But we are also administered by VOSA and there is consequently a lot that VOSA can do to support commissioners in their work. And so I look forward to working on behalf of commissioners with Alastair Peoples and his board over the coming year to ensure that we are properly resourced and financed for without this we cannot be effective.

And so as commissioners look forward I am confident that we will remain as fit for purpose in the second decade of the 21st century as we did upon our invention in the third decade of the 20th century. It promises to be a busy but an exciting time!



Eastern Traffic Area Report of Richard Turfitt Traffic Commissioner



Introduction

One of my predecessors commented: *It is not difficult to get an operator's licence. There are few hurdles to climb and those that do exist are set fairly low...But that is the intention...a system that does not discourage enterprising souls from having a go*¹. One of the main purposes of a regulator must be to support and assist those operators who want to ensure road safety and trade fairly, offering reliable services to their customers.

From May 2011 onwards the traffic commissioners made significant advances in support of the regulated industries and to enable operators and those attempting to enter the market to concentrate effort and resource where it really matters. Those efforts were directed at assisting responsible operators to enhance their businesses by removing unnecessary regulatory burdens. The environment, within which operators trade has of course become more difficult, reflected in the level of confidence expressed by CEOs² within the logistics sector. The DVLA statistics indicate a fall in the registration of buses, coaches and heavy goods vehicles. The fall in the number of buses and coaches is apparently mirrored by a reduction in vehicle mileage. Industry commentators have also highlighted the increase in van registrations. The commercial environment is made more challenging by an increase in overheads and the increasingly technical nature of operation and maintenance. I therefore use this opportunity to recognise the efforts of goods hauliers, whose contribution to the British economy is so vital and to PSV operators, whose efforts offer an alternative to the current carbon footprint left by transport. It is now accepted that a key part of the traffic commissioner role is to meet operators and applicants outside public inquiry, to actively engage in educational and other events³. Industry representatives are clear that traffic commissioners should take action where failures to abide by the licensing requirements risks an unfair advantage within the market place⁴. To regulate effectively I must have an accurate picture of the industries rather than being restricted to just hearing cases where there is cause for concern. To do otherwise risks the wrong impression of the regulated industries and furthermore would remove traffic commissioners from the local communities which we serve.

Since I was appointed over four years ago no year has been typical. As the Secretary of State will be aware during this last year I also took on the responsibilities as acting traffic commissioner for the South East and the Metropolis in addition to the East of England. I should therefore start by recognising the staff in both areas and in particular the Eastern Traffic Area, who allowed me to carry out those duties. This was the second time I had the benefit of assuming responsibility from Tom Macartney, now retired. He had already started work to ensure greater relevance of an office located in Eastbourne. Through liaison with Transport for London, most ably led by the Transport Commissioner, Peter Hendy, we have been able to improve the coordination of information, joint working where appropriate, and to allow for public inquiries to be heard in London, without additional expense to the licence fee payer. This inevitably led to work supporting Sarah Bell in her lead role for the 2012 Games. There is still much to be done but I was pleased to hand over to my new colleague, Nick Denton, who, like me, entered the role from Government service.

¹ Brigadier Compton Boyd, Traffic Commissioner for the East of England, in his report to the Secretary of State for 1996/7.

² FTA Logistics Report 2012

³ Consultation report -Fees for HGV and PSV testing and operator licensing for 2011

⁴ e.g. Chief Executive of the RHA, Roadway, June 2012

My other obligations included intense periods redrafting the Senior Traffic Commissioner's Statutory Documents in preparation for the implementation of EU Regulation 1071/2009; whilst this was an achievement it is right to acknowledge that this took me away from hearing cases for a period.

Picture of the Eastern Traffic Area

The figures show that the East of England remains the largest Area in terms of valid goods vehicle operators' licence holders. The number of licences has reduced by 4.33%, reflecting a national trend (4.19%). This traffic area also retains the largest number of specified goods vehicles, although this has also decreased by 4.5%. The Central Licensing Office processed the highest number of applications for both new licences and publishable variations for the area however the number of new licences issued has reduced slightly (by 2.88%). The number of publishable variations has increased, but only slightly (0.79%). The number of applications refused has fallen by 6.85%, with a fall of over 21% of applications being withdrawn. I note that the number of opposed applications in the Eastern area has decreased significantly (by 31%) compared to a national reduction of 18.47%. The efforts referred to elsewhere in my report have included attempts to ensure better information on the limitations on the potential grounds. The number of opposed applications being issued has decreased by nearly 50% (48.4%). The national figure dropped by nearly 20% (19.32%). The numbers of complaints have decreased significantly by 68% of the licences held in comparison to 2010/11, and the trend is reflected in the national figure, down by 60%. On a positive note EC authorisations have continued to increase in this area, up by 4.67%, compared to a national drop of 4.8%. This perhaps helps to illustrate the differences in traffic areas, and emphasises the benefit of a local approach.

There has been a very small increase in the total number of PSV licences in issue (0.38%) and an almost negligible increase in the number of discs in issue (0.04%); although the national figure actually declined by 2.9%. The drop in new applications and major variations reflects the national picture. The level of applications for Special Restricted licences has remained the same as last year. The number of new applications and variations for Local Bus Service registrations has decreased by just over 8%, leaving the total number of live local bus registrations down by 3% on last year. The numbers of flexible bus registrations has also decreased. There has however been a significant increase in the number of Small Bus Permits applied for and issued, up by 35% over the previous year, and reflected in the national trend. There has also been a noticeable increase in Large and Community Bus Permits. In the coming year I anticipate seeing the benefit of grants from the Better Bus Area fund in Leicestershire, Bedford, Milton Keynes, Cambridgeshire, Norfolk, and Southend, and grants to five individual operators under the Green Bus fund.

I have quoted from a predecessor above; he went on to say *Proper enforcement... lies at the heart of the licensing system: without it not only is road safety jeopardised, but the law abiding operator becomes disenchanted with a regime that seems to allow cheats to prosper.* The statistics regarding action taken at Public Inquiry reflect the success of the more targeted approach touched upon in my report last year. This is to an extent reflected in the appeal statistics which remain similar to last year. The number of formal public inquiries has decreased. This figure in part reflects the use of alternative disposals such as attendance at Preliminary Hearings. There has however been a noticeable increase in the number of applications and variations being determined at public inquiry against a small decrease nationally. The number of revocations and suspensions has remained at a similar level to the previous year. Curtailments have almost halved, but disqualifications

have increased significantly, as has formal action against Transport Managers. (This perhaps reflects the change in legislation; a theme to which I return below.) I have also noticed recently an increased 'lending' of licence documentation and references to unscrupulous freight forwarders and other agents in efforts to circumvent the law, to the disadvantage of responsible operators.

There was only one new PSV application and two variations determined at PI. I resist using this statistic as an indication of compliance as the number of PSV Public Inquiries remains at a similar level to the previous year and reflects trends across all traffic areas. There were only two hearings relating to bus punctuality and compliance of services. This mirrors the average in England and Wales and reflects the transition to new VOSA compliance arrangements. The total number of driver conduct cases referred has decreased by 7.22%, which is more than the national average but the number dealt with at a hearing increased as against the national trend. There has been a large increase in the number of applications for the return of impounded vehicles from 4 in 2010/11 to 11 in 2011/12. This reflects the efforts by VOSA and other agencies to take action against stretch limousines being operated illegally. I therefore echo the recent message particularly to customers to check on limousine operators to make sure that they are licensed before booking vehicles.

I referred in my last report to areas for improvement in the statistical information available. As traffic commissioners continue in our efforts to ensure more effective working it is important that we are in a position to demonstrate the use of resources and to report on initiatives such as alternative disposals for appropriate cases. The anticipated move in accommodation will ensure further savings. The work on statistics to support improved transparency is one of a number of continuing work streams, which I look forward to contributing to in the coming year.

Future Challenges

A major success of 2012 was the publication of the Statutory Guidance and Statutory Directions, to which I referred above. The FTA, in its Logistics Report 2012 recognised the operator licensing system as an example of international best practice: *the system is respected and valued by road operators and some key elements of it are now..being implemented across the European Union.* The FTA has indicated that further work will be required in order to ensure that the documents are kept up to date with the nature of logistics in the 21st century. The documents to a large degree reflect the overarching objects of the Government's Growth policy to encourage existing business, to create a more educated workforce and to make this country a place to start new business. In a similar vein I have and will continue to support educational events organised by the trade associations, local representatives and others particularly in support of implementation of the changes introduced as a result of Regulation (EC) No. 1071/2009.

Operators and the trade press have started to express concern at a potential skills shortage amongst drivers. The potential scope for greater diversity amongst the work force might offer a solution but I add my concern regarding transport managers. It is a topic which has featured with regularity in annual reports to the Secretary of State and is reflected in the efforts of the trade associations. I will leave the STC to comment on the response to the national register questionnaire sent out last October. Whilst the requirements of Regulation (EC) No. 1071/2009 in the main reflect the standards adopted by many GB operators, a major change is the ability of traffic commissioners to take action against Transport Managers who fail to exercise the level of continuous and effective management required to ensure a safe and compliant transport operation. The level of

knowledge expected of Transport Managers in the EU regulations, places further emphasis on the term 'Professional competency'. It is an indication that further action is required and of the importance of communicating effectively. The Office of the Senior Traffic Commissioner is now better equipped to support us in this.

The efforts to ensure implementation of the EU Regulations demonstrate the kind of team working that can be achieved between the Office of the Traffic Commissioner and officials. There was very positive communication and a degree of trust, which was genuinely encouraging. As I sat down to write this report the Framework document referred to in previous reports had yet to be signed. I am pleased to note that the contents have now been agreed and I therefore look forward to similar close working with civil servants based on a shared understanding of what is required to ensure fairness of proceedings. This can only benefit more efficient working and will no doubt act as a foundation for the future work to ensure even greater transparency.

Acknowledgements

I must above all thank my colleagues; we were a reduced but close knit team during the year. We have embraced opportunities in the face of fast moving and dramatic change. It is appropriate that I draw to the attention of the Secretary of State the contribution made by the Acting Senior Traffic Commissioner since the unexpected departure of the previous post holder. To describe what she faced upon appointment as challenging would be a real understatement. In the finalising of the Statutory Guidance and Statutory Directions I worked long hours trying to keep up with Beverley's energy levels. I hope that the Secretary of State will accept that her determination to put things right for the benefit of tribunal users and our local stakeholders is worthy of comment and that officials will be moved to ensure that she receives the level of support given to the last incumbent to allow her to continue to lead the necessary improvements to bring the operator licensing regime to where it should be.

I am supported by some very strong teams and am particularly proud that three members of staff from the Cambridge office have assumed temporary management roles in another area. The staff members who remained maintained the service to our tribunal users. I am grateful to John Furzeland, who oversees the tribunal centres, for his tireless efforts.

I also use the opportunity to convey my thanks to all those who continue to support my role both within the Office of the Traffic Commissioner and the enforcement agencies and partners outside, such as the police and Transport for London, which supply invaluable information, enabling me to take proportionate action where appropriate. I also commend the efforts by members of the goods industry led by Christine Barringer and her team at HSE, to react to the statistics on transport risk, by developing a strategy for the logistics and port industries to address risks to employees and others. This and the other work involving HSE with other agencies on load safety is an excellent example of how regulators and industry can and do work together.



North Eastern Traffic Area Report of Kevin Rooney Traffic Commissioner



Introduction

I write this report having taken up post on 5 March. During much of the year, Beverley Bell covered the role of North Eastern Traffic Commissioner alongside her duties as Acting Senior Traffic Commissioner and her day job of North West Traffic Commissioner. How she managed that, I do not know, but I am grateful that she did. She was greatly supported by Elizabeth Perrett and Patrick Mulvenna who dealt with the majority of the Public Inquiries. Of course, the vacancy was created by the retirement of Tom Macartney last October. Tom served the North East tirelessly since his appointment in February 2000. Tom believed in delivering safe and fair operation through teamwork involving licensed operators, the enforcement body and himself as the regulator. He tackled many difficult matters in his time, not least the very knotty issues around the operation of public service vehicles under permits. He has left me a strong legacy.

Goods Vehicles Operators

Not surprisingly, the biggest issue for operators in the north east is finance. Administration and liquidation is common. New applicants have been greatly assisted by the new statutory guidance document on finance but establishing financial standing is a major obstacle for many operators new and old. The industry has rightly expressed concern about phoenix applications and the consequent issues of unfair competition and on the reputation of the industry as a whole. Pre-pack administrations are a particular issue. I have been greatly impressed by the work of Sophie Griffiths and her team at the Central Licensing Office in identifying potential “phoenix” applications and referring them to me to consider whether to deal with them at Public Inquiry where they can be properly scrutinised.

The new EU regulations clearly define the transport manager as the person who effectively and continuously manages the road transport activities. This makes the role absolutely critical for holders of standard national or international licences and I expect to see more transport managers coming under scrutiny in the coming year. Operators, large and small, should consider whether the transport manager really does exert continuous management in the active sense. Simply reviewing occasional reports on the operation does not satisfy the requirement.

Public Service Vehicle Operators

The industry is steady with little movement in the number of operators or licences. Swapping of discs between operators, or providing them to unlicensed operators, appears more prevalent and is an area where strong action will be taken. The other main area of contention lies on the fringes with the use of section 19 and 22 permits. My predecessor was keen to get a grip on the issues and at least one permit holder has been brought to an in-chambers hearing. I am keen to work with the legitimate industry to ensure that permit holders are operating within the law. The use of restricted PSV licences for what are really private hire operations is also an area of concern. I struggle to see how an owner of a small limousine, for example, can really meet the requirements of legislation designed for running a bus service.

The success rate for applications for PSV licences is low. Very few applications are completed correctly at the first attempt. This causes additional work for the licensing team and frustration and delay for applicants. I would urge all applicants to seek professional

support in making their application. The cost of such support will be easily offset by the benefit of being able to operate weeks or even months sooner.

Local bus service operations remain high profile. A number of Integrated Transport Authorities in the North East are actively looking at moving from partnerships to contracts. This is a move that is not popular with the industry and I expect a lively year ahead.

Driver Conduct Hearings

I suspect few professional drivers are aware of the role of traffic commissioners. We deal with a range of issues, from sexual offending by PSV drivers through to mobile phone use while driving. Drivers risk suspension of licences for matters that raise road safety concerns. The statutory guidance document sets out clear guidance points and drivers would do well to make themselves aware of them before they find their livelihood threatened. This is an area where I am keen to raise the profile in the coming year, and to establish a position where multiple non-endorseable fixed penalties issued by VOSA lead to a driver being called to a hearing.

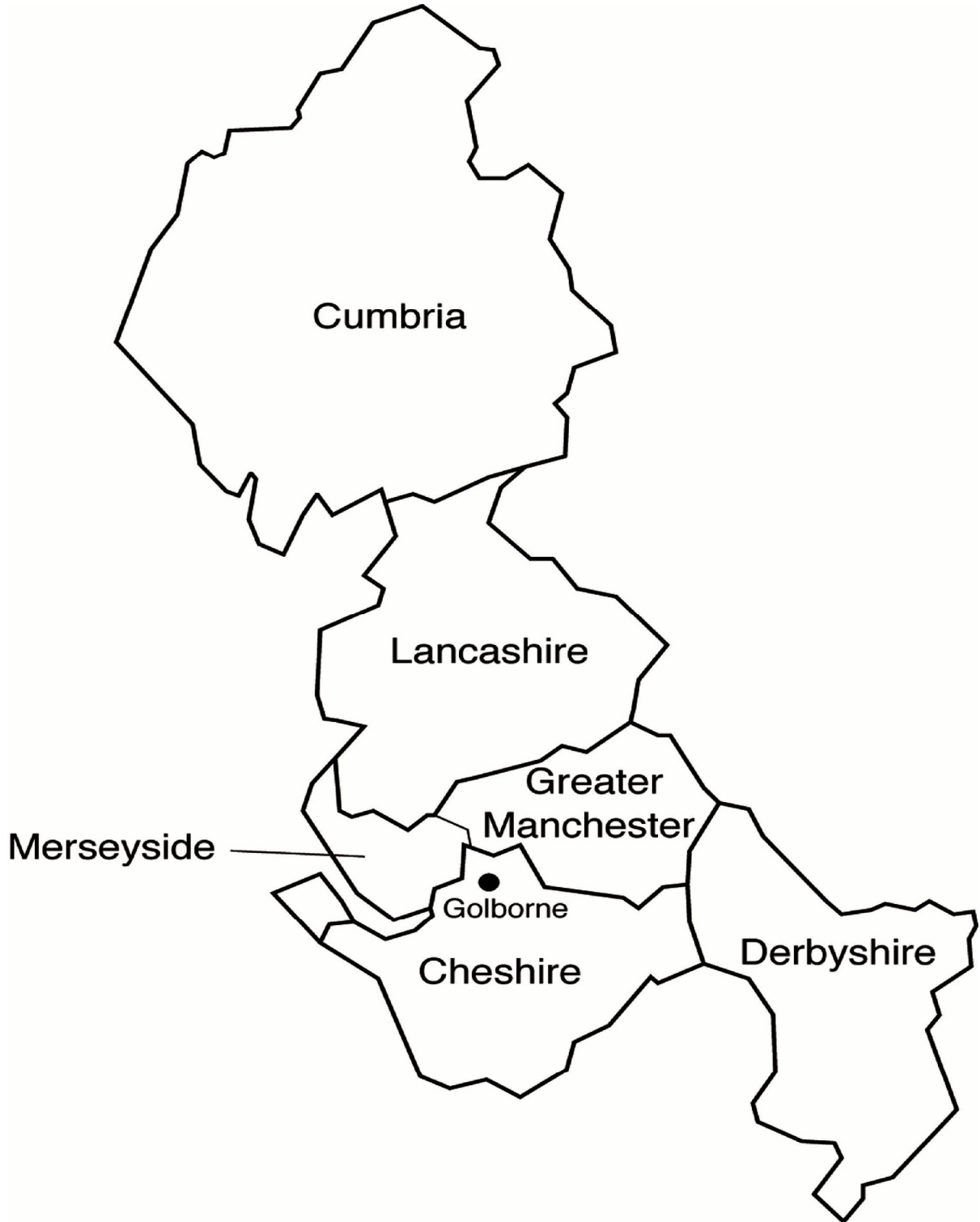
Acknowledgements

In my short time as Traffic Commissioner for the North East I have received considerable support from all the staff in Leeds. Phil Jowitt leads an enthusiastic and capable team, and Lynne Clarkson does an excellent job of making sure I'm in the right place, at the right time and with the right brief. Many staff in the Central Licensing Office have also been very patient and helpful in leading me through the finer points of law. Debbie Kavanagh, Sophie Griffiths, Danny Leech and Dave Whitehead deserve special mention.

My two deputies, Elizabeth Perrett and Patrick Mulvenna, have not only held the fort while the post was vacant and until my induction was complete, they have also been an invaluable source of advice and guidance. Nick Jones, Traffic Commissioner for West Midland and Wales, has proved an excellent mentor and Beverley Bell provides unending encouragement. I am grateful to them all.



**North Western Traffic Area
Report of Beverley Bell
Traffic Commissioner**



Introduction

Secretary of State, this year my annual report is brief and I would like to make just a few key points – the statistics speak for themselves.

A tribute to Tom

In July 2011 my great friend and colleague Tom Macartney informed me that he was going to New Zealand to watch the rugby world cup in September and I was delighted for him. But when he followed this with the news that he was then going to retire and not come back I was devastated! This news from Tom meant that he was to retire after 11 years' faultless service as the traffic commissioner for the North East. We were both appointed in 2000 and from the moment I met him I knew that he was an exceptional individual.

Tom was always quick to know when his expert help was needed and so colleagues knew that when any of us were absent or under pressure that his leadership and management skills would come to the fore enabling him to be responsible for several different areas of work at the same time. His natural leadership skills earned him the respect of all commissioners and we all knew that in times of crisis his calm authoritative advice was both intellectually and practically sound. His contribution to the promotion of road safety in the transport industry as a commissioner was outstanding and he was a keen advocate of training and development thereby ensuring the continual raising of standards in an industry that does not always have the public reputation that it deserves. He is sorely missed by colleagues as both a friend and a commissioner. I wish him and his wife well in their new life in New Zealand.

Conducting public inquiries

Over this last year I have not been able to give the same amount of attention to the North West traffic area as I have previously due to my commitments as acting senior traffic commissioner. I have therefore relied to great extent on my deputies to regulate on my behalf and I am indebted to them. The statistics reveal that they have worked hard on my behalf taking proportionate and purposive action in just over 200 goods and just over 40 PSV public inquiries. The rate of revocations remains high, at around 30% for goods cases and 25% for PSV cases illustrating that my deputies and I remain committed to excluding from the transport industry those operators who are either unable or unwilling to comply with the terms upon which their operator's licence was granted.

But much of the value in our public inquiry work lies not just in revocation cases but in those cases where orders for curtailment and suspension are made. In just over 11% of goods cases and nearly 14% of PSV cases the licences were suspended thereby preventing the operators from running their fleets for a limited time period. In 21% of goods cases the licences were curtailed thereby reducing the number of vehicles that the operator could put on the road at any one time

The combining of these orders with other directions such as the provision of driver training or the completion of an audit report ensures that operator licence regulation is both proportionate and purposive – my two watch words when sitting in public inquiry.

Engaging with the industry

Whilst I have been able to delegate much of the public inquiry work to my deputies I have not delegated my engagement with stakeholders as I know that they want to see their local traffic commissioner and to hear what I have to say. As with previous years I have always been delighted to attend all manner of events from the usual trade association events to the more unusual (but no less important) such as addressing an USDAW conference on a rainy 5th November in Blackpool – hearing first hand from delegates who were drivers and managers and shop stewards of the problems that they face on a daily basis of ensuring that both driver and vehicle are safe. And also hearing from them about how seriously they take their obligations working as professionals – and how they welcome guidance from their local commissioner.

Continued attendance at the North West maintenance committees for both the goods and PSV sectors has led to the development of better working practices amongst many who carry out commercial vehicle maintenance as well as ensuring that many commercial vehicle suppliers now understand how they can contribute much more effectively to their customer's operator licence compliance than they have in the past.

Attending the North West CILT transport industry awards on 24th June (also rainy!) reminded me of the many examples of best practice, commitment, professionalism, drive and determination shown by entrants and brought a welcome balance to those whom I met in public inquiry last year that showed me only worst practice, an amateur approach and nonchalance for compliance. And so it was good to celebrate success in the industry as so much of my time is often spent dealing with failure. Attendance at these and similar events gives me the confidence to regulate robustly in the public inquiry – routing out the non-compliant for the benefit of the compliant.

Making the buses run on time

When interviewed 12 years ago for the post of traffic commissioner I was asked what passengers wanted from their bus services. The answer was not difficult – they want the buses (and their drivers) to be safe, punctual and reliable – and if they are clean so much the better. And so it is that I remain as frustrated now 12 years on as I was on appointment when I found that this was apparently difficult to achieve.

In previous annual reports I (like fellow commissioners) have not minced my words about the paucity of resources spent on enforcement that will ensure that operators do all they can to run reliable and punctual services. This year has seen a sea change in the way in which enforcement is to be carried out with the implementation of the new DfT policy on bus service reliability and punctuality. The North West traffic area was the first to have this new policy and subsequent implementation by VOSA rolled out – and there have been teething problems along the way.

Wanting to be proactive I formed the North West Punctuality Working Group with representatives of local operators, CPT and local transport lawyers who have been keen to attend and who have made a significant contribution. The group exists to identify the barriers that stand in the way of the running of reliable and punctual services and to then establish how those barriers can be overcome so that services can be as reliable and punctual as possible.

Whilst there is still much to be done the group has nonetheless achieved a great deal in a short time and I look forward to reporting next year on how this work has progressed.

I also look forward to reporting on how the new enforcement approach by VOSA is working and I take this opportunity to remind operators who read my report that they must monitor their registered services and they must proactively manage them – because ten years after the then Senior Traffic Commissioner Mike Betts told them to do so far too many still are not and they can expect no sympathy from VOSA as the enforcement agency or me as the regulator.

Acknowledgements

My annual report always enables me to thank all within the Office of the Traffic Commissioner with whom I work on a daily basis. My staff at Golborne, Chadderton and Leeds, as always are unstinting in their enthusiasm and their support for me. I remain indebted to them.

As always, VOSA enforcement staff remain committed to the cause, despite the many competing pressures upon them – they proactively impound illegal operators in my area and they routinely bring cases to my attention. I also urge them to seek out and to bring to my attention the non routine cases, for this is where my powers to intervene and take action have the most immediate impact – stopping a business from running vehicles in a dangerous condition and putting the lives of other road users and passengers at risk through a culture of illegal activity.

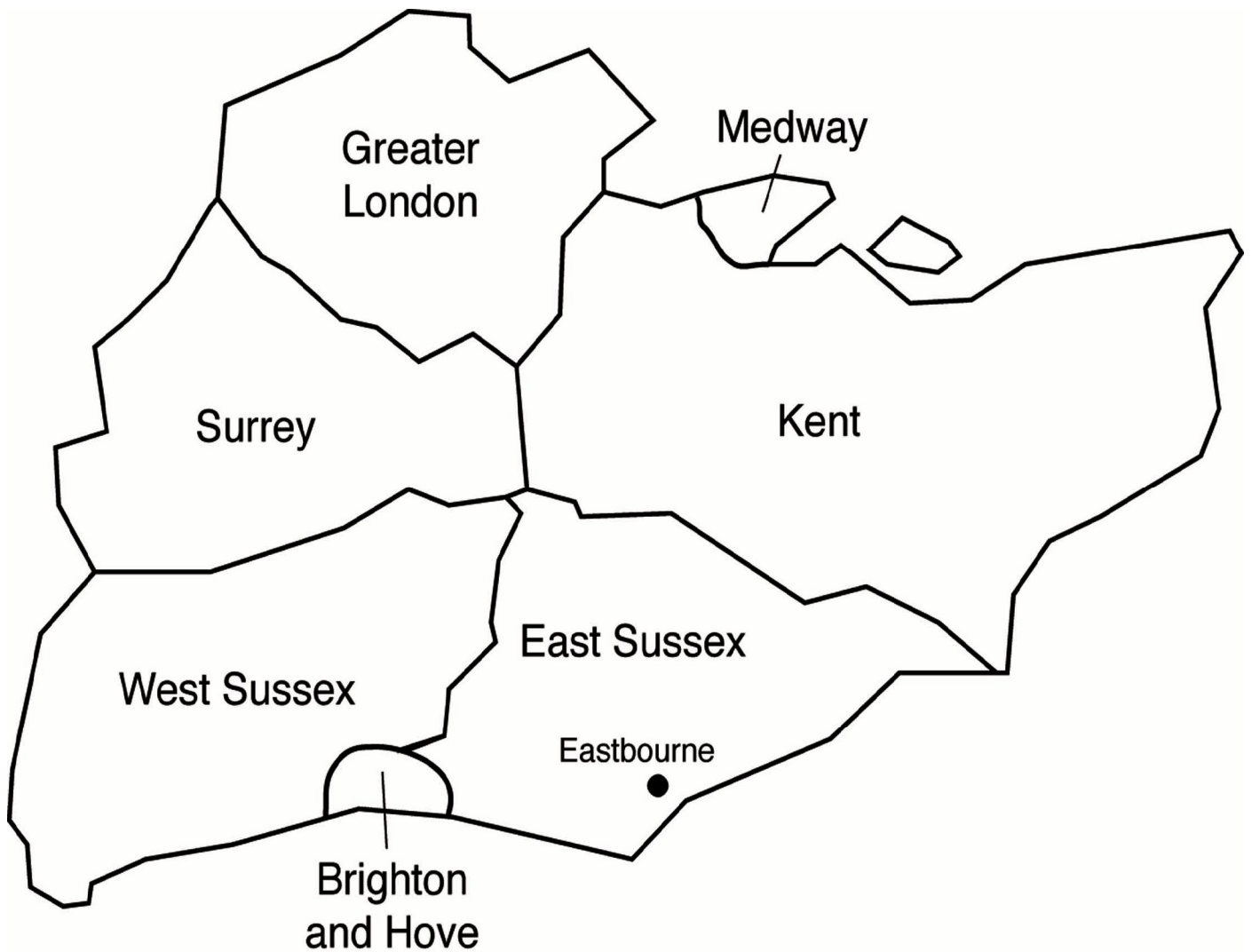
Continued liaison between Police forces in my area and my office mean that those who should not be allowed to operate commercial vehicles are brought to my attention and I am indebted to and record my gratitude to PC John Thomas from Greater Manchester Police who took on this onerous task on behalf of many Police Forces in my area with a gusto and an enthusiasm that was not only refreshing but also paid considerable dividends. I can easily name one highly persistent illegal operator in the North West whose determination to continually circumvent the operator licence regime has been continually thwarted by PC Thomas (and VOSA's) equal determination to prevent him from doing so. This one operator is just one example of the value of the statutory objection process. And so I was sad to learn of the retirement of PC Thomas at the end of March – I wish him well – but I was also delighted to hear that GMP will continue to fulfil this vital role on behalf of many Police Forces in my area.

As ever I conclude my report by recording my thanks to colleagues – both deputies and fellow full timers. My deputies, Patrick Mulvenna, Elizabeth Perrett and Simon Evans, and also Lester Maddrell from the Western Traffic Area and Roger Seymour from the West Midland and Wales Traffic Areas, have all stepped in to assist me so willingly and often at short notice over the last 12 months. Without their tremendous help last year the public inquiry work would have ground to a virtual halt and I know that I shall continue to rely on them next year.

Finally, I repeat the comments I made in my annual report as Senior Traffic Commissioner about my fellow full time traffic commissioners and consequently express my thanks to them for their invaluable support, advice, friendship and wise counsel. I am in their debt.



South Eastern and Metropolitan Traffic Area Report of Nick Denton Traffic Commissioner



Introduction

Having taken up post as Traffic Commissioner for the South East and Metropolitan traffic area in late March, only five days before the end of the reporting year, there is little that I can report at first hand.

I would like, however, to highlight a few of the statistics in the annex. A total of 233 public inquiries were held in this traffic area in 2011/12, all but seven of them by three deputy traffic commissioners John Baker, Mary Kane and Miles Dorrington. I would like to thank them for their hard work and good cheer in keeping the business of the traffic area flowing normally, after my predecessor Philip Brown was struck down with illness early in the year. I would also like to thank the former traffic commissioner for the North Eastern Area, Tom Macartney, and the commissioner for the Eastern Area, Richard Turfitt, for acting as commissioner in the South East and Metropolitan area during Philip's absence.

Of the 135 public inquiries into non-compliance by goods vehicle operators, 30% resulted in the operators having their licence revoked. A further 40% resulted in the licence being suspended, curtailed or having conditions imposed upon it. 20% of inquiries resulted in a formal warning to the operator. Less than 1% of inquiries ended with no further action against the operator.

Of the 12 public inquiries into non-compliance by public passenger vehicles, there were three revocations of a licence and two suspensions. Only one inquiry resulted in no further action.

As a newcomer to this world, I arrived determined to hold as many public inquiries over the coming year as possible. If I held 250 inquiries in 2012/13, this would clearly constitute an improvement in efficiency over the past year (and make me a harder working commissioner than a colleague holding only 249!). But of course it is not like that. The road haulage and passenger transport industries have made it clear that they do not much care whether I sit for three public inquiries a week or thirteen, provided that I hold a sufficient number to tackle and take appropriate action against operators who do not comply with their maintenance and other obligations, cut corners on safety and therefore compete unfairly against those operators who abide by the rules. I shall therefore aim to build on the work already achieved in this traffic area (as the above figures show), in trying to call to inquiry those operators which investigation reports and other evidence suggest merit action against them more severe than a warning, focusing scarce resources (public inquiries are labour intensive for both traffic area offices and VOSA) where they are likely to make the most difference.

I have already seen that there are a few operators who seem to be gaming the system, passing without apparent concern, and certainly without action, through the various stages of warning, first, second and even third public inquiries. They invariably argue that, because they have sought help on compliance issues sometimes only a few hours before the public inquiry, they have shown serious intent and deserve another chance. The possibility of repentance between the stirrup and the ground might have comforted Pinkie in *Brighton Rock* but the traffic commissioner in neighbouring Eastbourne will be harder to convince. Everyone deserves a second chance, but I shall be reluctant to give operators the fourth, fifth and sixth chances that some of them appear to consider necessary. Part of the problem appears to be that operators, particularly micro-businesses, sign up to the operator undertakings when they apply for a licence and promptly forget about them. Perhaps they never read them at all, rather like my teenage son when he downloads yet another piece of software and happily – and incorrectly - ticks the box confirming that he

has read and accepts the terms and conditions. My mission over the coming year is to instil into operators that these simple undertakings should not be consigned to mental oblivion once they have applied for their licence, but have the status in their operation of the ten commandments. They should be prominently displayed in the operator's office, if not in tablets of stone then at least on laminated paper.

I have also been struck in the first few weeks of my new post by the number of transport managers coming before me, with a certificate of professional competence dating back some years, who have almost no knowledge of recent legislation and what they are required to do. It is akin to finding an electrician who does not know how to wire a plug. It appears to be all too easy for some, once they have acquired a transport manager CPC, to hand over the job to someone else and take a back seat in the operation. I shall be emphasising the need for transport managers to manage operations "continuously and effectively" in my public inquiries and in my contacts with the industry and operators.

Towards the end of March, VOSA, in conjunction with the Metropolitan Police and Transport for London, started an operation intended to examine the condition and legality of the many stretched limousines now being operated in and around London. The results so far show that too many stretched limousines are non-compliant, with offences ranging from no operator's licence, unsafe vehicles, to drivers' hours offences and drivers without the correct driving licence entitlement. The initiative has been taken in advance of the Olympics, but I hope it will continue thereafter, as clearly there are too many unscrupulous operators who are more concerned with profit than safety. Again, this is unfair on those limousine operators who do operate legally, and have invested in the necessary safety alterations to their vehicles and the right drivers to drive them. There is a risk of course that targeting illegal limousine operators in the capital will merely displace their operations elsewhere. Last week I saw my neighbour proudly taking photographs of his teenage daughter and her friends as they stepped into a stretched limousine on the way to their school prom. If he had known what I knew about that particular operator, he would have been more likely to have dropped his camera and phoned the police. I will be keen to alert potential limousine hirers throughout my traffic area of the risks of hiring a limousine from an unlicensed operator.

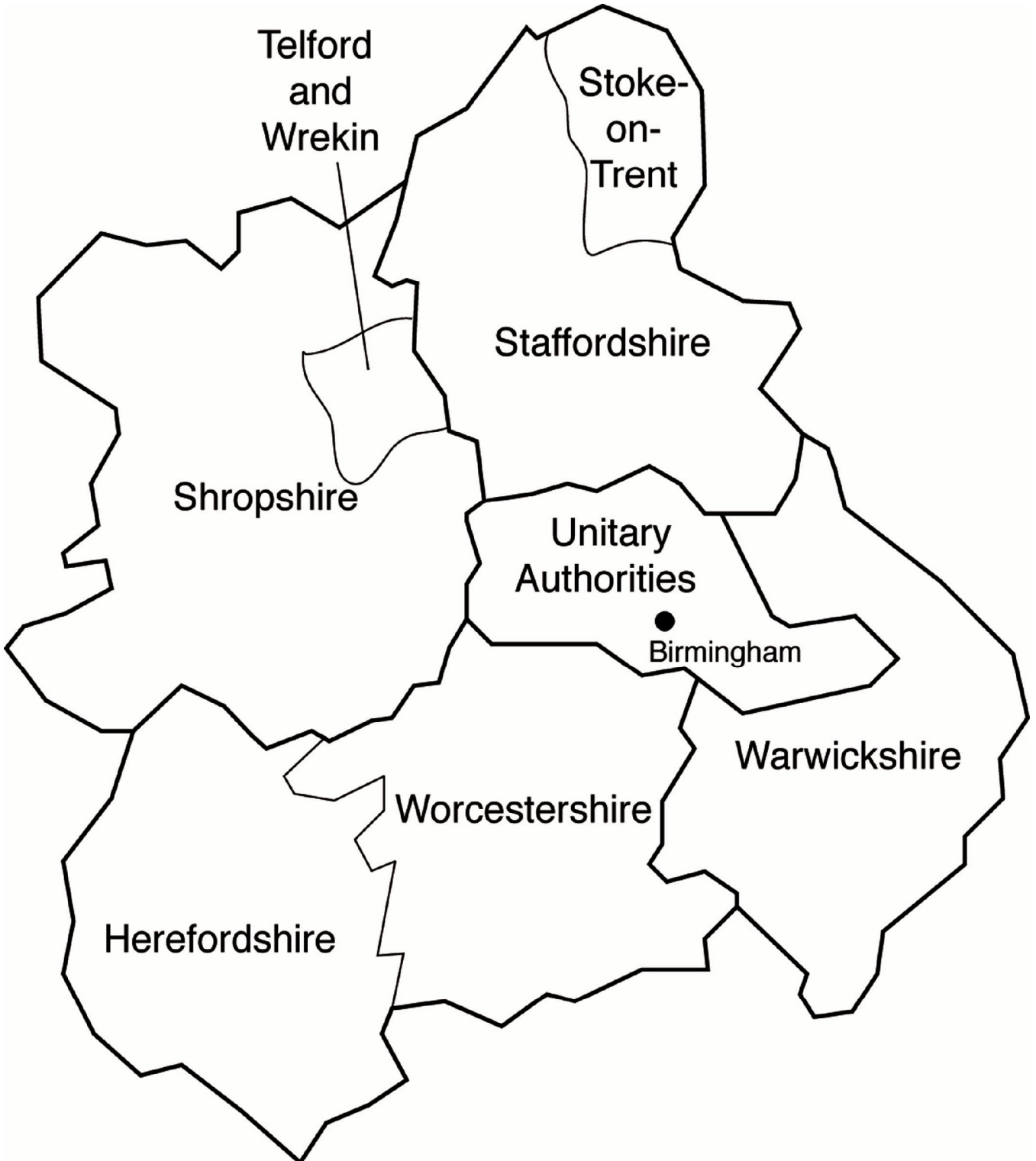
Before I close this short report, I should like to pay tribute to my predecessor for five years at SEMTA, Philip Brown, who sadly had to retire owing to ill health early in the year. He has bequeathed me a very smooth and efficient operation at the traffic area office in Eastbourne and has very kindly presented me with the latest version of Wilkinson's Road Traffic Offences, which is already well-thumbed.

I am grateful too to the other traffic commissioners for welcoming me into their fold, for allowing me to observe them in their duties and for giving me the benefit of their advice and experience. I am particularly grateful to the traffic commissioner for Scotland, Joan Aitken, for acting as mentor – no mean task with such an opinionated, unruly (but nevertheless appreciative) pupil.

I would also like to thank Andrea Clarke and Anne Bush, senior team leader and team leader respectively in the office, and the whole team in Eastbourne for welcoming me to the post, being so tolerant of my foibles and, so far at least, for preventing me from making too many mistakes and for repairing them when I do.



**West Midlands Traffic Area
Report of Nick Jones
Traffic Commissioner**



Introduction

Secretary of State, despite many challenges, there is much to be positive about work of traffic commissioners in the bus, coach, freight and logistics industries. As statistics published in the various annexes will show, the pressures facing industry have not resulted in any real diminution of the work undertaken by me, indeed there is evidence that financial constraints have increased the temptations to lower safety standards in attempts to obtain commercial advantage. My roles are primarily about road safety and assisting in the creation of a level playing field.

For almost the whole of the reporting period there has not been a permanent senior traffic commissioner in post. Either the former post holder has been ill, or his successor has had the encumbrance of the title deputy or acting. The very positive feature of the past year is that Beverley Bell has, in effect, undertaken the senior traffic commissioner role with her customary vigour, tenacity, openness and professionalism. The effective leadership, which was lacking, is now very much in evidence following Beverley's appointment and I wish to assure the Secretary of State of the trust in which she is held by her colleagues and industry alike.

I was intrigued to watch a recording of the Transport Select Committee pose questions of Beverley Bell; in particular it was put to her by a member that many wonder what traffic commissioners do, with it being put that we are like the tooth fairies. Whilst an immediate reaction to the comment might be defensive, if a member of the Select Committee has queries then more needs to be done to communicate the advantages described by the trade associations. Much of what we do as traffic commissioners is not attributed to us and often we are confused with VOSA or DfT. This is not surprising when a lot of information is communicated using VOSA corporate logos or email addresses. The fact that those who provide administrative support are also employed by the principal organisation that most often appears before us at judicial hearings (including as a party), is likely to lead to the assumption that we are the same.

The root cause of the "tooth-fairy" perception is that there is a huge volume of legislation that refers to us, but much of it is not implemented, some of it is simply ignored. This is especially so in the case of the PSV industry where legislation has developed piecemeal with resultant impact on the cost to regulator and regulated. For the avoidance of doubt this is not a plea for money, although there are issues as to who controls resources and accountability.

A significant number of issues and concerns have been brought to the attention of traffic commissioners over the year, but in the main they fall to those who are appointed to support us and we continue to pursue those detailed answers. Traffic commissioners have limited control over some of the actions attributed to us, including a lot of material in the statistical data in this annual report. I use the example of a case involving a section 19 permit which made news during the last year. Most traffic commissioners have yet to see a submission relating to a permit as this is often dealt with administratively within a centralised office and without reference to us. There are a lot of other examples where things are done in the name of a traffic commissioner where we have no real input or control at present. This represents a significant challenge ahead in terms of transparency and assurance arrangements, but Beverley is ideally placed to address these matters. The outcome of the VOSA consultation exercise, together with the overarching legal Framework document will contribute to a better mutual understanding of roles.

Traffic commissioners do not take lightly the obligations in the statutory Compliance Code to engage with the regulated industries. Since traffic commissioners were appointed 80 years ago, they have valued their engagement with industry. Curiously the consultation exercise on VOSA's fees categorised this as "non-core" activity and questioned whether this should be funded from fees. The overwhelming response from industry was gratifying and should put this issue to rest as this engagement allows us the opportunity to listen, learn and make better informed decisions. Sitting in public inquiries dealing only with those that flout the law can potentially give a jaundiced view and it is therefore helpful to hear the encouragement given to me by those who strive for excellence within the trade associations. Engagement with industry is core work in the same way that it is core work when we deal with operators in public inquiry.

I wish to record an encouraging feature of the last year being the unequivocal support from the local Confederation of Passenger Transport for enforcement of compliance with bus timetables – an obvious indication that good operators will ensure adherence to timetables, together with recognition that those who do not do so have an unfair competitive advantage and also have the effect of discouraging use of buses.

I also wish to record my appreciation that unpaid bus enthusiasts volunteered to assist in gathering evidence against non compliant operators who pay too little heed to management of registered timetables. In one case where there were cross complaints of dangerous behaviour by drivers and operators together with non compliance with registered timetables, this led to an operator paying for an independent party to verify the position as to timetable compliance. I will always consider each case on its merits but there must be a concern that where operators find that they have to pay for the 'policing' that small operators may be put at a significant disadvantage.

All bus operators are expected to have good and effective complaints procedures, but regrettably this is not always the case. In some instances operators have ignored findings of the Bus Appeals Body. This is unacceptable and in each instance I have called the operator into a recorded preliminary hearing where I have set out my expectations. I am pleased to report that on each occasion this method for alternative disposal has resulted in a satisfactory resolution and a public inquiry proved unnecessary. Usually it has been useful to the operator in appreciating the need to have good, effective and responsive complaints procedures.

As with the bus and coach industries, the haulage and logistics trade associations provide opportunities to illustrate best practice. One industry event revealed that a respected local haulier made a commercial decision to cease trading because of the financial constraints which industry faces, I was enormously impressed at the professional manner in which this was handled; again this illustrates how the good operators that I meet at industry events are usually very different from some of those that I see at public inquiry. Some hauliers at hearings before me attempt to argue that it is an industry that does not work on written contracts and payments are all cash in hand; that reflects the section of the industry that is unlikely to be a member of a trade association and which is more likely to appear before me with view to disciplinary action.

Liaison with other regulators is another important feature of the Hampton principles for better regulation and I seek to inform other regulators and disciplinary bodies about my decisions. In one case I revoked a goods licence and disqualified the operator for a period of two years. My order of disqualification did not of course mean that the individual would automatically obtain an operator's licence in two years, it reflected the fact that he would be committing a criminal offence if he held or applied for an operator's licence within that

period. However I also sent a copy of my written decision to the Insolvency Service, which led to the individual concerned being disqualified from acting as a company director for a period of eight years. It is an example of joined up working and how traffic commissioners can and should liaise with other regulators.

Limousines and novelty vehicles

As lead traffic commissioner on limousines and novelty vehicles I use this opportunity to comment on this specific area of regulation. Previous annual reports are of course available via the Departmental website and include analysis of the substantial risks posed to both the public and to legitimate operators. Many of the problems arise from the cross over between the law relating to private hire vehicles (licensed by local authorities) and PSVs licensed by traffic commissioners; in certain circumstances there is a choice of operator licensing regime. The Law Commission is now undertaking a review of taxi and private hire legislation, which may provide an opportunity for both improved clarity in the law and a potential solution to the issues associated with licensing smaller (eight passenger seats or less) vehicles.

There has been an increase in enforcement activity due to the risks being identified as a result of the forthcoming Olympic Games. Other bodies are increasingly aware of the dangers of unlicensed, illegal, unsafe and dangerous limousines. I anticipate that responsible operators, who pay substantial sums to run safe compliant vehicles, will welcome the increased enforcement activity as it will begin to address the need for a level playing field whereby illegal operators can currently obtain a commercial advantage.

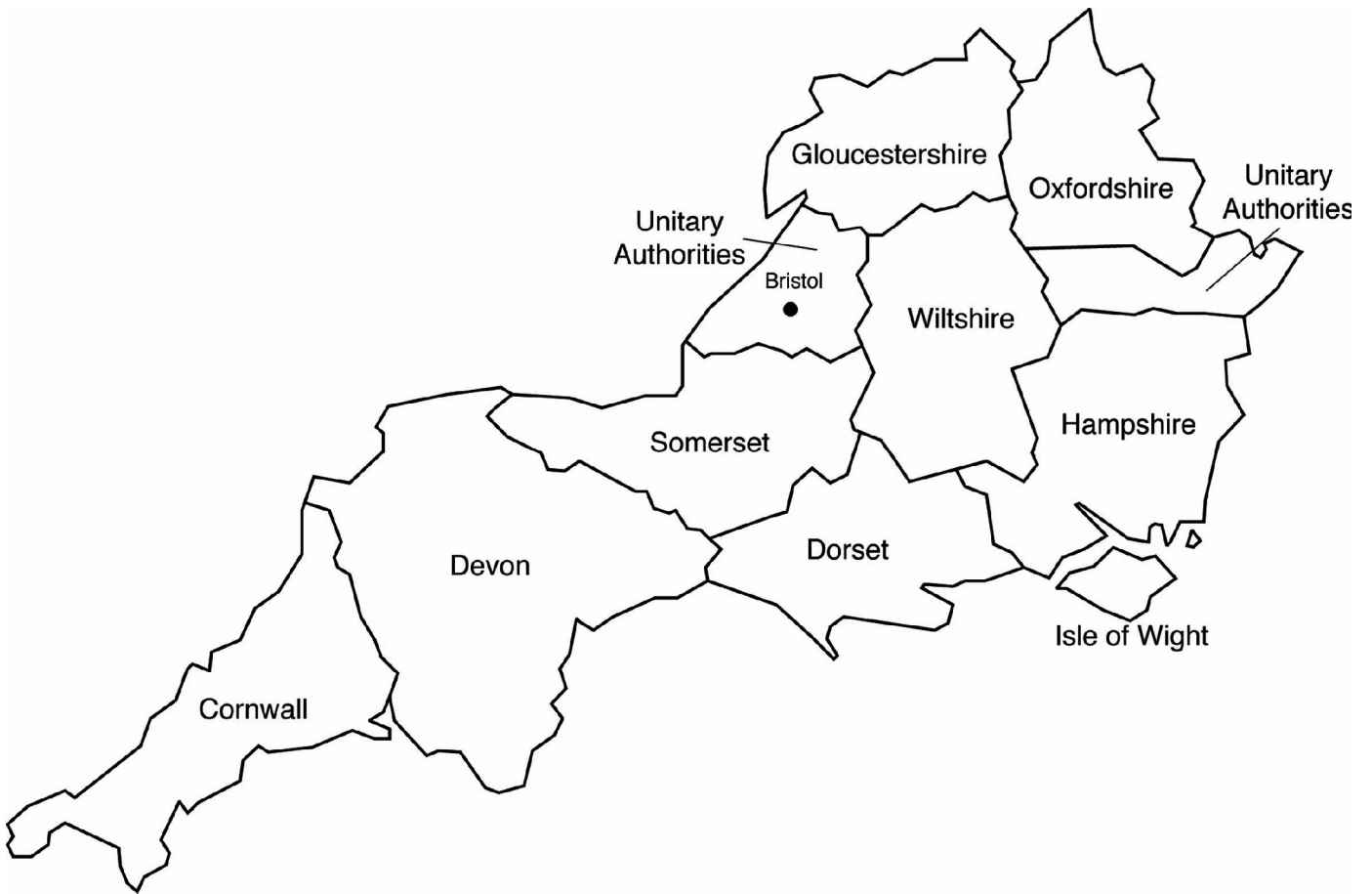
Acknowledgements

I finish with an acknowledgement of the assistance provided to me by staff and colleagues. My deputies add to the quality of decision making from their experience of a wealth of other judicial and tribunal jurisdictions. I must also pay tribute to the work undertaken on addressing issues relating to the Olympics where my colleague Sarah Bell has undertaken a huge amount of work for the benefit of industry and the public at large. Hopefully one of the legacies of the Olympics will be the improved communications between public bodies which have responsibilities for transport; this can only be of long term benefit to the passenger transport industry, the haulage industry and to the general public. Similarly I must refer to the phenomenal work undertaken by my colleague Richard Turfitt who has assisted Beverley Bell in her Senior Traffic Commissioner role in drafting statutory guidance documents; his legal skills leave me in awe of him.

The team of traffic commissioners is in a far more positive frame of mind than a year ago, this is due to the co-operative work, and we all seek to assist one another. It has been helped immeasurably by having good leadership from Beverley Bell.



WesternTraffic Area Report of Sarah Bell Traffic Commissioner



Introduction

Secretary of State,

I am sure you will agree it has been another challenging year for GB plc in general and the bus, coach, freight and logistics industries in particular. It is to the credit of those industries that even in such times there is much to celebrate. Diverse examples include, another successful UK Bus and Coach Rally; the Chartered Institute of Logistics and Transport Awards; the Road Haulage Association Awards for Women in Transport and the Institute of Road Transport Engineers Skills Challenge. Also, in amongst dealing with the current challenges many members of the industry (including me!) still found the time for charity fund raising, most notably the Freight Transport Association Transaid Challenge - a gruelling multi leg sponsored cycle ride. Congratulations to all those who took part but particularly those who rode every single leg (not me!).

Whilst on a note of celebration I would like to welcome new colleagues Kevin Rooney Traffic Commissioner for the North East of England and Nick Denton Traffic Commissioner for the South East and Metropolitan Traffic Area who joined at the end of this reporting year. Once their induction period is complete I hope they both find the role as rewarding as I do.

West of England

As Traffic Commissioner for the West of England, I have continued to divide my time in a way which has industry support. My primary focus, of course, has remained on conducting Public Inquiries and Driver Conduct Hearings alongside box work such as licensing case submissions. I have also continued to engage with the industries and wider partners at meetings, seminars and conferences to ensure I fully understand the challenges facing them and retain a balanced view of the industries as a whole. I have attended a number of events both at regional and national level.

The statistics are published within the main body of the annual reports compendium as always. These statistics speak for themselves and I am pleased that this year they seem to be more meaningful without needing wider explanation. The statistics can be summarised as the balance of work may change but I and the team who support me to deliver for the West of England, remain busier than ever.

Secretary of State, the year has not been without disappointments. At the end of the reporting year the Legal Framework was not in place (although happily it will be by the time this report is published). Furthermore, my office relocation across Bristol to Jubilee House left a legacy of a long list of "lessons learnt" for future office moves across Traffic Areas. Officials in the Department and VOSA are in no doubt as to my views on both and I do not propose to include details here. That being said, I must thank the Office of the Traffic Commissioner staff in Bristol, who despite everything, somehow kept the wheels rolling with minimum disruption to operators and drivers.

As mentioned above, Kevin Rooney and Nick Denton only joined us at the end of this reporting year. It was therefore a challenging year for all the Traffic Commissioners being somewhat depleted firstly with the retirement of Phillip Brown and then Tom Macartney. Somehow, we all managed to keep going in pursuit of effective regulation but at some cost to ourselves. In particular, I still do not know how Beverley Bell and Richard Turfitt have managed to defy the rule that there are only 24 hours in a day. I always thank colleagues and I always mean it but this year in particular I think Team TC has come to the fore and we

have shown what a team can do when it communicates effectively and is all pulling in the same direction.

Olympic & Paralympic Games 2012 Delivery

This past year has been a year like no other for me, not only because of the reduced number of Traffic Commissioners and the office move but also because of a certain sporting event which takes place this summer. I continue to have the honour of being Lead Traffic Commissioner for the Olympic & Paralympic Games 2012 ('the Games'), very much assisted by Richard Turfitt. Also Nick Jones has made an invaluable contribution in highlighting the need to enhance initiatives to remove unsafe illegal limousines and novelty vehicles from our roads pre-Games.

I have sat on the Games Transport Board (and the 3 separate Boards that were its predecessor in 2011). On the freight side correspondence has been sent to all GB operators with hours and movement restrictions on their operating centres, alerting them to the restricted times for deliveries into London during the Games and inviting them to plan accordingly. The GB operators' database has been provided to Transport for London (it is public information) to enable their Freight Team to write to all operators with wider Games messaging. To assist the smaller operators plan, I prepared some Olympic planning documents that have been placed on the Traffic Commissioners' pages of the Department for Transport website. As you will be aware, the Freight Amendment in the Olympic Act was done to ensure that there was a contingency for short notice applications and I was very pleased to assist the Department for Transport lawyers and officials in the drafting of the amendment and supporting paperwork. In addition to sitting on the London and the National Games Transport Boards, I also attended regional events such as the Dorset Freight Working Group.

On the bus and coach side, the PSV Senior Team Leader Debbie Kavanagh has been in touch with operators such as the Games Family Transport contractors to assist them with their planning. In addition letters have gone to all GB operators who have local services which may be affected by Games venues reminding them of the need to plan for timeliness around the Games period.

All messaging whether to Freight or PSV, has included helpful links to websites such as the Transport for London Freight pages and London 2012.

I would like to take this opportunity in particular to thank John Fuzeland in the Central Licensing Unit in Leeds. John has worked fastidiously to help ensure operators and Leeds are Games ready. He has been the main contact for all the Games collaboration ably assisted by Debbie Kavanagh, Steve Fox and Simon Griffiths. John and I would like to thank Neil Barlow and Marion Sheppard at VOSA HQ for their help.

Special mention must also go to Peter Hendy, Commissioner for Transport for London, and his team at Transport for London who in the past year have done their own Olympic equivalent in collating and disseminating the information that bus, coach and haulage operators will still need to get around and help deliver on the Games. We do of course always remind ourselves that this is a sporting event and not a transport or security event. However, for transport not to be in the headlines for the wrong reasons, Transport for London have put in a herculean amount of time, energy, innovation and resource into delivery whilst keeping London moving on a daily basis throughout the year. In particular, I thank Ian Wainright and his team for their extraordinary vision, capacity for hard work and unwavering good humour.

I want to assure all interested parties, in relation to the West of England, that it has been business as usual thanks to the help of fellow Traffic Commissioners and the Deputy Traffic Commissioners, whilst I have been involved in Games preparation. In addition, although the Games are of course London focussed, they have venues outside of London including the sailing at Weymouth and Portland, a beautiful part of the country within the Western Traffic Area.

Further good news for operators, is that the additional Deputy Traffic Commissioner fees incurred for the West of England, whilst I have been doing Games work and some of the correspondence which has been sent to all GB operators, has either been funded by Transport for London or Transport for London are organising funding from other sources so as to reduce the burden on operators and operator licensing fees.

Forward Looking

Legacy is an important word around the Games and it sits comfortably alongside Traffic Commissioners' goal of reducing the burden on the legitimate operators. I am pleased to report that Legacy is something the Traffic Commissioners for Great Britain are committed to supporting. In particular, the requisite out of hours' delivery slots in and around London at Games time and the underpinning Code of Practice, provide an excellent opportunity to take the initiative forward post-Games. This could materially reduce the freight impact on the roads during the day. A further important legacy identified by all concerned is the closer liaison between Transport for London, the trade associations and Traffic Commissioners for the benefit of industry.

Beverley Bell has shaped the role of Senior Traffic Commissioner closer to that envisaged by the legislation at the outset. From day one as Deputy and then Acting Senior Traffic Commissioner she has demonstrated leadership. Beverley likes to be known for her plain speaking. She has tackled a number of the knotty issues which have unsettled the Traffic Commissioners' relationship with the Department and VOSA for a long time. Sometimes she has used her beloved plain speaking but she has also proven herself as a diplomat where necessary. A number of the challenges remain but I am delighted that Beverley will continue to lead us.

Further Acknowledgements (not featured elsewhere)

I thank the hard working staff engaged to support me, particularly for their forbearance in these extremely busy times. I thank Chris Alldread, Delocia White and Tanya Harrison for the work they have done (and the extra travel involved) covering for the Western Traffic Area whilst I remain without a team leader.

I record my gratitude, as ever, to my deputies Fiona Harrington, Lester Maddrell and Tim Hayden for their valued support. They rise to the challenge year on year and were responsible for helping with a huge throughput of work this year, particularly as a result of the Games.

I remain indebted to Tony Seculer and Miles Dorrington who continue to step in and help when asked, usually at short notice.

Special mention goes to CPT, FTA and RHA. I recognise their invaluable help year on year. However, this year I commend them for their energy and determination in championing the interests of the industries to make the Games a commercial success alongside compliance.

Last but not least congratulations and thanks to Ann and Paul Cousins for another excellent Bus & Coach Rally.

In Memoriam

This year has been marred by the tragic loss of Corporal Mark Palin whilst on active service in Afghanistan. Corporal Palin was the husband of my Public Inquiry Clerk, Carla Palin. His loss had a devastating effect on the office, especially as Carla was pregnant with their second child at the time and Corporal Palin was due home within days. Personally, I will never forget how brave Carla was at the repatriation on 21 July 2011 and she is an inspiration to us all. This event reminds me of how humbling public service is but in particular the importance of remembering those who pay the ultimate price in service. I am very grateful to the organisers of the Annual Warminster to Imber vintage Routemasters run. In 2011 they kindly raised funds for the Royal British Legion in honour of Corporal Palin.



Scotland

Report of Joan Aitken Traffic Commissioner



Introduction – a stable framework

I began last year's report by expressing my concern at perceived and actual threats to the independence of the Traffic Commissioners of Great Britain. This year I want to record my very sincere appreciation for the work done by many people over the last year to allay such concerns and for the execution of the Framework Agreement, the signatories being the Parliamentary Under Secretary of State for Transport, Mr Mike Penning and Mrs Beverley Bell as Senior Traffic Commissioner. This Agreement marks an important milestone in the relationship between traffic commissioners and our sponsoring department. It will serve us well in the years to come by minimising distraction from what we are in the job to do, which is to protect the public and the industries from the harms which flow from non-compliant operating.

Statistics

The usual statistics can be found appended to this report and continue to allow for year on year comparison. For the very most part Scotland follows national trends in that, except for variations, the trends are reducing numbers of applications, licences and authorised vehicles. It is not within the role of a traffic commissioner to research the reasons for such trends but easy to surmise that it is more likely to be the impact of the recession than any material change of direction towards modal shift or changed logistics. The statistics are there for academics and others to study. One notable change in the statistics for Scotland has been the lower number of Public Inquiries held for PSV cases, this due to the reduction and then abolition of the VOSA Bus Compliance Officer presence in Scotland.

Reflections from the quotidian

Compliant operating does not require high drama. Rather it derives from attention to detail and checks which flow from daily routine. This current year as with previous has seen many operators or those who would aspire to such, come unstuck. Inability to demonstrate financial standing makes it difficult for many to enter into or expand within the industries and so many applications are doomed to fail. More applications are being granted with a finance condition. Fair competition requires that such conditions are adhered to and licences are revoked when finance cannot be demonstrated. Signing the licence undertakings and accepting a finance condition are among the many trusting acts required of the relationship of traffic commissioners to operators and breaches of that trust trigger regulatory action. Drawing from the quotidian I make the following observations about what has required my attention.

Operators range from the highly compliant to the downright criminal. Within that range there are pitfalls. Unlawful operating can come about through failure to realise that entity change requires a new licence. All too many calls to public inquiry or variation requests reveal that the operator licence is being used by a person who does not have a licence. Accountants' tax management advice to sole traders and partnerships to become limited often lies at the back of this translation from licensed to unlicensed. It is a scare and a half for a business to find that it has to recall all of its vehicles to base when the absence of a licence comes to light. Too many wrong answers are given to questions on application forms, for example, persons self-servingly awarding themselves rehabilitation as offenders when in truth they should have declared jail sentences. Too many people continue to use operator licence discs long after their businesses have gone. I see many instances of new entities created in the months ahead of an HMRC writ for unpaid taxes. Some of these instances have credible and reputable explanations but in other cases there is conduct which strikes right at the

heart of road safety and fair competition. In a very bad example this year one family attempted to continue in haulage by presenting forged documents to my Office. Fortunately we found them out and I disqualified them. Such a case highlights why traffic commissioners require principal documents and why those who submit copies will be frustrated by insistence on originals.

Again the genuineness of transport manager arrangements raised its head in many cases. The new EU provisions allow for transport managers to be deprived of their repute and professional competence with remedial measures necessary before such can be restored. There are still too many “fired in” names and arrangements which are not genuine and where we suspect such, there is a call to Public Inquiry. Transport managers are at the heart of compliant operating and sham arrangements cannot be tolerated. “Phoenixism” and “fronting” continue to be devices whereby the disreputable, the disqualified, the impecunious, and incompetent try to continue to make money from vehicle operating. Much endeavour is spent trying to spot these behaviours and to identify individuals who are the placemen and women for others.

Nine years ago when I came to office, vehicle and trailer failures at annual test were commonplace and there was complacency. Now operators in Scotland know that I scrutinise their pass rates and the defects which cause failing. There has been a sea change in the attitude of manufacturers’ agents to annual test pass rates. Operators now have expectations that these will be at 100% or questions asked. The large PSV operators in Scotland now achieve pass rates of 98-100% and similarly with the large haulier fleets. Across the two industries it is evident that the message is getting through to all sizes of operation. This is a great achievement.

Wheel loss instances continue to interest me for road safety and reputational reasons and such are explored at Public Inquiry. No one suggests now that such “just happen”. In PSV cases I have detected complacency about locked or defective emergency doors. This is near inexcusable for emergencies arise without warning and doors must be effective rescue routes. My message to the PSV industry has been that such defects will get my attention. I am also concerned about PSV operator failures to report failure or damage to VOSA (for the Secretary of State) in terms of section 20 of the Public Passenger Vehicles Act 1981. Section 20 is there to give VOSA the chance to inspect a vehicle as soon as practicable and consider the causation of an incident. It is to avoid “cover ups” and serves road safety. Operators can expect a call to Public Inquiry if I consider that this requirement has been ignored or elided.

Regrettably there continue to be operators, traffic supervisors and drivers who collude to circumvent the drivers’ hours rules through false record keeping and use of interference devices. Given that driver fatigue is a major cause of road accidents, these behaviours, which are criminal, must result in action against operator and driver licences. Most of such behaviour by drivers has at its roots operator culture. Many successful cases against such operators originate in whistle blowing or other intelligence given to VOSA. I receive anonymous letters asking for my help in outing such operators and their nefarious and downright dangerous practices. I thank those who take the trouble to do this. A tip off can make all the difference to VOSA knowing where to look and who to target.

All new operators, and that includes entity changes, receive an invitation to a VOSA new operator seminar. The feedback is that these are of use and their availability gives me reassurance that I can direct new entrants or those who need refreshing to a source of advice. Of course, operators and transport managers should be competent before setting up in operating and should remain competent. Compliant operating is not about “catch up” and

neither I nor the VOSA examiners should be cast in “nannying” role. I am concerned at the number of amateurs who seek to enter school contract work armed with a restricted PSV operator licence and a minibus, who may be minded to flaunt the principal occupation stipulation, who have no proper parking arrangements (reversing in housing estates and parking up in cul-de-sac turning circles are not satisfactory) and whose contribution to financial standing is a supermarket credit card. Thus behind the scenes I and my staff do ask probing questions being mindful that road safety and fair competition must be served.

Some other PSV matters

VOSA has changed its approach to bus compliance matters. There no longer are VOSA bus compliance officers, their duties now being undertaken in different manner by traffic examiners and the emphasis removed from on street monitoring. In Scotland I have been of the view that the on street monitor stands exactly in the place of the travelling public. Telematics are good but an on street presence is direct evidence of the service provision. Strathclyde Partnership for Transport (SPT) fortunately continues its bus monitoring in its area and I receive reports from them. The Scottish Government is keen to maintain an on street monitoring function and is pursuing options to secure such. The Scottish Government has instituted a Bus Stakeholder Group chaired by Minister for Housing and Transport, Mr Keith Brown. I am pleased to be a member of that Group which inter alia will consider any regulatory reform required for local bus services and permits. During the year I met Transport Scotland officials who have responsibility for the administration of concessionary fares and BSOG, the investigation of fraud, and bus policy work. I am most grateful for the collegiality of approach in the bus policy team and the ongoing advice they give me.

During the year I gave evidence to the Competition Commission’s inquiry into bus service provision. In February I met the Scottish committee of ATCO, the Association of Transport Co-ordinating Officers, the local authority transport officers. My office is in daily contact with local Council and SPT officers and the advice and information given to us greatly assists in our local bus service registration work. I was vexed to hear from them that some operators view the 14 day pre-notification period as a time for secrecy, rather than embracing the chance to get feedback from the local authority. I will deal with this. With VOSA’s assistance I was able to provide ATCO members with advice on school trips. I wanted to do this as operators and drivers speak to me of the pressure put on them to alter the timings of school trips when underway. A driver’s need for rest has to be protected. Each time I meet the ATCO Scottish members I urge them to report instances of non-compliance to me – if they have to take an operator off a contract it is usually for reasons of relevance to me yet often I do not find out and an untrustworthy operator continues out there doing private hires.

Disrupting crime

In April I met the then Solicitor General, now Lord Advocate, Mr Frank Mulholland and we had a wide ranging discussion with colleagues on my role and the assessment of repute, the use of vehicles in crime and also driver conduct. The Scottish Government and the Law Officers espouse cross agency and regulatory working in the disruption of crime, particularly serious crime. I am grateful to the continuing mention which the Lord Advocate gives to the potential of my Office. During the year I met officers from Strathclyde Police and the Scottish Crime and Drug Enforcement Agency such that we could be aware of areas of mutual interest. Cash industries such as PSV operating can be attractive to some as a route to money laundering. Many crimes, including people trafficking, smuggling and environmental crimes, require goods vehicles.

I now have a standing meeting with a representative of Crown Office and ACPOS Road Policing section, the first fruit of which has been a Memorandum of Understanding in respect of mobile phone offending by LGV and PCV drivers.

Driver conduct cases

In 2011 decisions taken by a Deputy Traffic Commissioner against an operator and drivers resulted in appeals which went the length of the Sheriff Principal of South Strathclyde Dumfries and Galloway. As a result we now have judicial decisions which give guidance as to what determinations should be made when drivers offend against the drivers' hours and tachograph rules including use of devices to interfere with recording equipment. There is now a clear judicial steer as to the number of years of disqualification which drivers can expect if they engage in such behaviour. The Sheriff Principal's decisions were of value to me when I had to consider the eleven Scottish drivers employed by Northern Irish hauliers, Boyle Transport Ltd. The "Boyle drivers" found themselves disqualified for periods ranging from 18 months to 3 years or indefinitely. These periods of disqualification would have been much lengthier had there not been timely co-operation with VOSA and the police.

Mobile phone offending, drink driving recidivism and the whole spectrum of road traffic offending bring drivers to driver conduct hearings. Many drivers are woefully ignorant of the effects of alcohol including the morning after. In the wider context of PCV drivers, dishonesty offences, sex offending, and violence have to be considered. In two cases the offending was aggravated by the uttering of forged documents coming to light during driver conduct proceedings.

Stakeholder engagement

It is vital to keep in touch with the industries. This year I was able to attend Confederation of Passenger Transport events in Crieff, Edinburgh and London, particularly valuing the Scottish Coach Commission meeting in Crieff and a Scottish CPT Council dinner to mark the retiral of Sir Moir Lockhead. I was the guest of the Scottish and Northern Ireland office bearers of the Road Haulage Association at their Association's annual gathering in London and their Scottish Director keeps in good contact. The annual Scottish Transport News Awards breakfast organised by Scottish Transport News is the jewel in the haulage calendar and an opportunity to meet operators, the Chief Executives of the RHA and FTA, industry representatives and manufacturers' agents and to celebrate high achievements in that sector. The annual Scottish Transport Awards ceremony allows me to learn of good practice across the passenger transport sector and to have informal engagement with a range of stakeholders including the Chairman, Vice-Chairmen and Chief Executive of SPT and colleagues. Busy diaries lend little opportunity for long conversations so such occasions are invaluable in giving time to more discursive encounters. I participated in Lothian Bus's annual staff awards. I spoke at the Chartered Institute for Logistics and Transport Young Professionals Conference.

In the nine years of performing this role, I have been struck by the courtesy and openness of many operators, very keen to show off how they go about their businesses, serve their customers and value their workforce. Many are kind and invite me to visit them. In my early days I could set aside more time to do that for I had much to learn; nowadays time seems to be gobbled up by Inquiries or desk work. However I can report that two operators had their kind invitations accepted and at much shorter notice than they could have expected (which is a warning to all others who might invite me to call – you never know when!). Attendance at Tarbert for an environmental Public Inquiry had me 30 miles within range of the Craig of

Campbeltown (West Coast Motor Services) headquarters. I am always mindful that I am the Commissioner for all the airts of Scotland not just the central belt and so it delighted me to drive down the Mull of Kintyre and call on this family business. Being in Bathgate for an Inquiry facilitated a visit to Robert Burns Ltd of nearby Broxburn, its eponymous owner taking pride in his mature years of the refrigerated transport business he had built up. An interesting aspect of that visit was meeting one of their employees whom last I encountered at Public Inquiry. An honest employed living proved preferable and much less stressful to the drivers hours offending of the past. These two visits reminded me of the benefit of such, albeit not easily measured in outcome terms, and I am resolved to accept double the number of invitations in the coming year.

Serving Scotland

Our location in Waterloo Place, Edinburgh serves us well given its excellent public transport links and proximity to Scottish Parliament and Government. Most Public Inquiries and driver conduct hearings are held in Edinburgh given that our premises are fit for that purpose. Otherwise this year I conducted Inquiries and hearings in Aberdeen, Alloa, Bathgate, Dundee, Glasgow, Inverness, Kirkwall, Sumburgh and Tarbert. I thank local Councils, particularly Aberdeen, Glasgow and Highland, and Sheriff Clerks, particularly Aberdeen, who facilitate my use of their premises.

In the spotlight - the good and the grief

In times of austerity I recognise that I and my office in Edinburgh will be affected by the need to scrutinise expenditure and consider how to work better and leaner. We always did that anyway but we regard it as critical to our success that we continue to see how we can maintain regulatory effectiveness whilst reducing expenditure. In previous annual reports I expressed to you how important the work of press officers had been to heighten the visibility of my role not just to those within the industries but throughout Scotland and to the trade press of Great Britain. The press officers serving me worked within the Central Office of Information (the Government News Network as was). They were experienced professionals, expert at technical level in how to disseminate news in modern times and knowledgeable of national and local issues and of national and local media. Scotland has a vibrant news media in print and broadcast form and the COI press officers secured informative and positive coverage of my role and my decisions. They exuded to the Scottish media corps that I was keen for my work to be known to the general reader and listener. During the course of this reporting year COI was disbanded and thus I lost their expertise and advice.

As Traffic Commissioner for Scotland it feels retrograde not to have professional press cover and the current solution put in place by your department and VOSA of one caseworker to cover all of Great Britain seems perverse given the principles of better regulation and the Compliance Code which require regulators to be visible. I do not want to be a hidden commissioner. I want people in Scotland (and that includes operators, drivers, public officials, elected representatives, contracting parties) to know that there is this person who has the duty to regulate road and passenger transport. Publicity plays an important role in regulation. It informs the public; it discourages bad behaviours; it gives “there but for the grace of God” opportunities; it encourages the reporting of harms; and it can counter gossip and misunderstanding. It is part of my toolkit.

Taxis and parking

In my other jurisdiction of hearing taxi fares scales appeals three were received – against Highland Council, West Dunbartonshire Council and Glasgow City Council. Only the latter went to a hearing, conducted by a Deputy Traffic Commissioner who dismissed the appeal at a preliminary stage in the hearing.

Currently there are four adjudicators. I did not need to appoint any new parking adjudicators this year, notwithstanding one retirement. I meet the adjudicators twice a year and deal with occasional incidental business when new parking areas are added and when complaints are received from aggrieved appellants. I am a source of advice to staff in the Scottish Parking Appeals Service. The Council areas covered at present are Aberdeen; Dundee; Edinburgh; Glasgow; Perth and Kinross; Renfrewshire; and South Lanarkshire. The cities of Aberdeen, Edinburgh and Glasgow have resolved to move to de-criminalised enforcement of bus-lanes and preparations are in hand for the increased workload this will bring. There is an urgent need for the upgrading of the SPAS computer equipment and a website presence remains elusive.

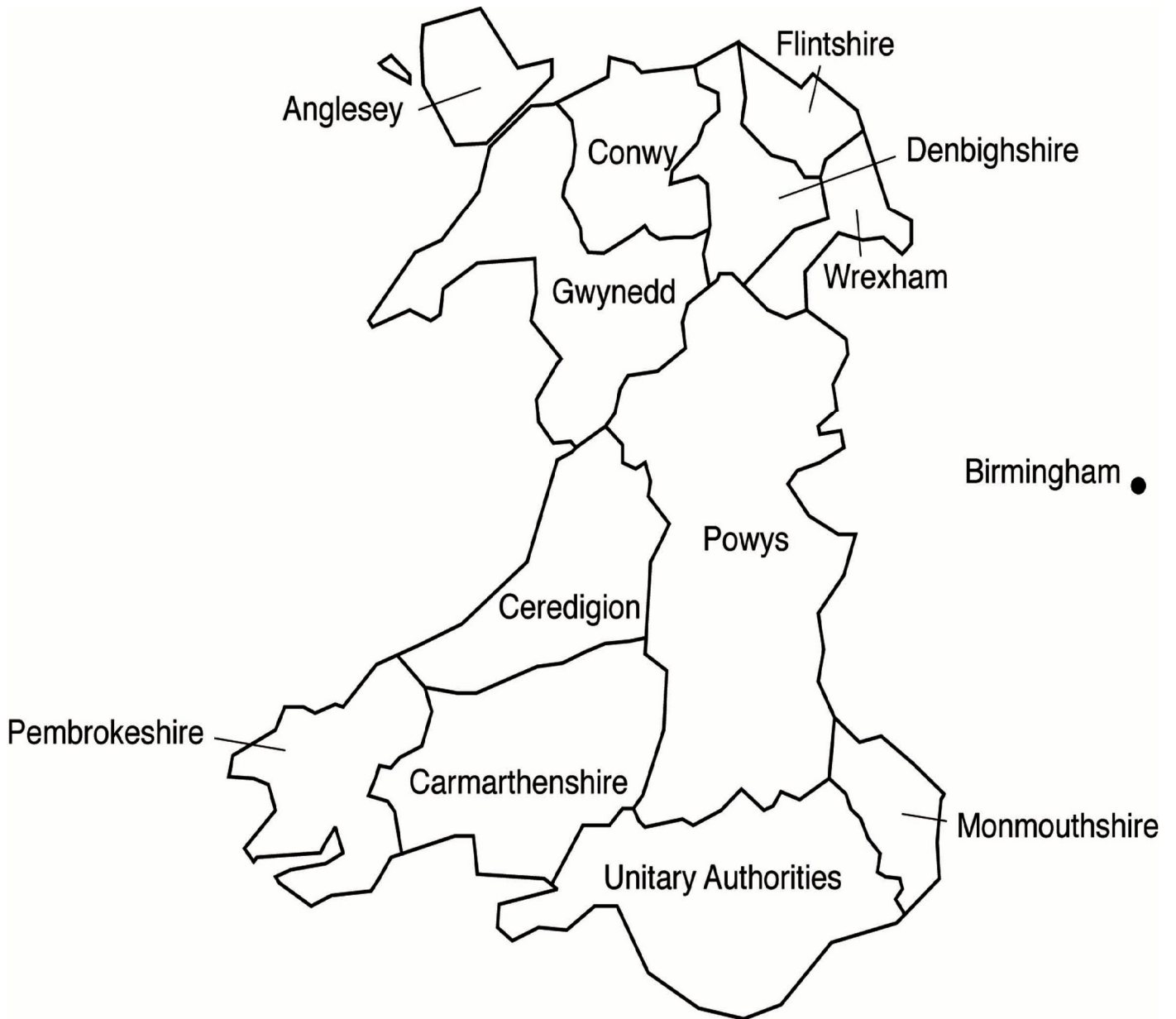
Discussions initiated by Scottish Government and representatives of tribunals in Scotland towards the creation of a Scottish Tribunals Service include mention of the Scottish parking appeals jurisdiction being brought within a generic service but no timescale has been set.

Acknowledgments

For staff and commissioners this was a year in which there was the challenge of the new EU regulations and their implementation in Great Britain at very short notice. I acknowledge the impact these changes made to coping with the usual workloads and I appreciate the hard work that went into all of that. To all who work with and for me, I thank you for embracing my enthusiasm for regulation as a dynamic process in which we work purposefully, inquiringly and imaginatively.



Wales / Cymru
Report of Nick Jones
Traffic Commissioner / Comisiynydd Traffig



Introduction

Secretary of State, I have a duty to provide an annual report as Traffic Commissioner for Wales.

Previous annual reports have referred to:

- The way in which traffic commissioner services are managed from England;
- The comparatively lower staffing levels for servicing Welsh HGV and PSV licence holders and vehicles;
- The opportunity for more efficient working within Wales;
- Issues with finding suitable venues for hearings in Mid and North Wales;
- The comparatively lower road safety levels in parts of Wales;
- The higher proportion of PSV operators to population in Wales is not reflected in referral by VOSA to the traffic commissioner and then to Public Inquiry;
- Challenges in delivering Welsh language statutory provisions; and,
- A positive feature of higher standards in relation to registered bus timetable compliance in Wales when compared to England.

All the features above still apply with the exception of the last bullet point. The Welsh Government previously provided a subsidy so that the one bus compliance officer funded by the Department for Transport has been supplemented by two additional staff funded by the Welsh Government. VOSA no longer employs bus compliance officers. There will inevitably be a lead in period for any change. However complaints have been brought to my attention involving allegations of a lack of adherence to registered timetables but I have yet to be notified of any work undertaken to investigate with view to bringing this to me to consider regulatory action. At the time of writing this report there has not been, to my knowledge, any monitoring of bus timetable compliance for a significant number of months.

As someone who has striven to encourage increased use of public transport where it is a realistic alternative to commuting by car, I was concerned by correspondence suggesting that in some areas there is a switch from public to private transport due to a lack of a reliable public transport system. I am aware that the Welsh Government has been considering its position as to how to use the monies that it previously provided to fund the additional compliance posts. Ultimately it is a political decision as to whether there will be any enforcement and the extent to which it is carried out.

The offer through the Chair of the Confederation of Passenger Transport in Wales to provide some funding towards the retention of bus compliance officers might be viewed as “turkeys voting for Christmas” but perhaps indicates the respect from industry for monitoring which has improved the quality of service provision in Wales. It is an indication of the professionalism and desire to provide a high standard of service and I am encouraged by the work undertaken by trade associations in Wales to both improve vehicle safety and the quality of service provision.

Fortunately, despite my concerns, many operators in Wales seek to provide a good service, indeed I pay tribute to the operators in Wales who provide an invaluable contribution to the economy as well as providing a public service. When I attended a trade association event in Aberystwyth I was impressed with the dedication and professionalism of the many family operators who, despite financial constraints, provide a good service to the public. They are not helped by the fact that those who do not provide the same good service are not brought to my attention at public inquiry.

The one area where there is an obvious improvement in facilities in Wales compared to England relates to information to the public by Traveline Cymru, this is in part due to the subsidy from the Welsh Government. The same comment applies to Bus Users Cymru which I have found to be both far more active and effective than their opposite numbers in England as a result of support received from the Welsh Government.

I hope that any reader of this report will also look at my annual report as Traffic Commissioner for the West Midlands of England, all my comments in that report apply equally to Wales, this includes my references to addressing those operators who seek to ignore decisions of the Bus Appeals Body and the issue as to liaison with other regulators. Equally my comments as lead traffic commissioner in relation to limousines and novelty vehicles apply to Wales; indeed the problem of illegal and dangerous limousine operators is especially acute in the South of Wales.

My acknowledgements in respect of the West Midlands of England apply equally to Wales. I also record that officers of the Welsh Government are alive to and empathetic as to the issues that arise.

Chapter 3

Detailed statistics and contact details

Table 1: Goods vehicle operators - licences continued and in issue, 2011-12 (2010-11)

	Type of Licence			Total number of licences in issue	Total continuations sought	Continuations not sought
	Restricted	Standard National	Standard International			
Eastern Traffic Area	7322	5225	1870	14417	2102	908
	(7499)	(5600)	(1971)	(15070)	(2034)	(1273)
North Eastern Traffic Area	6573	5134	1301	13008	1659	808
	(6739)	(5443)	(1393)	(13575)	(1934)	(920)
North Western Traffic Area	6155	4636	1107	11898	1596	704
	(6285)	(4971)	(1178)	(12434)	(1940)	(840)
South Eastern and Metropolitan Traffic Area	5460	3359	1300	10119	1341	663
	(5582)	(3616)	(1366)	(10564)	(1532)	(657)
West Midland Traffic Area	4924	3487	905	9316	1281	633
	(5026)	(3699)	(959)	(9684)	(1361)	(764)
Western Traffic Area	6321	4485	1345	12151	1643	752
	(6477)	(4782)	(1431)	(12690)	(1842)	(796)
Scotland	3404	3081	625	7110	950	438
	(3513)	(3279)	(664)	(7456)	(1211)	(436)
Wales	3261	2331	461	6053	876	345
	(3314)	(2473)	(487)	(6274)	(958)	(443)
Total	43420	31738	8914	84072	11448	5251
	(44435)	(33863)	(9449)	(87747)	(12812)	(5981)

Table 2: Goods vehicle operators - numbers of specified vehicles on licences, 2011-12 (2010-11)

	Specified vehicles by type of licence			Total number of specified vehicles	Certified copies of Community Licenses
	Restricted	Standard National	Standard International		
Eastern Traffic Area	15402 (16016)	31663 (33479)	15924 (16458)	62989 (65953)	7953 (7598)
North Eastern Traffic Area	14084 (14666)	28282 (30225)	12256 (13195)	54622 (58086)	4975 (5760)
North Western Traffic Area	13353 (13759)	23787 (25875)	11277 (12018)	48417 (51652)	4682 (5161)
South Eastern and Metropolitan Traffic Area	13282 (13995)	20614 (22212)	8792 (9013)	42688 (45220)	5151 (5432)
West Midland Traffic Area	10447 (10805)	17808 (19030)	8885 (9315)	37140 (39150)	3707 (3711)
Western Traffic Area	13658 (14301)	26154 (27390)	9847 (10434)	49659 (52125)	4832 (5203)
Scotland	7174 (7428)	16901 (20373)	5073 (5517)	29148 (33318)	2366 (2513)
Wales	6024 (6060)	8725 (10900)	3061 (3060)	17810 (20020)	1881 (1961)
Total	93424 (97030)	173934 (189484)	75115 (79010)	342473 (365524)	35547 (37339)

Note - With a Community Licence document, hauliers are able to make as many journeys as they want between EU member states. The operator is also issued with certified copies which have to be covered in vehicles on international journeys.

Table 3: Goods vehicle operators - applications for new licences and to vary licences, 2011-12 (2010-11)

	Number of applications processed		Number of licences issued in full		Number of licences issued with restrictions		Number of applications refused		Number of applications withdrawn	
	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations
Eastern Traffic Area	1074	1404	874	1152	0	0	56	12	78	75
	(1049)	(1092)	(900)	(1143)	(0)	(0)	(53)	(20)	(110)	(85)
North Eastern Traffic Area	817	1129	723	934	0	0	38	19	27	46
	(891)	(827)	(801)	(955)	(0)	(0)	(59)	(20)	(54)	(42)
North Western Traffic Area	806	1093	679	889	0	0	47	22	43	44
	(842)	(825)	(768)	(899)	(0)	(0)	(73)	(15)	(60)	(48)
South Eastern and Metropolitan Traffic Area	813	1198	658	942	0	0	59	30	56	60
	(819)	(761)	(719)	(836)	(0)	(0)	(54)	(26)	(67)	(52)
West Midland Traffic Area	668	807	556	673	0	0	46	18	34	24
	(652)	(638)	(566)	(666)	(0)	(0)	(50)	(16)	(56)	(34)
Western Traffic Area	783	1234	678	965	0	0	55	12	54	59
	(828)	(904)	(749)	(964)	(0)	(0)	(37)	(19)	(76)	(74)
Scotland	426	699	350	570	0	0	29	18	33	33
	(414)	(489)	(385)	(567)	(0)	(0)	(29)	(7)	(30)	(22)
Wales	375	430	315	370	0	0	23	10	23	25
	(397)	(290)	(345)	(331)	(0)	(0)	(22)	(11)	(31)	(14)
Total	5762	7994	4833	6495	0	0	353	141	348	366
	(5892)	(5826)	(5233)	(6361)	(0)	(0)	(377)	(134)	(484)	(371)

Table 4: Goods vehicle operators - results of opposed applications for new licences and for publishable variations to licences, 2011-12 (2010 -11)

	Number of applications received		Number of applications processed		Number of applications opposed		Opposed applications issued in full		Opposed applications issued with restrictions	
	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations
Eastern Traffic Area	1074	1404	993	1,116	36	43	4	12	26	23
	(1069)	(1471)	(1049)	(1092)	(63)	(51)	(13)	(18)	(36)	(19)
North Eastern Traffic Area	817	1129	784	834	20	18	3	7	9	7
	(907)	(1109)	(891)	(827)	(33)	(16)	(6)	(6)	(18)	(8)
North Western Traffic Area	806	1093	753	839	12	19	3	7	7	8
	(843)	(1089)	(842)	(825)	(16)	(20)	(4)	(4)	(8)	(9)
South Eastern and Metropolitan Traffic Area	813	1198	768	853	45	33	5	6	29	19
	(844)	(1039)	(819)	(761)	(55)	(38)	(4)	(7)	(40)	(24)
West Midland Traffic Area	668	807	629	633	11	16	3	3	6	8
	(656)	(819)	(652)	(638)	(13)	(13)	(4)	(2)	(5)	(7)
Western Traffic Area	783	1234	781	900	19	15	1	4	11	6
	(850)	(1166)	(828)	(904)	(19)	(42)	(3)	(12)	(12)	(21)
Scotland	426	699	399	514	12	14	2	7	4	4
	(437)	(659)	(414)	(489)	(8)	(5)	(1)	(1)	(5)	(4)
Wales	375	430	359	326	8	10	1	3	5	3
	(376)	(424)	(397)	(290)	(10)	(4)	(2)	(1)	(7)	(1)
Total	5762	7994	5466	6015	163	168	22	49	97	78
	(5982)	(7776)	(5892)	(5826)	(217)	(189)	(37)	(51)	(131)	(93)

Table 4 (continued)

	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	3	1	3	7	3	4
	(3)	(2)	(11)	(12)	(6)	(4)
North Eastern Traffic Area	2	1	5	3	3	2
	(2)	(0)	(7)	(2)	(1)	(0)
North Western Traffic Area	1	0	1	4	1	1
	(2)	(2)	(2)	(5)	(7)	(1)
South Eastern and Metropolitan Traffic Area	2	3	9	4	1	2
	(1)	(1)	(10)	(6)	(7)	(0)
West Midland Traffic Area	2	1	0	4	2	3
	(1)	(0)	(3)	(4)	(2)	(2)
Western Traffic Area	2	0	5	5	2	2
	(1)	(1)	(3)	(8)	(2)	(5)
Scotland	0	0	6	3	3	0
	(1)	(0)	(1)	(0)	(2)	(1)
Wales	1	0	1	4	1	0
	(0)	(2)	(1)	(0)	(1)	(1)
Total	13	6	30	34	16	14
	(11)	(8)	(38)	(37)	(28)	(14)

Table 5: Goods vehicle operators - complaints against existing operating centres, 2011-12 (2010-11)

	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	6	0	3	2	1
	(19)	(2)	(2)	(2)	(0)
North Eastern Traffic Area	5	3	3	1	1
	(13)	(0)	(0)	(0)	(0)
North Western Traffic Area	4	0	3	1	0
	(9)	(2)	(1)	(0)	(0)
South Eastern and Metropolitan Traffic Area	5	0	2	3	0
	(10)	(2)	(0)	(2)	(1)
West Midlands Traffic Area	2	1	0	2	0
	(4)	(1)	(0)	(1)	(0)
Western Traffic Area	5	0	3	2	0
	(11)	(1)	(0)	(1)	(0)
Scotland	0	0	0	0	0
	(1)	(0)	(0)	(0)	(0)
Wales	2	0	1	0	1
	(5)	(1)	(0)	(1)	(0)
Total	29	4	15	11	3
	(72)	(9)	(3)	(7)	(1)

Table 6: Goods vehicle operators - action taken at public inquiry for non-compliance, 2011-12 (2010-11)

	Number of public inquiries completed	Licence revocations	Licence suspensions	Curtailement or conditions imposed	Notification of formal warning	Disqualification of licence holder under Section 28	Loss of repute of transport manager	No action taken
Eastern Traffic Area	149	52	10	30	51	12	11	6
	(203)	(54)	(15)	(63)	(66)	(3)	(6)	(10)
North Eastern Traffic Area	103	35	11	11	42	3	3	5
	(194)	(52)	(11)	(26)	(93)	(11)	(16)	(24)
North Western Traffic Area	203	66	23	43	68	6	1	17
	(205)	(70)	(11)	(38)	(67)	(3)	(5)	(14)
South Eastern and Metropolitan Traffic Area	135	41	25	29	27	5	10	9
	(124)	(31)	(20)	(28)	(31)	(1)	(3)	(8)
West Midland Traffic Area	129	51	13	33	15	3	3	16
	(89)	(43)	(6)	(15)	(15)	(8)	(7)	(11)
Western Traffic Area	113	44	7	28	23	6	8	11
	(200)	(92)	(15)	(45)	(42)	(2)	(7)	(12)
Scotland	71	19	5	22	19	1	1	10
	(45)	(8)	(4)	(15)	(14)	(2)	(3)	(7)
Wales	40	14	3	10	8	1	0	4
	(53)	(15)	(1)	(22)	(7)	(5)	(5)	(6)
Total	943	322	97	206	253	37	37	78
	(1113)	(365)	(83)	(252)	(335)	(35)	(52)	(92)

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, 2011-12 (2010-11)

	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	41	11	18	7	4	2	3	0	12	1	4	1
	(30)	(5)	(7)	(1)	(1)	(1)	(14)	(1)	(9)	(1)	(0)	(0)
North Eastern Traffic Area	61	18	50	13	3	1	3	0	3	3	0	1
	(50)	(20)	(32)	(15)	(4)	(4)	(1)	(0)	(12)	(0)	(2)	(1)
North Western Traffic Area	65	13	43	10	5	1	3	0	8	2	6	0
	(81)	(22)	(40)	(12)	(4)	(2)	(8)	(2)	(22)	(5)	(12)	(1)
South Eastern and Metropolitan Traffic Area	58	19	41	9	0	0	7	2	9	3	1	0
	(56)	(12)	(30)	(5)	(5)	(3)	(12)	(1)	(7)	(1)	(3)	(0)
West Midland Traffic Area	36	18	20	8	4	1	2	2	10	6	0	0
	(55)	(7)	(23)	(3)	(9)	(0)	(3)	(0)	(18)	(3)	(4)	(0)
Western Traffic Area	42	11	25	9	1	0	6	0	9	2	1	0
	(64)	(9)	(36)	(4)	(3)	(0)	(13)	(1)	(10)	(4)	(1)	(1)
Scotland	36	12	17	5	4	2	5	0	8	2	2	1
	(36)	(5)	(23)	(5)	(1)	(0)	(2)	(0)	(6)	(0)	(6)	(0)
Wales	13	5	9	3	2	0	0	1	2	1	0	0
	(14)	(2)	(10)	(1)	(0)	(0)	(1)	(0)	(3)	(1)	(0)	(0)
Total	352	107	223	64	23	7	29	5	61	20	14	3
	(386)	(82)	(201)	(46)	(27)	(10)	(54)	(5)	(87)	(15)	(28)	(3)

This table only shows applications that were heard at public inquiry whereas Table 3 shows the total number of applications determined.

Table 8: Bus and coach operators - licences continued and in issue, 2011-12 (2010-11)

	Restricted	Standard National	Standard International	Total number of licences in issue	Total continuations sought	Continuations not sought
Eastern Traffic Area	502	444	381	1,327	180	36
	(487)	(439)	(396)	(1322)	(209)	(45)
North Eastern Traffic Area	889	468	339	1,696	247	66
	(873)	(474)	(352)	(1699)	(285)	(79)
North Western Traffic Area	729	450	246	1,425	215	44
	(719)	(454)	(258)	(1431)	(212)	(69)
South Eastern and Metropolitan Traffic Area	369	382	411	1,162	176	38
	(351)	(373)	(421)	(1145)	(191)	(23)
West Midland Traffic Area	427	248	197	872	120	22
	(405)	(253)	(202)	(860)	(129)	(32)
Western Traffic Area	454	418	296	1,168	163	41
	(446)	(423)	(311)	(1180)	(180)	(53)
Scotland	370	470	159	999	188	31
	(363)	(484)	(168)	(1015)	(163)	(36)
Wales	408	255	202	865	134	34
	(411)	(247)	(193)	(851)	(129)	(29)
Total	4,148	3,135	2,231	9,514	1423	312
	(4055)	(3147)	(2301)	(9503)	(1498)	(366)

Table 9: Bus and coach operators - discs in issue, 2011-12 (2010-11)

	Restricted	Standard National	Standard International	Total discs
Eastern Traffic Area	730	5,310	6,420	12,460
	(695)	(4841)	(6919)	(12455)
North Eastern Traffic Area	1,265	4,663	7,945	13,873
	(1222)	(4590)	(12315)	(18127)
North Western Traffic Area	1,033	3,792	7,372	12,197
	(1021)	(3864)	(7609)	(12494)
South Eastern and Metropolitan Traffic Area	492	5,863	12,645	19,000
	(456)	(5102)	(12315)	(17873)
West Midland Traffic Area	612	3,866	3,255	7,733
	(569)	(4089)	(2954)	(7612)
Western Traffic Area	661	4,665	6,720	12,046
	(638)	(4577)	(6782)	(11997)
Scotland	533	6,316	4,238	11,087
	(518)	(4827)	(5453)	(10798)
Wales	590	1,585	4,124	6,299
	(584)	(1465)	(4183)	(6232)
Total	5,916	36,060	52,719	94,695
	(5703)	(33355)	(58530)	(97588)

Table 10: Bus and coach operators - applications for new licences and to vary existing licences, 2011-12 (2010-11)

Traffic Area	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	86	131	70	131	0	0	9	0	4	0
	(117)	(161)	(102)	(162)	(0)	(0)	(8)	(0)	(11)	(0)
North Eastern Traffic Area	110	163	87	163	0	0	16	0	9	0
	(149)	(182)	(122)	(182)	(0)	(0)	(13)	(0)	(8)	(1)
North Western Traffic Area	96	117	73	117	0	0	15	0	12	0
	(137)	(134)	(110)	(133)	(0)	(0)	(12)	(0)	(15)	(1)
South Eastern and Metropolitan Traffic Area	99	180	82	180	0	0	8	1	10	1
	(77)	(146)	(67)	(151)	(0)	(0)	(6)	(0)	(5)	(0)
West Midland Traffic Area	71	85	56	85	0	0	18	0	5	0
	(82)	(75)	(71)	(75)	(0)	(0)	(10)	(1)	(6)	(0)
Western Traffic Area	69	134	59	134	0	0	7	0	5	0
	(105)	(154)	(83)	(152)	(0)	(0)	(6)	(0)	(13)	(1)
Scotland	61	107	47	107	0	0	15	1	2	0
	(108)	(109)	(77)	(107)	(0)	(0)	(18)	(0)	(12)	(0)
Wales	64	81	49	81	0	0	5	0	3	0
	(70)	(64)	(58)	(65)	(0)	(0)	(5)	(0)	(10)	(0)
Total	656	998	523	998	0	0	93	2	50	1
	(845)	(1025)	(690)	(1027)	(0)	(0)	(78)	(1)	(80)	(3)

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, 2011-12 (2010-11)

	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	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	1 (1)	2 (3)	1 (0)	1 (0)	0 (1)	0 (0)	0 (0)	0 (0)	0 (1)	1 (2)	0 (0)	0 (0)
North Eastern Traffic Area	9 (6)	2 (1)	7 (4)	1 (0)	0 (0)	0 (0)	0 (2)	0 (0)	1 (0)	1 (0)	1 (0)	0 (1)
North Western Traffic Area	19 (13)	6 (7)	12 (4)	6 (0)	1 (0)	0 (0)	4 (4)	0 (2)	2 (3)	0 (0)	0 (1)	0 (9)
South Eastern and Metropolitan Traffic Area	4 (6)	5 (7)	2 (3)	1 (5)	0 (0)	2 (0)	1 (2)	0 (2)	1 (1)	1 (0)	0 (1)	1 (0)
West Midland Traffic Area	15 (18)	1 (2)	7 (4)	1 (0)	0 (1)	0 (0)	1 (7)	0 (0)	7 (5)	0 (1)	0 (1)	0 (0)
Western Traffic Area	13 (6)	0 (2)	8 (5)	0 (0)	0 (0)	0 (0)	2 (0)	0 (0)	3 (0)	0 (2)	0 (1)	0 (0)
Scotland	17 (21)	1 (8)	8 (8)	1 (4)	1 (2)	0 (2)	1 (6)	0 (0)	6 (5)	0 (1)	1 (2)	0 (1)
Wales	7 (7)	4 (1)	4 (1)	2 (1)	0 (0)	0 (0)	2 (4)	0 (0)	1 (2)	1 (0)	0 (0)	1 (0)
Total	85 (78)	21 (31)	49 (29)	13 (10)	2 (4)	2 (2)	11 (25)	0 (4)	21 (17)	4 (6)	2 (6)	2 (11)

Note - This Table only shows applications heard at public inquiry whereas Table 10 shows the total number of applications determined.

Table 12: Bus and coach operators - Special Restricted public service vehicle operator licences, 2011-12 (2010-11)

	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	2	2	0	0	0	2	8
	(2)	(2)	(0)	(0)	(1)	(10)	(8)
North Eastern Traffic Area	2	2	0	0	0	8	16
	(4)	(4)	(0)	(0)	(0)	(32)	(22)
North Western Traffic Area	2	1	0	0	0	0	10
	(5)	(5)	(0)	(0)	(0)	(22)	(9)
South Eastern and Metropolitan Traffic Area	1	1	0	0	0	0	2
	(1)	(1)	(0)	(0)	(0)	(2)	(2)
West Midland Traffic Area	1	0	0	0	0	0	5
	(0)	(0)	(0)	(0)	(0)	(5)	(5)
Western Traffic Area	0	0	0	0	1	5	16
	(3)	(3)	(0)	(0)	(1)	(1)	(21)
Scotland	4	4	0	0	2	0	18
	(6)	(6)	(0)	(0)	(1)	(0)	(14)
Wales	7	7	0	0	0	0	14
	(1)	(1)	(0)	(0)	(1)	(12)	(7)
Total	19	17	0	0	3	15	89
	(22)	(22)	(0)	(0)	(4)	(84)	(88)

Note - The figures in columns 2-4 may not equal the figures shown in the 'licence applications received' 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 as at 31 March 2012 (31 March 2011)

	Live local bus registrations	Applications processed		Applications accepted		Refused	Withdrawn	Existing registrations cancelled
		New	Variations	New	Variations			
Eastern Traffic Area	2,834	501	1,280	493	1,269	0	19	426
	(2924)	(553)	(1396)	(541)	(1386)	(0)	(22)	(500)
North Eastern Traffic Area	3,865	695	1,814	692	1,810	0	7	538
	(3936)	(893)	(1900)	(880)	(1890)	(0)	(23)	(793)
North Western Traffic Area	4,144	952	1,671	950	1,669	0	4	691
	(4256)	(697)	(1616)	(681)	(1610)	(0)	(22)	(563)
South Eastern and Metropolitan Traffic Area	1,238	178	686	178	683	0	3	182
	(1289)	(143)	(599)	(140)	(589)	(0)	(13)	(145)
West Midland Traffic Area	2,111	422	1,015	412	1,008	0	14	459
	(2221)	(258)	(989)	(253)	(978)	(0)	(16)	(269)
Western Traffic Area	2,721	634	1,599	633	1,599	0	1	540
	(2768)	(400)	(1338)	(380)	(1330)	(0)	(28)	(414)
Scotland	2,636	725	1,675	718	1,673	0	9	542
	(2655)	(400)	(1548)	(396)	(1539)	(0)	(13)	(413)
Wales	1,741	290	624	284	621	0	9	313
	(1866)	(181)	(604)	(163)	(586)	(0)	(36)	(190)
Total	21,290	4,397	10,364	4,360	10,332	0	66	3,691
	(21915)	(3525)	(9990)	(3434)	(9908)	(0)	(173)	(3287)

Table 14: Flexible bus registrations, 2011-12 (2010-11)

	Received	Accepted	Refused	Withdrawn	Varied	Cancelled
Eastern Traffic Area	10	10	0	0	3	0
	(28)	(28)	(0)	(0)	(16)	(0)
North Eastern Traffic Area	7	7	0	0	1	0
	(22)	(22)	(0)	(0)	(2)	(0)
North Western Traffic Area	6	6	0	0	2	0
	(2)	(2)	(0)	(0)	(1)	(0)
South Eastern and Metropolitan Traffic Area	0	0	0	0	0	0
	(4)	(4)	(0)	(0)	(0)	(0)
West Midland Traffic Area	6	6	0	0	6	0
	(13)	(13)	(0)	(0)	(13)	(0)
Western Traffic Area	23	23	0	0	6	0
	(16)	(16)	(0)	(0)	(9)	(0)
Scotland	0	0	0	0	0	0
	(0)	(0)	(0)	(0)	(0)	(0)
Wales	7	7	0	0	3	0
	(8)	(8)	(0)	(0)	(3)	(0)
Total	59	59	0	0	21	0
	(93)	(93)	(0)	(0)	(44)	(0)

Note: Flexible bus registrations apply only to operators that hold licences in England and Wales; Scotland is excluded from this requirement

Table 15: Bus and coach operators - number of Standard, Large and Community Bus Permits issued, 2011-12 (2010-11)

	Small Bus Permits Issued by			Total	Large Bus Permits	Community Bus Permits
	Traffic Commissioners	Local authorities	Designated bodies			
Eastern Traffic Area	430	228	258	916	31	43
	(129)	(259)	(289)	(677)	(1)	(24)
North Eastern Traffic Area	317	235	380	932	2	13
	(184)	(201)	(356)	(741)	(22)	(6)
North Western Traffic Area	402	140	115	657	34	9
	(91)	(185)	(111)	(387)	(4)	(6)
South Eastern and Metropolitan Traffic Area	792	268	278	1338	76	35
	(293)	(129)	(303)	(725)	(2)	(11)
West Midland Traffic Area	263	123	180	566	19	16
	(47)	(159)	(163)	(369)	(5)	(3)
Western Traffic Area	735	241	271	1247	16	32
	(238)	(291)	(277)	(806)	(4)	(2)
Scotland	201	99	75	375	5	19
	(50)	(98)	(64)	(212)	(2)	(11)
Wales	117	81	35	233	10	7
	(58)	(75)	(30)	(163)	(2)	(23)
Total	3,257	1,415	1,592	6,264	193	174
	(1090)	(1397)	(1593)	(4080)	(42)	(86)

Note - the total number of standard bus permits issued was incorrectly calculated in the 2010/11 report. The historic figures in the above table have therefore been adjusted to reflect the accurate records.

Table 16: Bus and coach operators - action taken at public inquiry for non compliance (under the Public Passenger Vehicles Act 1981), 2011-12 (2010-11)

	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	Loss of repute of transport manager	No action taken
Eastern Traffic Area	23	7	2	7	0	5	1	2	2
	(19)	(8)	(0)	(6)	(9)	(6)	(0)	(0)	(0)
North Eastern Traffic Area	26	10	4	3	0	9	1	1	1
	(19)	(7)	(0)	(3)	(0)	(8)	(0)	(0)	(2)
North Western Traffic Area	43	11	6	2	4	15	2	1	7
	(46)	(16)	(1)	(1)	(6)	(16)	(3)	(1)	(10)
South Eastern and Metropolitan Traffic Area	12	3	2	2	0	2	0	0	1
	(17)	(6)	(0)	(2)	(3)	(5)	(0)	(0)	(1)
West Midlands Traffic Area	22	11	1	3	0	3	1	1	4
	(16)	(8)	(0)	(1)	(0)	(3)	(2)	(1)	(4)
Western Traffic Area	18	10	2	1	0	5	2	3	0
	(32)	(8)	(1)	(9)	(0)	(8)	(1)	(0)	(3)
Scotland	33	10	0	3	6	13	5	1	3
	(39)	(2)	(0)	(8)	(7)	(8)	(0)	(0)	(14)
Wales	14	9	0	2	0	1	0	0	2
	(11)	(2)	(0)	(4)	(0)	(3)	(0)	(2)	(2)
Total	191	71	17	23	10	53	12	9	20
	(199)	(57)	(2)	(34)	(25)	(57)	(6)	(4)	(36)

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), 2011-12 (2010-11)

	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	2	0	1	0	1
	(0)	(0)	(0)	(0)	(0)
North Eastern Traffic Area	0	0	0	0	0
	(1)	(0)	(1)	(1)	(0)
North Western Traffic Area	4	0	4	1	0
	(0)	(0)	(0)	(0)	(0)
South Eastern and Metropolitan Traffic Area	2	0	2	0	0
	(7)	(1)	(4)	(1)	(0)
West Midlands Traffic Area	1	0	1	0	0
	(2)	(0)	(2)	(2)	(0)
Western Traffic Area	4	0	3	1	0
	(6)	(1)	(4)	(1)	(0)
Scotland	5	0	1	1	3
	(28)	(7)	(17)	(5)	(0)
Welsh	2	0	2	0	0
	(5)	(1)	(4)	(1)	(0)
Total	20	0	14	3	4
	(49)	(10)	(32)	(11)	(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.

* Please note that in Scotland action is taken under Section 39 of the Transport (Scotland) Act 2001

Table 18: Work of the traffic commissioners and their deputies on public inquiries, 2011-12 (2010-11)

	Traffic Commissioners	Deputy Traffic Commissioners	Total
Eastern Traffic Area	85	134	219
	(131)	(134)	(265)
North Eastern Traffic Area	82	137	219
	(185)	(80)	(265)
North Western Traffic Area	88	257	345
	(205)	(172)	(377)
South Eastern and Metropolitan Traffic Area	7	226	233
	(75)	(134)	(209)
West Midlands Traffic Area	149	72	221
	(109)	(93)	(202)
Western Traffic Area	126	72	198
	(191)	(136)	(327)
Scotland	126	41	167
	(102)	(42)	(144)
Wales	50	33	83
	(47)	(47)	(94)
Total	713	972	1685
	(1045)	(838)	(1883)

Table 19: Bus, coach and lorry operators - appeals to the Upper Tribunal, 2011-12 (2010-11)

	Number of appeals made	Number of appeals heard	Number of appeals withdrawn	Number of appeals successful or partially successful
Eastern Traffic Area	8	9	0	3
	(8)	(6)	(1)	(3)
North Eastern Traffic Area	11	7	4	1
	(5)	(3)	(2)	(3)
North Western Traffic Area	9	5	4	0
	(21)	(16)	(5)	(1)
South Eastern and Metropolitan Traffic Area	6	7	2	3
	(17)	(14)	(1)	(2)
Western Traffic Area	8	4	4	0
	(8)	(5)	(0)	(4)
West Midland Traffic Area	5	6	2	3
	(12)	(9)	(2)	(0)
Scotland	4	4	0	2
	(7)	(8)	(1)	(2)
Wales	8	4	2	2
	(4)	(2)	(3)	(0)
Total	59	46	18	14
	(82)	(63)	(15)	(15)

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, 2011-12 (2010-11)

	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	1,632 (1759)	205 (219)	4 (2)	66 (46)	104 (94)	19 (9)	471 (444)	9 (2)	346 (451)	516 (479)	198 (137)
North Eastern Traffic Area	3,387 (3260)	376 (437)	13 (8)	40 (31)	159 (139)	57 (56)	1,375 (1360)	0 (0)	775 (673)	746 (810)	126 (119)
North Western Traffic Area	1,579 (1729)	179 (223)	23 (6)	72 (71)	108 (44)	36 (28)	374 (528)	153 (113)	328 (157)	530 (657)	229 (302)
South Eastern and Metropolitan Traffic Area	2,078 (1883)	420 (506)	16 (10)	71 (78)	144 (150)	170 (61)	529 (616)	57 (22)	228 (142)	616 (567)	322 (217)
West Midland Traffic Area	1,211 (1495)	261 (325)	26 (10)	69 (52)	117 (148)	67 (90)	241 (0)	0 (317)	82 (66)	283 (247)	484 (467)
Western Traffic Area	1,476 (1643)	192 (308)	7 (14)	37 (69)	222 (187)	59 (59)	259 (287)	21 (0)	350 (272)	286 (400)	221 (323)
Scotland	1,358 (1443)	267 (231)	21 (19)	85 (87)	87 (97)	163 (55)	242 (267)	29 (19)	157 (193)	313 (495)	433 (318)
Wales	810 (987)	104 (173)	18 (32)	34 (70)	83 (95)	44 (52)	161 (108)	0 (0)	62 (55)	131 (153)	151 (339)
Total	13,531 (14199)	2,004 (2422)	128 (101)	474 (504)	1,024 (954)	615 (410)	3,652 (3610)	269 (473)	2,328 (2009)	3,421 (3808)	2,164 (2222)

Table 21: Applications for the return of impounded vehicles, 2011-12 (2010-11)

	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	11	11	0	0	11	0	1	1	0	0
	(4)	(5)	(0)	(0)	(4)	(0)	(0)	(0)	(0)	(0)
North Eastern Traffic Area	4	2	0	0	2	0	0	0	0	0
	(3)	(3)	(0)	(0)	(2)	(0)	(0)	(0)	(0)	(0)
North Western Traffic Area	3	3	0	0	3	0	0	0	0	0
	(7)	(5)	(0)	(0)	(4)	(1)	(1)	(0)	(0)	(0)
South Eastern and Metropolitan Traffic Area	6	4	1	0	0	0	0	0	0	0
	(5)	(2)	(0)	(0)	(1)	(2)	(0)	(0)	(0)	(0)
West Midland Traffic Area	1	1	0	0	1	0	0	0	0	0
	(1)	(1)	(1)	(0)	(0)	(0)	(0)	(0)	(0)	(0)
Western Traffic Area	4	3	0	0	0	0	0	0	0	0
	(2)	(2)	(1)	(0)	(1)	(0)	(0)	(0)	(0)	(0)
Scotland	1	1	0	0	1	0	0	0	0	0
	(6)	(3)	(0)	(2)	(3)	(0)	(0)	(1)	(3)	(0)
Wales	6	5	0	0	4	0	2	0	0	0
	(5)	(4)	(0)	(0)	(3)	(0)	(0)	(0)	(0)	(0)
Total	36	30	1	0	22	0	3	1	0	0
	(33)	(25)	(2)	(2)	(18)	(3)	(1)	(1)	(3)	(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

Details of useful publications can be found at: <http://www.dft.gov.uk/topics/tpm/traffic-commissioners/>. The Vehicle and Operator Services Agency (VOSA) website also carries information and publications relating to the functions and regulatory role of traffic commissioners.

Statistical Enquiries

Licensing (tables 1 to 5 and 8 to 14) should be addressed to:

Kabir Majid
Central Licensing Office
Hillcrest House
386 Harehills Lane
Leeds
LS9 6NF
Telephone: 0113 254 3280
Email: kabir.majid@vosa.gov.uk

Bus permits (table 15) should be addressed to:

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Hillcrest House
386 Harehills Lane
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Offices of the Traffic Commissioner (tables 6-7 and 16 to 21) should be addressed to:

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