



Traffic Commissioners' Annual Reports 2015-16

Championing safe, fair and reliable passenger and goods
vehicle transport



Traffic Commissioners for Great Britain

Our mission

Our mission is to promote safe, fair, efficient and reliable passenger and goods transport through effective and efficient licensing and regulation of the commercial vehicle industry.

Our vision

For us and our staff to be recognised by our stakeholders as proportionate, accountable, consistent and transparent in our approach – a model of independent regulation.

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Senior Traffic Commissioner's foreword

Secretary of State,

I present to you the Annual Report of the Traffic Commissioners for 2015/16. The year has not been without its challenges for both the commercial vehicle industry and us as its regulators.

In preparing for this report I went back to the feedback from your "Listening to Industry" events held in 2014 and 2015 and noted that there were a number of views about how the operator licensing regime could be improved. Traffic commissioners (TCs) considered the 2014 responses at the time and they helped to inform our current strategic objectives. In addition DfT published its implementation plan in response to the Triennial Review of the Traffic Commissioners.

My report explains our achievements against these objectives as well as how we will review them to take account of the 2015 responses.

Responses to the "Listening to Industry" event in 2015 told us that existing traffic commissioner and Office of the Traffic Commissioner arrangements did not reflect the realities of modern day logistics, that the OTC was not providing a good enough service and that in principle, paper 'O' licence discs should be removed but only if the change was supported by effective IT systems. TCs agree that it is not acceptable for compliant applicants and operators to have to wait a nine weeks for grant of a new licence or variation to an existing one. The ways in which we shop, work, rest and play have changed dramatically. Online shoppers expect to place an order one day and receive it the next and to return the items they do not want the day after that. The public expect regular, frequent, reliable bus services to get them to work on time and home again. Holiday makers expect their coach trip to go smoothly without a hitch so that they can truly relax and watch the world go by.

The logistics and transport industry quietly gets on with delivering all this day after day and it is an unsung hero that contributes enormously to the economy. The UK logistics sector contributes £92 billion, with the haulage sector contributing £42 billion alone. The UK logistics sector employs 2.2 million people (1 in 12 workers) and it is anticipated that another 1.2 million workers will be needed by 2022, just six years away. It will have to grow quickly to keep up with the rapid pace of change. Traffic commissioners want to support industry and offer a more efficient and speedier service to compliant applicants and operators.

To keep up with this rapid pace of change, TCs also want to introduce changes. We want to grant genuine and compliant applications in three weeks instead of nine. We want to take strong action against errant operators quickly. We need to be properly funded to do this. A goods operator's licence costs £658, with a continuation fee of £401 then payable every five years. A Public Service Vehicle (PSV) operator's licence costs even less, just £209 with no regular continuation fee (this is instead collected as part of the annual test fee). Consequently the operator licensing scheme income in 2014/15 was £12,388,000. It is therefore no surprise to TCs and our staff that we are limited in the efficiency targets that we can deliver.

When we see that the combined pre-tax profit of the 25 largest third party logistics operators is £975,594,342 and the combined pre tax profit of four of the biggest bus and coach companies is £335,700,000, we wonder if the current licence fees are still set at the right level.

Similarly, we question whether a "one size fits all" licence fee is still appropriate. The logistics and transport industry is diverse in its type, scale and size of operation. Nearly three quarters of goods

and PSV licences are held by operators who operate up to five vehicles and one quarter are held by operators who operate between six and fifty vehicles. It is also worth noting that nearly a third of all vehicles operated are done so by operators with more than fifty vehicles.

The Triennial Review highlighted that changes to the law are needed if Government is to remove some of the barriers that prevent us from granting licences more quickly. The slow process of legislative change does not sit easily with the fast pace of 21st century transport. Legislative change is needed now if we are to offer real improvements to the operator licensing service. In recognising the challenges that the industry faces we also recognise the challenges that we face. We cannot offer a better service without fee reform and law reform and so we hope that you will give them very serious consideration.

Despite these challenges TCs have been working hard to streamline our processes and reduce unnecessary burdens on the compliant industry. We have also concentrated our very limited resources on those operators and drivers who pose the greatest risk to road safety and fair competition but again more needs to be done and so we look forward to forging close links with Gareth Llewellyn as he settles into his new role as Chief Executive of DVSA and hearing how he intends to ensure effective enforcement against those who put profit before safety.

Beverly Bell

Senior Traffic Commissioner

Introduction

Who we are and what we do

The seven traffic commissioners (TCs) 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 23-41.

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 (TC) has existed with effect from 01 January 1931. TCs 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 TCs are assisted in this work by deputy traffic commissioners (DTCs), who preside over a number of public inquiries.

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

Traffic Commissioners' Annual Reports to the Secretary of State for Transport

Report of the Senior Traffic Commissioner

Our strategic objectives

In October 2014, we agreed a set of key strategic objectives as part of an overall strategy for the operator licensing regime. We stated that as independent specialist regulators we promote safe, fair, efficient and reliable passenger and goods transport through effective and efficient licensing and regulation of the commercial vehicle industry. We want to be recognised by our stakeholders as proportionate, accountable, consistent and transparent in our approach.

We identified four key strategic objectives and I have reported on these under the section of my report entitled "*Our performance and progress.*"

- 1. To review and modernise the operator licence regime and to reduce the regulatory burden on the compliant commercial vehicle industry. We will do this by working with DfT regarding legislative change. We will work with DVSA on the delivery of the Operator Licence Compliance System as well as enhancing traffic commissioners' and staff knowledge, competence, resilience and capacity to deliver a consistent and efficient operator licence regime.**
- 2. To concentrate resource on regulating those drivers and operators who pose the greatest risk to road safety, fair competition, legal operation and protection of the environment, by working with other agencies, especially DVSA to deliver improved value and effectiveness of the regulatory role.**
- 3. On behalf of the Secretary of State to review and modernise the regulation of commercial vehicle (HGV and PSV) drivers with the aim of ensuring a consistent regulatory outcome for all drivers who commit infringements. To this end, we aim to issue in 2015 a new Statutory Guidance Document No. 6 – Driver Conduct**
- 4. To promote and improve registered bus service reliability and punctuality we aim to issue in 2015 a new Statutory Guidance Document No. 14 – Registered Bus Services and thereafter work with the Department for Transport and DVSA to deliver compliance with this.**

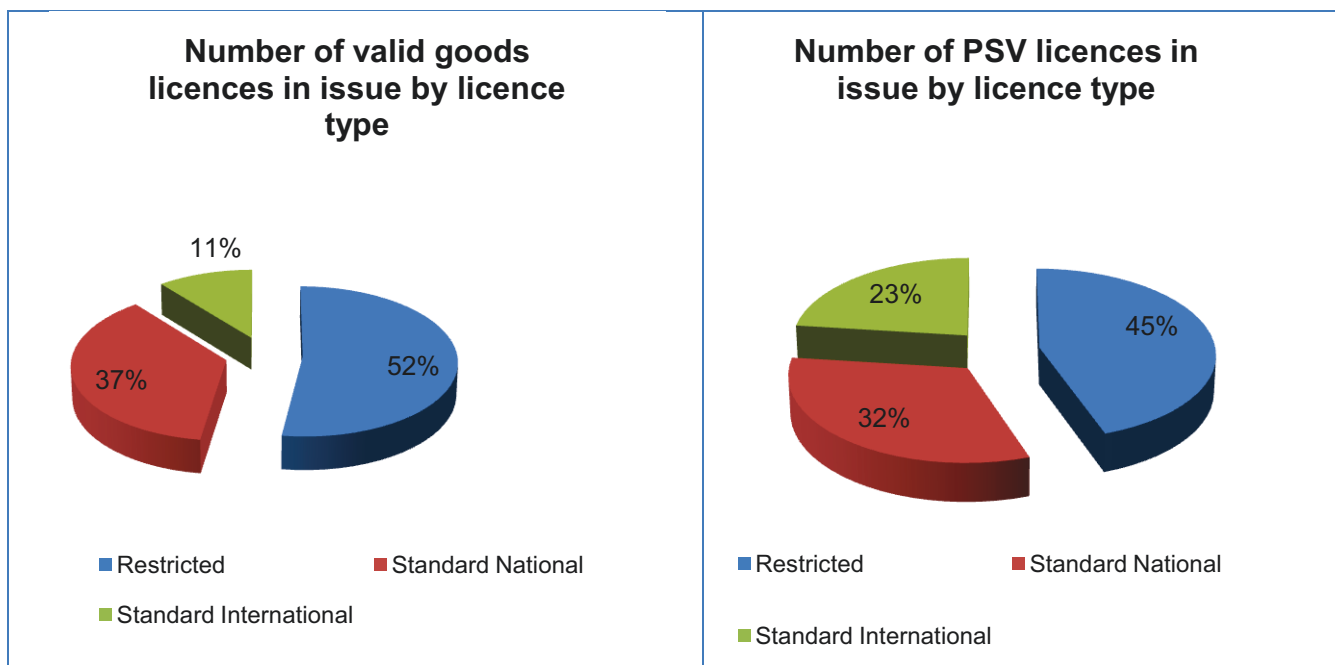
We stated that to meet these objectives, we and our staff would work closely with a number of other enforcement agencies, and the Police, that we would listen to and communicate with our stakeholders, and seek to constantly improve how we licence and regulate. In addition we want to develop a clear communications plan to educate and inform the commercial vehicle industry. Examples of how we are working with other agencies are given in the section of my report entitled *Consulting and engaging with stakeholders*, along with examples of how we are listening to and communicating with our stakeholders. I have also explained what we are doing to educate the industry that we regulate.

We are committed to keeping our objectives under review and working together on this challenging agenda because we recognise that effective collaboration can help us perform as individual, independent traffic commissioners (TCs) and provide an efficient and consistent service to our stakeholders.

The operating landscape and regulating the industry in Great Britain

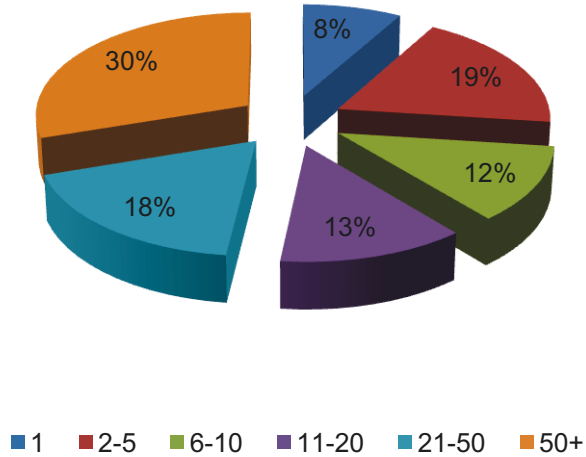
Licensing

The total number of commercial vehicles in the UK, according to Department for Transport (DfT) registration figures, has grown again from 468,900 to 473,900. The number of heavy goods vehicles covered by operator licences has also grown from 343,674 to 377,748.

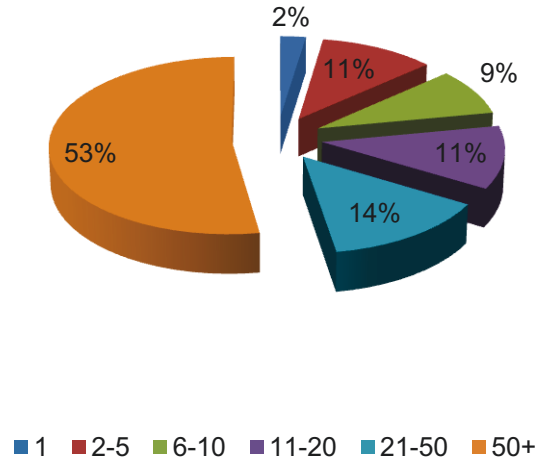


As can be seen from the chart above, restricted licences account for 52% of all goods licences and 45% of all Public Service Vehicle (PSV) licences. It is therefore important that as regulators we do all that we can to educate these operators who do not have the benefit of a transport manager and for whom running commercial vehicles is not their main business. I therefore advise restricted licence holders to read my [statutory document on transport managers](#), which sets out the role of transport managers so that they can see what needs to be done to ensure operator licence compliance.

Number of goods vehicles specified on a licence



Number of PSV vehicles specified on a licence



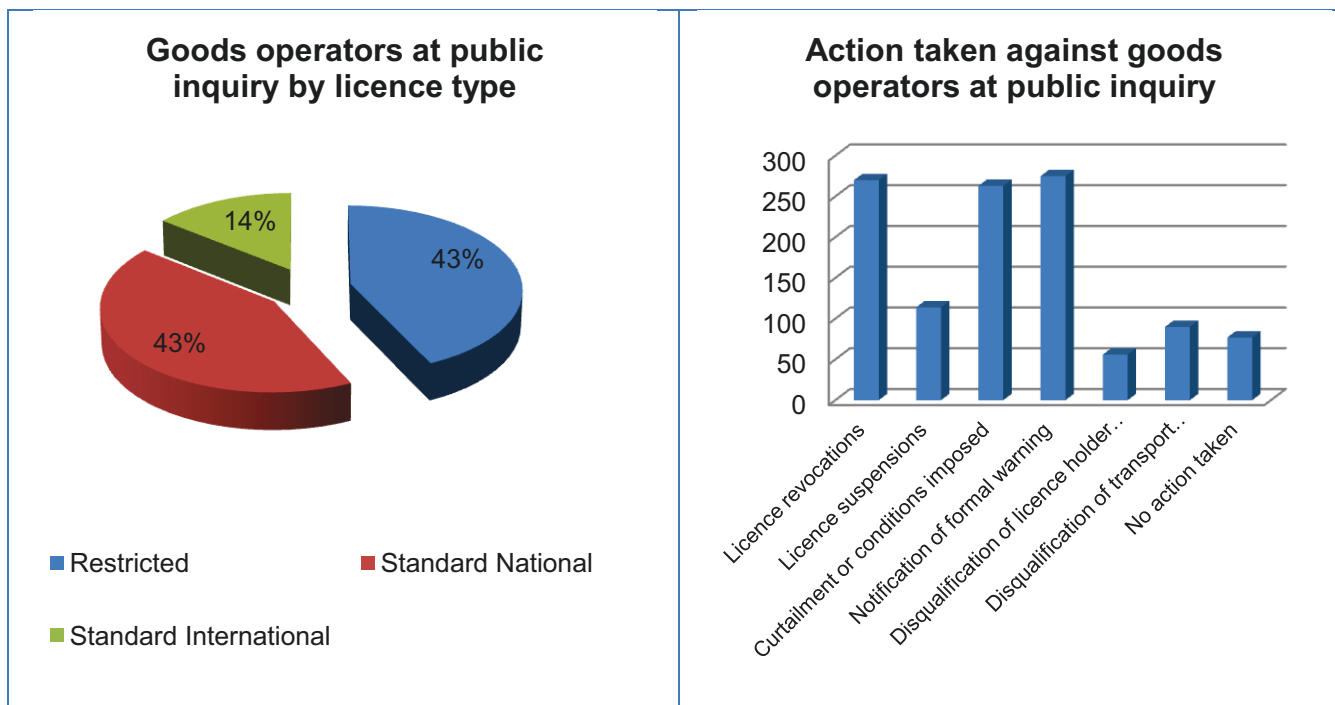
Drivers

The average age of a driver is essentially the same as last year. There is a small shift in the numbers of women passing the Heavy Goods Vehicle (HGV) driving test up from 6.1% in 2007/08 to 8% in 2014/15 but this shift is still too small to make a real difference to the number of women working as HGV drivers. Interestingly in every year since 2007 more women than men pass their test by about 2%.

The goods sector currently estimates that there is shortage of HGV drivers of about 45,000 which some representatives suggest is growing by an estimated 20,000 each year. Foreign drivers are currently being used extensively with industry estimates varying between 20,000 and 30,000. I know that Government is working across departments and in tandem with the industry to address the driver shortage and TCs look forward to seeing how successful these initiatives are next year as we will do all we can to support initiatives to bring more people into the commercial driving sector.

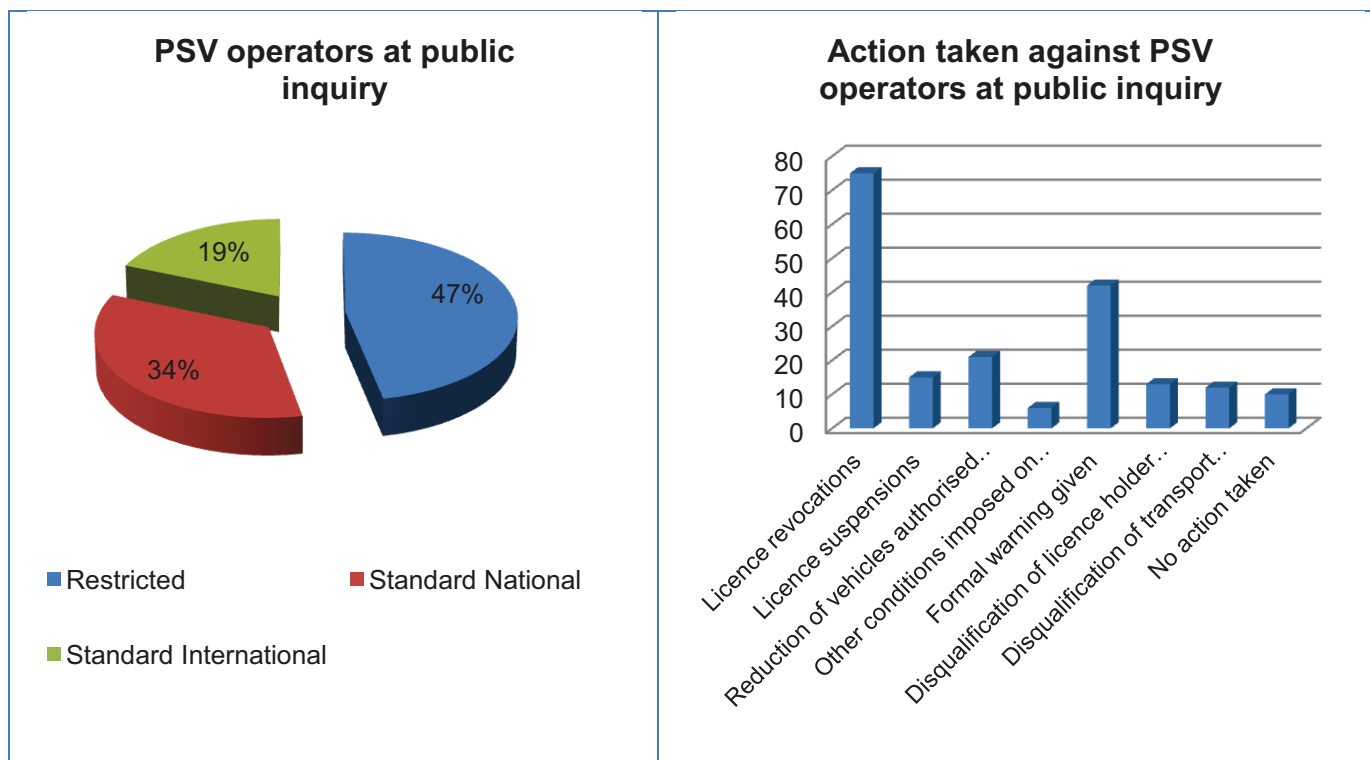
Non-compliance

Goods operators



We held a total of 929 goods operator public inquiries in this reporting year and the fact that we revoked 270 licences shows that these cases were quite rightly put before the traffic commissioner to ensure that action was taken to put an end to non compliant operation. We also suspended 114 licences and curtailed 263. In making these orders TCs are keen to strike a balance between allowing operators to stay in business where appropriate whilst at the same time ensuring that licence compliance remains at the very top of their agenda. It is also clear that the number of formal warnings recorded against operators remains high and so it is important to note that formal warnings are often issued at the same time as licence suspensions and curtailments rather than being issued as standalone decisions. Last year I commented that in 92 cases no action was taken at public inquiry and I stated that I would be looking to see how we could reduce those numbers. This year I am pleased to see that this number has reduced to 77 but it is still too high. I report on this matter below.

PSV operators



We held a total of 162 PSV public inquiries in this reporting year and the fact that we revoked 75 (46%) licences shows that these cases were quite rightly put before the traffic commissioner to ensure that action was taken to put an end to non compliant operation. We suspended 15 licences and made 21 orders reducing the vehicle authorisation. In making these orders TCs are keen to strike a balance between allowing operators to stay in business where appropriate whilst at the same time ensuring that licence compliance remains at the very top of their agenda. It is also clear that the number of formal warnings recorded against operators remains high and so it is important to note that formal warnings are often issued at the same time as licence suspensions and curtailments rather than being issued as standalone decisions. Last year I commented that in 34 cases no action was taken at public inquiry and I stated that I would be looking to see how we could reduce those numbers. This year I am pleased to see that this number has reduced to 10 but it is still too high. I report on this matter below.

Alternative methods of disposal

Last year I stated that TCs were looking at ways of diverting appropriate cases away from public inquiry so that we make the best use of our limited tribunal time and that we do not call operators to public inquiry unless there is a real prospect of regulatory action being taken. It is for that reason that I issued revised [Statutory Document on the principles of decision making and the concept of proportionality](#) in January 2016 encouraging TCs to consider alternative methods of disposal. This year we are able to report on the number of cases where we have used those alternative methods of disposal. Table 18a shows that 491 goods and PSV operators were called to a preliminary hearing which enables a TC to consider whether a formal public inquiry is really necessary. These hearings give TCs an opportunity to receive assurances and evidence of compliance from operators in cases where early intervention will result in swift action being taken by the operator to put things right. The assurances of operators and where appropriate the additional undertakings

given are of course checked by TCs' staff or the Driver and Vehicle Standards Agency (DVSA) to ensure that they are adhered to.

In addition Table 18a show that 76 goods and PSV operators attended an interview with a Senior Team Leader in line with the new guidance. These interviews also enable the operator to provide assurances and evidence of compliance and they are a very useful method of dealing with the less serious cases where the operator needs to be "put back on the road to compliance".

Consequently a total of 567 goods and PSV operators were diverted away from the formal public inquiry route and I look forward to reporting on these figures again next year. I shall also ensure that they are set out separately for the goods and PSV industries.

At this stage TCs do not have the resource to carry out an effective analysis of the regulatory action that we take. Consequently we conducted a limited analysis of some preliminary hearing work and we now look to identify with DfT or DVSA ways in which we can identify whether our tribunal activity is delivering long standing changes in behaviour and promoting road safety and fair competition.

Disqualification

This year TCs have again made a number of orders for disqualification of operators and transport managers. As a result we disqualified 56 operators and 90 transport managers in goods cases and 13 operators and 12 transport managers in PSV cases. It is interesting to note that the number of disqualifications has gone down from the previous year for PSV operators but has gone up from the previous year for goods operators. Disqualification orders are significant as they prevent operators and transport managers from re-entering the industry either for an indefinite period of time or until the transport managers have undertaken some further training such as retaking the transport manager certificate of professional (CPC) qualification. It is vital that all transport managers not only recognise the importance of properly fulfilling the statutory requirement of exercising continuous and effective responsibility over the transport operation of the business but that they also keep up to date with developments by regular attendance at appropriate refresher training events.

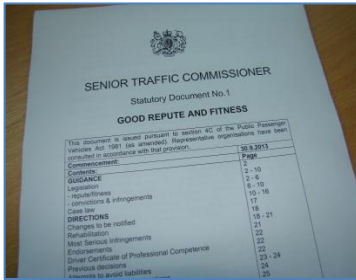
Bus reliability cases

Last year I reported that TCs do not convene many bus reliability public inquiries and I explained the reasons, namely, that DVSA has been working with TCs and DfT to ensure that registered service reliability enforcement is effective and that non compliant operators are referred to the traffic commissioner as soon as possible. I regret to say that DVSA's work is still not complete and so I will report on developments again next year. This year the public inquiry statistics are remarkably similar to last year. Once again, TCs convened 16 bus reliability public inquiries although these were not in all traffic areas. Once again financial penalties were imposed against 12 operators showing that we continue to take strong action where operators are not running punctual and reliable services. We hope that the new DVSA arrangements for referring bus reliability cases to us will result in us being able to take regulatory action against those operators who do not put the running of punctual and reliable services at the very top of their agenda.

Educating the industry

Educating the commercial vehicle industry remains a key priority for TCs, including giving guidance to those operators who have “lost their way” on the road to compliance. Education is therefore a common theme in all that we do. Set out below are examples of some of the work that we have done this year.

Statutory Guidance and Directions



The publication of revised [Statutory Guidance and Statutory Directions](#) that came into force on 01 January 2016 reinforced our commitment to a consistent approach to transparent decision making.

I consulted with the industry widely on the proposed revisions and I am delighted that the revised documents give greater outcome based guidance to all who are involved in commercial vehicle operation as well as reducing the burden on the compliant industry.

Examples include:

- a streamlined process for direct transport manager replacements and additional nominations
- a broader interpretation of individual transport manager’s time and duty allocation
- a role description for transport managers and what they are expected to do
- time savings through the use of certified business accounts which will reduce how often operators have to seek evidence from the bank in order to demonstrate the availability of finance
- the greater use of delegations, allowing licences to be issued earlier, once the legal requirements are met, where a clear business need is demonstrated and particularly where applicants have a good compliance record
- extended delegations so that our staff can take more decisions on our behalf
- quicker decision making, communications and greater guidance for dealing with incomplete applications
- processes to take less serious cases out of public inquiry listings, meaning that tribunal resources are targeted at the serially and seriously non compliant
- new guidance on driver conduct, including case studies which operators can use to train and educate employees

Driver CPC



TCs are pleased to note that compliance with the driver CPC requirements has been high. DVSA reported in September 2015 that of 89,000 roadside checks carried out between September 2014 and August 2015 only 1,400 (1.57%) driver CPC offences were recorded. DVSA can and does report these offences to TCs and we have no hesitation in taking appropriate action where needed.

TCs working together



TCs and our staff are sometimes accused of being inconsistent and reaching different decisions from each other. This perception is understood by TCs and we are keen to ensure that all stakeholders understand how we work together as a group as well as with our deputies and our staff. TCs have always met regularly to discuss a wide range of subjects and we constantly refine how we do this to ensure that we focus on our strategic objectives and anticipate the challenges that we might face whilst regulating a diverse and complex industry.

We therefore meet both on our own and with officials. When meeting on our own we share best practice, discuss our approach to regulation and our tribunal work, taking account of the current levels and areas of non compliance to ensure that we are consistent.

When meeting with officials from the OTC we receive, for example, reports of the levels of service to applicants and operators and what challenges are being faced such as difficulties in recruiting staff due to the current Treasury led recruitment policy.

TCs meet with all our deputies once a year at the Annual Professional Development Seminar (APDS). This took place in May 2015 and this important seminar gives both full time TCs and our deputies a chance to refresh and develop our skills in line with the concept of continuing professional development.

Whilst we do, of course focus on our tribunal role we also take the time to “listen to industry”. At our 2015 APDS we received presentations illustrating just how operators succeed in delivering goods and people to the right place at the right time. This engagement sits well with our specialist independent regulatory role and also offers a welcome break to all TCs and DTCs from the sometimes rarefied atmosphere of the public inquiry room.

Consulting and engaging with stakeholders

In May 2015 we published a revised [consultation and engagement document](#) (APG1). The ways in which we consult and engage with our stakeholders will change as the operating landscape changes and so we need to ensure that this is reflected in our documents.

In addition TCs responded to the following consultations:

Title	Body	Date
Tachographs: implementation of EU regulation 165/1024	Department for Transport	17 March 2015
Motoring services strategy: a strategic direction 2016 to 2020	Department for Transport, Driver and Vehicle Licensing Agency, Driver and Vehicle Standards Agency and Vehicle Certification Agency	13 November 2015
Hand-held mobile phones: changes to penalties for use whilst driving	Department for Transport	26 January 2016
Clandestine civil penalty regime	Home Office and UK Visas Immigration	07 March 2016

I set out below details of some of the work that we do to ensure that we consult and engage with a wide range of stakeholders. In addition TCs continue to attend a large number of industry events which we have reported on in our individual reports.



Department
for Transport

TCs continue to meet with DfT officials at the tripartite meetings with DfT and DVSA. These meetings give us an opportunity to discuss policy matters that might impinge upon our work such as the removal of some exemptions to operator licensing or pending legislative change. We also discuss other matter such as the challenges that TCs face in delivering our strategic objectives so that we can identify where barriers to better delivery of the operator licensing scheme can be removed as often we cannot deliver what we want because of insufficient resource and insufficient legislative change.

Consequently in October 2015 we wrote to DfT setting out four alternative recommendations that would bring about significant change to the operator licensing service. We wait to hear whether any of those recommendations will be adopted.

In addition the DfT response to the Triennial Review report published in December 2015 has enabled us to see how DfT intends to approach the recommendations that were made. We look forward to working with DfT and DVSA to see if fee reform and legislative change can be delivered for without this the operator licensing scheme cannot be

improved to reflect the changing needs of the industry in the 21st century.

TCs continued to attend and contribute to the DfT compliance forum meetings which took place in June and October 2015 and January 2016. The terms of reference and attendees at the Forum remain the same and this does give TCs a valuable opportunity to discuss matters that concern us with a wide range of stakeholders.



**Driver & Vehicle
Standards
Agency**

Sarah Bell and Kevin Rooney continue to lead for TCs on liaison with the DVSA on enforcement matters. TCs and DVSA are both committed to focussing our efforts on the seriously and serially non-compliant as set out in our second key objective. During the year, Kevin and Sarah have worked with DVSA to review case referral criteria and processes. This has resulted in a revised approach whereby lower levels of non-compliance detected at maintenance investigations will be managed by DVSA's new Remote Enforcement Offices rather than being referred to us. The effect should be a significant reduction in cases referred to us that result in warning letters or no further action.



TCs continue to meet with the Northern Ireland Transport Regulator so that we do all we can to adopt a unified approach to regulation in the United Kingdom.



I was delighted to meet with the Road Safety Authority when I was in Ireland in March 2016 and to start to forge some useful links with our counterparts. Many operators regularly cross into and out of other European member states as part of their daily business and it is important that TCs understand how regulation is carried out in other member states.

Trade Associations

TCs continue to meet with the trade associations, Association of Road Transport Lawyers (AoRTL) and the Chartered Institute of Logistics & Transport (CILT) twice a year. Discussions at these meetings enable me to tell them what is happening with regard to TCs and also to hear what their areas of concern are. This year I have decided to invite DVSA to attend as much of what we discuss is related to enforcement.

Our performance and progress

This section reports on progress against our key strategic objectives for 2015/16.

To review and modernise the operator licence regime and to reduce the regulatory burden on the compliant commercial vehicle industry. We will do this by working with DfT regarding legislative change. We will work with DVSA on the delivery of the Operator Licence Compliance System as well as enhancing traffic commissioners' and staff knowledge, competence, resilience and capacity to deliver a consistent and efficient operator licence regime.

Achievements:

- at the time of writing new online operator licensing services are being tested by a group of operators before being rolled out to applicants, licence holders and OTC staff later in the year
- the revisions of the [Statutory Guidance and Statutory Directions](#) have empowered staff working on our behalf and offer a greater opportunity to delegate, thus streamlining and in appropriate cases speeding up application and compliance decision-making
- the publication and implementation of [guidance on how to use the Statutory Documents](#) should ensure a consistent approach by TCs, DTCs and staff to both our tribunal and licensing functions
- the publication of a revised [Statutory Document on transport managers](#) has substantially lessened the burden on standard national and international licence holders as well as giving greater clarity to transport managers as to what is expected of them
- Nick Jones has worked with DfT and the Welsh Assembly regarding proposals for a full time traffic commissioner for Wales
- TCs have worked closely with DfT to identify where legislative and fee reform is essential so that we can speed up the application process and remove unnecessary barriers to applications being dealt with swiftly and to reflect the needs of the transport industry

Further opportunities:

- TCs will continue to work proactively with DfT and the industry to drive the agenda on legislative and fee reform which currently prevents the TCs from removing some of the regulatory burden placed on the compliant commercial vehicle industry
- once the vehicle operator licensing service is properly embedded, in accordance with the expectations of the Triennial Review, we will publish average application processing times
- the revised Service Level Agreement between DVSA and TCs was put on hold whilst the vehicle operator licensing service was being developed, but this can now be reviewed once the improvements have bedded in

To concentrate resource on regulating those drivers and operators who pose the greatest risk to road safety, fair competition, legal operation and protection of the environment, by working with other agencies, especially DVSA to deliver improved value and effectiveness of the regulatory role.

Achievements:

- there is a close working relationship between the TC enforcement portfolio holders (Sarah Bell and Kevin Rooney) and DVSA, to ensure TC concerns and expectations are considered
- there has been a revision of the [Statutory Guidance Documents](#) to divert unnecessary cases from public inquiry and I have reported on this above
- continued attendance at the DfT Compliance Forum ensures that TCs' views are represented to DfT, the relevant enforcement agencies and industry
- we have improved our data sharing controls with a number of new and revised MoUs

Further opportunities:

- TCs have long championed the need for proper enforcement against the “seriously and serially non-compliant operators” and this need is reflected in the current DfT [Road Safety Statement](#)
- TCs therefore look forward to meeting further with DVSA to ensure that TC and DVSA objectives are aligned
- as stated earlier in my report, we need to conduct an effective analysis of our regulatory role and we hope that DfT and DVSA will recognise the critical value of assisting with this essential work

On behalf of the Secretary of State to review and modernise the regulation of commercial vehicle (HGV and PSV) drivers with the aim of ensuring a consistent regulatory outcome for all drivers who commit infringements. To this end, we aim to issue in 2015 a new Statutory Guidance Document No. 6 – Driver Conduct.

Achievements:

- my colleague Nick Jones took the lead in revising my [statutory document on vocational driver conduct](#). He undertook a two stage approach to the consultation process with a widespread number of organisations consulted on what should and should not be in the statutory documentation and on its format. The latter stage was a public consultation on the details
- whilst this process took longer than the traditional consultation, it has resulted in a statutory document that we want to be of value to other stakeholders as well as us
- the use of case studies to assist in promoting consistency amongst TCs and DTCs has the added benefit that they are also of value to others including transport managers and those who train vocational drivers

Further opportunities:

Publication of the revised document is just the beginning of the process in improving driver behaviour and the responses to the consultation exercise revealed that work needs to be done on raising awareness of the regulatory role of the TCs regarding drivers.

- we intend to implement a clear communications strategy to raise awareness of the professional conduct standards amongst drivers and operators and the potential impact of failing to meet those standards – including being called before a Traffic Commissioner
- my statutory document on vocational driver conduct is a large and complex document that many drivers might not read so we need to consider how we can communicate the most important and relevant information to them
- we will review the number and content of case studies over time. Promotion of road safety is a shared objective with Government and already there are discussions on both increasing the number of penalty points for the use of mobile phones and other distraction offences in cars – and additionally – a separate offence code with greater points for the same offence committed in a commercial vehicle

To promote and improve registered bus service reliability and punctuality we aim to issue in 2015 a new Statutory Guidance Document No. 14 – Registered Bus Services and thereafter work with the Department for Transport and DVSA to deliver compliance with this.

Achievements:

- in March 2015 a revised [Statutory Document on local bus services in England \(outside London\) and Wales](#) was published for England and Wales and so following on from this TCs worked with DfT and DVSA to review the agency's current approach to registered bus service enforcement to place a greater emphasis upon operators' monitoring of their services. This review is nearing completion and I will report on the outcome next year
- TCs worked with Passenger Focus by attending seminars to promote and raise awareness of the revised Statutory Document and to hear how operators and local authorities were implementing the changes required
- we have also revised the [Bus Registration Guide](#) and this has been published on our GOV.UK pages

Further opportunities:

- TCs look forward to working with DVSA regarding the new approach to registered bus service enforcement
- the Buses Bill will implement major changes regarding bus regulation and TCs need to carefully consider how this will impact on our current regulatory role

Strategic objectives review

In January 2016 TCs met to review how we have delivered against our current strategic objectives and to see what further work is needed as a result. In doing so we took account of the matters that were raised at the “listening to industry” event in 2015.

By the very nature of our role, it is inevitable that we will always have the two key objectives of the promotion of road safety and fair competition. Consequently our first two objectives published in 2014 will be as valid in the coming years as they have always been. Compliant, first class operators expect a first class service from the regulators so that they can deliver a first class service to their customers. The “man on the Clapham omnibus” expects regulators to be robust and to take strong effective action against those who pose the greatest risk to road safety. The operator and driver of that omnibus expect us to protect their lawful operation by taking strong effective action against those who threaten their business. We are the “gatekeepers” to the industry.

It is for these reasons that we will continue to focus on our first two key strategic objectives.

In addition TCs also want to communicate more effectively. Effective communications are at the heart of any modern regulator strategy which aims to:

- have a strong deterrent effect upon those who deliberately attempt to outwit the regime and consequently seriously undermine road safety and fair competition
- warn the non-compliant industry of the consequences of their failures so that they are incentivised to adopt compliant operation
- educate and guide those who have insufficient knowledge of the regulatory regime so that they easily achieve compliance
- ensure that a consistent message is sent to all those who operate commercial vehicles in Great Britain

To tie all of the above together TCs need to:

- conduct a comprehensive review of our existing communications approach
- notify DfT and DVSA where further resource is needed clearly identifying how that resource will be channelled
- outline an intended approach to a new and improved communications strategy which ties together all of the above objectives
- work with DfT and DVSA to ensure sufficient resource is provided

Acknowledgments and thanks

No annual report of mine could ever be complete without acknowledging the work and contributions of those who assist me.

Whilst everyone in the traffic area offices plays their part in assisting all TCs and myself, I must mention some people who work closely with me in dealing with our challenging workload. They are never phased by that workload and they remain just as committed to the cause as they did last year.

In the Office of the Senior Traffic Commissioner (OSTC) we said goodbye to Sarah Pybus (Assistant to the Senior Traffic Commissioner) who has moved on to work elsewhere in

Government. Once again, I relied tremendously on Bev Crowley (TC Information Access Manager) and David Hughes (TC Information Access Officer) to deal so efficiently with the many FOI and Information Access requests that I receive.

Last year, I described Damien Currie (TC and STC Media Officer) and Chris Dormand (Head of the OSTC) as my “rocks in the storm of my work”. This year they have been stronger than ever when I needed their support as a result of the particular challenges that I faced. I shall not refer here to the circumstances in which they showed their resilience, kindness and compassion but I want to record here that I will always be extremely grateful to them.

In addition Sir Peter Hendy, Commissioner for Transport for London, always manages to find exceptional Transport for London (TfL) staff to second to my office every six months and this arrangement works well for both TfL and TCs. TfL staff gain firsthand experience of operational work that they might not otherwise gain and my office has another resource to call on. This reporting year I had Isher Keller and then Danielle Stephens to assist TCs from TfL and I record my special thanks to them and to Sir Peter Hendy and his successor Mike Brown MVO for facilitating this.

This year two Civil Service Fast Stream placements were undertaken at the Office of the Senior Traffic Commissioner, as part of the Government’s recognised graduate programme. Ed Walkington worked with TCs from April to September 2015, while Charlie Burke worked with us from October 2015 to March 2016. Working at my office in Golborne, they dealt with a range of policy projects on behalf of TCs. I wish them both well with their future careers in the Civil Service.

In Leeds I have once again relied on the Senior Team Leader, David Whitehead, in my capacity as STC and I would like to thank him and all the senior management team at Leeds for their patience with me when I ask them for information and briefings – often at short notice!

Finally I would like to depart from my previous practice by singling out one individual TC who has “gone the extra mile” in supporting me. Whilst all of my colleagues are always there to support me this year there was a time when I needed a fellow TC at my side or to be available at the end of a telephone line at very short notice. That individual is my colleague Richard Turfitt who was unstinting in his support for me. Richard has been a constant help to me this year and it is right that I should record that fact and my gratitude to him here.

Geographical boundaries of the traffic commissioners and office locations



East of England

Report of the Traffic Commissioner Richard Turfitt

The attached statistics illustrate the demands on the staff of the Office of the Traffic Commissioner (OTC) based in Cambridge and the central licensing unit. The numbers of Goods licences, new applications and variations yet again confirm ETA as the largest traffic area. The number of regulatory inquiries into Public Service Vehicle (PSV) licences has dropped, reflecting national trends, but Goods inquiries have remained constant with a further 60 cases dealt with at alternative hearings. The regulatory interventions against operators and transport managers have remained at roughly the same level, indicating a level of accuracy in the targeting of cases. The streamlining of multiple licence holder submissions has been broadly welcomed as this traffic area is one of two which faces the largest burden in that regard. That said total submissions requiring a traffic commissioner decision exceeded 2700 in the last year. Most of the teams servicing eastern operators and applicants were impacted by long term absences or vacancies, adding to delays in processing or the listing of cases. There is always room for improvement but the fact that this level of work was achieved is a credit to the OTC staff and Driver and Vehicle Standards Agency (DVSA) examiners who investigate the alleged breaches.

The Department for Transport (DfT) figures released last September showed a 3.5 per cent reduction in the number of fatal accidents per billion lorry miles in 2014 but as the Freight Transport Association (FTA) commented, industry must remain vigilant. As DVSA estimates that half of MoT fails could be avoided by checking that light-bulbs work, the condition and pressures of tyres and that mirrors, wipers and washers work, there is further work to do. I make little apology to stakeholders for sounding like a broken record. I am concerned by the number of operators who fail to have effective digital download practices; those who download but do not analyse or act on the results. I am appalled by the number of operators who have not even checked whether their inspection sheets are up to date by reference to DVSA's [Guide to Maintaining Roadworthiness](#). In the space of two weeks, two unconnected operators appeared before me suggesting their vehicles were being inspected against safety standards from 1972. For obvious reasons, where transport managers engage in regular training, the risks tend to be managed. It is of some concern that traffic commissioners have been left to deal with Acquired Rights certificates that should never have been issued, to the detriment of the individual and operator who have sought to rely on the erroneous document. In the absence of the requirement to employ a transport manager restricted licence holders need to be aware what they are signing up to and must continue to manage their compliance. I do not understand how some operators, particularly scaffolders and waste contractors, can apparently be so alive to health and safety or environmental legislation and yet so ignorant of operator licensing.

Our tribunal decisions inevitably attract attention and are a means of reminding other operators of their responsibilities. Their value needs to be retained. The research undertaken as part of the Vehicle Operator Licensing (formerly OLCS) project confirmed that, whilst operators and applicants want quicker decisions they do not want to see any lowering of the standards. To ensure that public inquiries are directed at those who present real risks to roads safety or fair competition the Statutory Documents now set out alternative means of disposal for more borderline cases. In the week of writing this report I had the opportunity to discuss the changes with the Association of Road Transport Lawyers (AoRTL). It is a rare benefit to discuss the challenges facing the jurisdiction with legally qualified stakeholders. Initial impressions of the streamlined process are positive, with preliminary hearings appearing to be targeted correctly. The [Statutory Documents](#) outline how the fairness of proceedings is retained. Lord Justice Vos gave an illuminating presentation on the rule of law earlier this year, which really should be read by anyone sponsoring a tribunal. It reinforces the value identified by the Senior Presiding Judge of the involvement of tribunal members in any reform programme for the delivery of judicial functions. I had the pleasure of a brief conversation with the new Chief Executive of DVSA shortly after his arrival. I know that he is interested in his Agency exploring alternative delivery models, streamlining processes, and

seeking efficiencies in the way that the DVSA estate is utilised. I cannot help but wonder, as I have in previous reports, whether the provision of the traffic commissioner tribunal function might not benefit from some of the initiatives being considered as part of the Civil Courts Structure Review.

The triennial review helped distil some of the ideas for reform which TCs have long held. The DfT implementation plan summarised those opportunities for streamlining the current processes within the existing legal framework. The plan recognises that it is not just the new on-line operator licence services which will deliver initial reductions in average application times. That work had already commenced in the review of the Statutory Guidance and Statutory Directions. The Senior Traffic Commissioner has touched on this review in her report but since the work took me away from my duties to this traffic area it is appropriate for me to report on its impact. To paraphrase one of my colleagues, I have concentrated significant effort on activities where my legal experience was necessary to develop these legal documents. The implementation plan records how key this work is to the Senior Traffic Commissioner (STC) role and further illustrates how TCs work as a team. I have also been able to share those benefits with the Northern Irish regulator through regular contact and advice.

The review of the Statutory Documents forms just a part of our efforts to support growth and productivity but aims to reduce waiting times. The review recognised the change in the modern business environment and seeks to anticipate further changes in legislation on legal entities and in the financial products available to operators and applicants. My work has involved improved guidance so as to allow the swifter transfer of Transport Manager (TM) staff and Operating Centres (OC) between entities. In the absence of a definition of 'repute' and 'fitness' we have given further case examples to assist understanding. We have significantly improved the guidance on what adverse behaviour is actually relevant to an application thereby preventing unnecessary enquiries into dated issues. We have listened carefully to feedback, particularly from the FTA, to avoid the starting points on TMs being treated almost as a statutory requirement. New, clearer TM forms will soon to be introduced. The review recognised the disproportionate burden to large business in the supply of financial evidence at each variation by utilising the full discretion permitted by the legislation so that there is one annual check which will cover every application made during the following calendar year. The strengthened guidance, supported by additional training commenced by the STC and myself, has allowed further delegations so as to cut down on the time required simply to draft electronic submissions. As the STC comments elsewhere we are, to a very large part, hamstrung by deficiencies in the legislation but we can attempt to put requirements, such as the PSV 'main occupation' into more accessible language and suggest means by which an applicant might provide evidence.

I do not wish to sound too inward looking as the challenges facing the regulated industries are considerable. The work on providing apprenticeships recognises the thinking which emerged at the last DfT Listening to Industry event. With an estimated shortage of about 45,000 drivers clearly the traditional demographic needs to be opened up. Operators in this traffic area have entered into the corporate covenant, some work with the Royal British Legion and others to persuade those leaving the military to use their logistic skills to build a civilian career. I know that the DfT team working on the Freight Carbon Review has been looking closely at the impact of the 'Final Mile'. It is important to realise that much of the potential for urban consolidation when serving the capital falls within this traffic area (as was illustrated during the planning for the 2012 Games). The 70% growth in rail freight from the mid-nineties suggests that there may be other opportunities arising from a change in work patterns around rail hubs such as the East Midlands Gateway Strategic Interchange, but to name one. However it would be wrong not to highlight the need for basic driver facilities more widely as part of the work to attract more drivers into the industries. I am often asked about the potential use of park and ride sites but that does not fall within my remit. I can pass on the concern of representatives and residents concerning the unsanitary state of parts of the A14 in particular. It does the image of industry great harm. The establishment of the National Roads Fund and the recent announcement in respect of the A14 clearly provide exciting opportunities. I envisage that the Department may be invited to consider extending driver facilities. This might have the added benefit of supporting a more diverse representation amongst professional drivers.

The challenges we face are generally institutional, so a sense of humour can help. I often resort to the irony of Jim Hacker: "it takes longer to do things quickly, it's more expensive to do them cheaply and it's more democratic to do them in secret". Like most viewers I still find 'Yes Minister' tremendously funny but it can be less enjoyable when you live it day on day. It is difficult to function efficiently when it can take nearly an hour to log on remotely. I cannot help notice that the recruitment to a public liaison post has been given priority by DVSA over a permanent Head of the OTC. I have no clue as to why files would be accommodated in storage which costs a small fortune to retrieve and with little reference to the data management legislation. I am similarly at sea as to why it takes weeks for financial approval to fill a post, which already exists and which operators have already paid for.

Two things are key to future improvements – legislative change and fee reform. As more efficient technologies become standard all operators need to be in a position to adapt to those changes so fees paid, particularly by small and medium sized operators, need to be fair. I welcome the commitment in the triennial review implementation plan to the introduction of fees which more closely reflect actual cost but, more importantly, which are proportionate to the size of the operator. It would be an improvement to also see budget allocation which is proportionate to the size of the traffic area.

In respect of future challenges, it is encouraging to note the commitment to service and to customers in the DVSA business plan for the coming year. At my various speaking engagements stakeholders have been clear; the current service level agreements (SLAs) are not fit for the purposes of modern businesses. The trade associations communicate the views of those seeking to be compliant. They continue to be good and honest friends to the traffic commissioners. Jack Semple of the RHA quite properly points to the challenge with our four published priorities, namely that to a greater or lesser degree they are outside the control of traffic commissioners. I would argue that if we stuck to what was strictly within our control there would be very little progress. That said there is little hope of sustaining even the limited reduction to a seven week average application time if there is not genuine accountability for the support which is owed to traffic commissioners. For the avoidance of doubt and as the legal Framework makes clear, in no uncertain terms, TCs are customers of the Agency, not vice versa. The triennial review reached positive conclusions in respect of the traffic commissioner post. The next challenge must be to review the capability of the support arrangements which are vital if we are to deliver modern regulation; with an increase in new applications and major variations and a minor under-spend due to unfilled vacancies, it must be time to review the standards on behalf of all service users.

North East of England

Report of the Traffic Commissioner Kevin Rooney

Tyne & Wear and Sheffield: Two different city regions, two very different approaches to transforming bus services. Nexus, the Passenger Transport Executive in Tyne & Wear, became the first to seek to take advantage of Quality Contract Scheme (QCS) powers first introduced in the Transport Act 2000 to move to a franchised network of bus services and reverse the 1986 deregulation of all bus services (outside London). Nexus approached the task with a clear and strong passion to improve public transport for Tyne & Wear citizens, aligning bus services with those they already control for light rail and the Shields Ferry to provide a unified transport network.

The QCS legislation requires a scheme to be scrutinised by a QCS Board chaired by the Traffic Commissioner. This is an extremely rigorous process, testing the proposed scheme's compliance with a series of public interest tests and assessing whether the statutory requirements on notice and consultation have been met. The Board assessed some 10,000 pages of written evidence and heard around 50 hours of oral evidence. The oral evidence sessions were adversarial, with Nexus and the three main bus companies in the area each represented by a QC-led legal team. The Board formed the opinion that Nexus had not met the statutory criteria. The [Board's opinion](#) is not statutorily binding. Nexus has since confirmed that it does not intend to proceed and I expect it will be at the leading edge of transport executives to seek to take advantage of the proposed Buses Bill.

Tyne & Wear seems likely to be the only attempt to use the QCS legislation. With that in mind, the Board produced an appendix to our opinion identifying factors that may be relevant to any franchising proposal and it is encouraging to see that the outcome of such intensive scrutiny of a single scheme can provide wider benefits. At this point, I would like to pay enormous tribute to the QCS Board panel members, Alan Wann and David Humphrey. Alan and David worked tirelessly to distil, from the vast volume of material, the critical issues, argued them with vigour and worked to agree a consensus view. I learned much from them and their approach and I am deeply indebted to them both.

Meanwhile, the members of the Sheffield Bus Partnership set about a complete redesign of the bus network aimed at improving reliability and service. I met with one operator and visited the local authority and was struck by the collegiate approach. A new network was introduced in November 2015. Such a significant undertaking is bound to have teething problems and the partnership worked to iron these out leading to a series of service amendments in January 2016. I am pleased to see that patronage, having inevitably dropped with the network redesign, is now on a steady increase.

Back in the day job, it would be easy to say that little has changed. That is because nothing really has. The same steady flow of restricted operators remains, especially taxi operators trying, and generally failing, to run one or two minibuses safely. The area south of Leeds is home to a large number of bed manufacturing businesses. The level of non-compliance amongst those businesses is of serious concern and I am engaging with their own trade association to see what can be done to stop so many ending up at public inquiry with dangerously serious failings.

In the field of "professional" hauliers, I have this year been struck by two things. The first is the lack of proper engagement of transport managers with the analysis of data from driver cards and vehicle units. Data is downloaded, sometimes reports are produced, but it seems only rarely does anyone take notice of what they say. A leading transport solicitor told me that failure to properly analyse downloaded tachograph vehicle unit data was endemic in the industry. I have certainly found many operators who fail to compare the vehicle unit data with that on the driver card, or who

don't even subscribe to the "missing mileage" report. The unlucky ones end up in front of me to explain why their drivers are driving "off the card". Such falsifications of records will always carry serious consequences for drivers and for their employers if their systems are found to be lacking.

The second area of concern also concerns transport managers. To illustrate, here is a scene from a typical public inquiry:

Traffic Commissioner: "So the wheels fell off. The police retrieved them from a nearby field. What did you do then?"

Transport Manager: "The fitter went out with some new nuts and bolted them back on. He had a big bar with him – they won't come off again in a hurry"

Traffic Commissioner: "So why did they fall off in the first place"

Transport Manager: "Because all the nuts had come off"

Traffic Commissioner: "So why had all the nuts come off?"

Transport Manager: "They must have worked loose"

Traffic Commissioner: "Why did they work loose? When was the wheel last removed? Who removed and replaced it? Were the mating faces cleaned? Was the wheel re-torqued after 30 minutes or a few miles? Is your torque wrench in calibration? Do drivers know the setting for the different vehicles? Just what is your wheel re-torque procedure?"

Transport Manager: "Our what?"

Lost wheel is just one example where transport managers often fail to get to the heart of the maintenance shortcoming. In another case, I witnessed a bus operator promise parents that the issue that lead to a bus becoming stranded on a railway level crossing would "never happen again". When I asked what had caused it to happen in the first place, there was no answer. So how can an operator promise that it will never happen again if the root cause has not been properly identified and eradicated?

Driving home from that public inquiry, I was reminded about some training I used to deliver to managers many years ago. The session was called "the problem solving cycle" or "root cause analysis". The point is that you first need properly to define the problem – asking "why?" is always a good start. Keep asking "why?" until you get to the real detail of what part of the maintenance or drivers' hours, or whichever system failed, and then work out how to prevent that ever happening again, implement those changes and check that they are working. If the transport manager doesn't keep asking "why?" until he or she gets to the heart of a system failure, if you're lucky, it could be just your licence that comes under scrutiny. If you're not, it could be a coroner – rather than a traffic commissioner – asking the questions.

North West of England

Report of the Traffic Commissioner Beverley Bell

Secretary of State, once again my annual report is brief – and as always the statistics speak for themselves.

My duties as Senior Traffic Commissioner (STC) continue to take me away from my duties as Traffic Commissioner (TC) for the North West and as always I have relied extensively on my deputies, Patrick Mulvenna and Simon Evans, to conduct the majority of public inquiries. This year I was sad to have to say goodbye to Patrick as he retired after 19 years of service as a Deputy Traffic Commissioner (DTC). So once again the burden of conducting the majority of public inquiries has fallen on Simon Evans. I have therefore asked him to contribute to my report. His reflections on the regulatory activities of the public inquiry room and case submissions follow below.

Whilst I enjoy the role of STC it is vital that I still conduct public inquiry work and it is this work that I enjoy the most – putting those operators who have lost their way back on the road to compliance and putting those operators who have no intention of complying with their operator licence obligations out of business so that compliant operators can pick up the work that they rightly lose.

Report of the Deputy Traffic Commissioner Simon Evans

As the DTC responsible for much of the licensing and regulatory work carried out in this traffic area, the TC for the North West, Beverley Bell has again asked me to provide a short contribution reflecting particular themes of relevance in the North West.

I refer the Secretary of State to the attached tables covering this region, which continue to reflect the national picture with an increasing number of vehicles on the licences for which the area is responsible. Whilst those tables are of course to a very high degree self-explanatory, the overwhelming message is one of consistently high levels of activity including applications to change licence arrangements and of increasing pressure on the staff who support our work both at Golborne and in Leeds. It will be the case that the new online system to support operator licensing (Vehicle Operator Licensing) will arrive not a moment too soon. It will allow for a slicker, more accurate and speedier processing of applications benefiting both our staff, all seeking to provide an ever more consistent and effective service, as well as licence holders looking to earlier consideration of their applications.

As will have been drawn to your attention in the STC's comments at the outset of this annual report, this year saw the issue, after a comprehensive review, of updated Statutory Guidance and Statutory Directions. Included in that material are references to increased recourse to alternative procedures for the disposal of cases not requiring the full panoply of the Public Inquiry. The use in its place of a Preliminary Hearing before a TC or DTC in the more borderline cases, or the calling-in to what have become known as Senior Team Leader Interviews, have been deployed very successfully in this area. These processes provide the critical opportunity for an operator to be able to explain themselves and how any failures had occurred, to specify the action already taken to put things right and to offer assurances about the future based on their insight. The early evidence is that dealt with robustly, but in a slightly less formal manner than would be required within a Public Inquiry, they provide an environment in which suitable regulatory impact can be achieved without the need to serve large bundles of documents, and which permit several such cases to be dealt with during a single day. The early signs from the data collected are encouraging in the sense that

matters which do require the convening of the Public Inquiry can be listed more quickly than was hitherto the case, but operators can be more open about their shortcomings and that suitable measures can be put in place without recourse to full direction but which assure future compliance.

There are three other themes that I would wish to draw attention to particularly and which are notable because of the frequency with which they have arisen during the last 12 months:

- The first concerns what appear to be, on the face of them, obvious but recurrent failures to comply with what are clear expectations concerned with the undertakings attached to licences which ought to be capable of being avoided:
 - The surprising and concerning absence of proper procedures and systems to download digital vehicle data units, and to obtain and review missing mileage reports to meet an operator's responsibility to review compliance with the drivers' hours legislation;
 - Unnotified changes of entity, very typically following the professional advice of accountants but without any understanding of the implications for the licence in possession and the need to obtain a fresh licence;
 - That even with the leeway provided by the more generous view of the meaning of carrying out a (say) 6 weekly preventive maintenance check (which is taken to include a period up to 6 weeks and 6 days) that failure to keep to the agreed interval remains a common feature of cases
- The second theme concerns the number of cases of restricted PSV licence applicants and holders that come before me because of concerns about the 'main occupation' requirements of such a licence. This is a disproportionately large part of the weekly workload and the level of understanding of the requirement amongst both applicants and those who have held licences from number of years appears very poor;
- Finally I return to a common theme concerned with transport managers and the manifest need for them to take positive action to keep up-to-date their skills and knowledge. In common with so many professional roles the need for continuing professional development (CPD) is a well established principle. It strikes me that it is about time that all transport managers, and critically the sole traders, partners and directors who commonly employ and manage them, to ensure that they achieve the necessary bolstering of their competence which their critical role so clearly requires

I wish to close by placing a record my thanks to the very large majority of coach and bus operators in the North West who stand out because they take seriously their responsibility to notify both convictions and other circumstances relevant to the conduct of Public Service Vehicle (PSV) drivers to my office. This is significant in contributing to the TC's ability to deal in timely fashion with matters that may cause the fitness of drivers to hold vocational entitlement to be appropriately considered.

Acknowledgements by the North West Traffic Commissioner

As stated above, Patrick Mulvenna retired in June 2015 after 19 years of service. Patrick always adopted a no nonsense approach and his ability to get to the heart of a case quickly made him a very effective and efficient DTC. He was popular with the staff in my office, DVSA and operators alike. Patrick had that lovely way of telling an operator off in public inquiry that resulted in them thanking him – a rare skill indeed. And so we all at my office in Golborne wish Patrick and his family well as he enjoys his new found leisure time.

Similarly I want to thank Simon Evans for all the work that he does on my behalf. He gets on with the job quietly and effectively, dealing with the constant submissions that come his way,

conducting the many public inquires and preliminary hearings and attending stakeholder events for me. I could not do without him and so I record my thanks here.

Corrina Bielby continues to do an exceptional job of leading the compliance team at Golborne. The whole team at Golborne continue to ensure that the compliance email inbox is never short of high quality submissions and that the public inquiries run smoothly. John Furzeland as always has been a constant support to me. Steve Mitton, Dave Welham and Paul Hartley at Leeds have, as always, helped me tremendously with regard to my questions about North West operators and applicants – often at short notice and so I would like to thank the team at Golborne and the teams at Leeds for their considerable assistance.

London and the South East of England

Report of the Traffic Commissioner Nick Denton

Over this reporting year, my deputies Mary Kane and John Baker and I have together held 303 public inquiries into non-compliant Heavy Goods Vehicle (HGV) and Public Service Vehicle (PSV) operators, and have also had 127 less formal meetings with operators to discuss their shortcomings and what they need to do to improve. The inquiries resulted in the revocation of 58 licences and the suspension or curtailment of 93 others. We disqualified 14 people from holding an operator's licence and a further 16 people from working as a transport manager.

The overwhelming majority of these public inquiries and subsequent regulatory actions concerned HGV operators. Sub-sectors of the industry which appear particularly prone to running non-compliantly are tipper, plant hire, skip hire, scaffolding and food wholesale operators. Some operators within these sectors are exemplary, proving it is possible to operate compliantly, but too many others seem to lack the ability or will to keep their vehicles roadworthy and ensure that drivers keep to their permitted hours.

I took the opportunity this year to travel in the cab of a tipper vehicle to a waste site, to see for myself the condition of the terrain over which the vehicles are expected to travel, which seems to be partly responsible for the large number of tyre problems which these vehicles attract. Our vehicle travelled for more than half a mile over sharp protruding objects, in axle deep sludge, to dump its load. The need to go on such sites means that operators want vehicles with high ground clearance, which has implications for driver visibility and cyclist/passenger safety when driving on normal roads. Surely it would be better for tippers to tip their load at or near the entrance to the site and for the waste then to be distributed around the site by specialist off-road vehicles.

Another recurring problem for many operators in the collection or delivery business in London is the difficulty of finding a suitable place for drivers to take their mandatory breaks during the day, without having to drive all the way out of London again. Often drivers taking their break are moved on, either by the police or other authorities on the public road, or by the businesses to whose premises they are delivering or from which they are collecting. I have some sympathy with the problem, but the best operators mitigate it by route planning, sending out extra drivers and concluding agreements which enable their vehicles to park on premises for drivers to take breaks. Too many operators just leave it to the drivers to sort the problem out and then seem surprised when they fail.

By and large, operators who come before me at public inquiry divide into two groups. The first treat the inquiry as an indication that they are falling short, and take effective remedial action to address the problems identified. The second group is unable and/or unwilling to do so. Despite four years in the job, I am still surprised by the rank amateurism and shocking ignorance which prevails in the long underperforming tail of the UK road haulage industry. Operators fail to realise their vehicle's MoT has expired or that their driver has no entitlement to drive the vehicle or no certificate of professional competence. They fail to download tachograph data, or never even acquire the equipment with which to do so. They do not look at maintenance documentation which would tell them that their vehicles are not roadworthy. They do not bother to make sure their drivers do a walk-round check before driving. When coming to public inquiry, they seek to impress me that they have redressed the faults by showing me a myriad of communications to drivers saying that their failures "will not be tolerated" and the next one will result in "instant dismissal" – ie they seek to blame the drivers rather than attend to their own inability to manage. I am not impressed by such a management style.

It is the licences of such operators which tend to be revoked and their holders disqualified. But the story does not always end there. This year I have seen a disqualified operator attempt to continue to operate through various fronts, including her 18 year old daughter. A disqualified plant hire operator has used at least three other businesses as fronts for continued operations. I sometimes think that if these people had put the same effort into complying with the rules as they subsequently do in trying to circumvent the consequences of their licence's revocation, there would never have been any problem.

After spending so much time dealing with the dishonest and incompetent, it is always a joy to meet operators who make a real effort to improve. Over the Christmas break I visited the premises of Roll On Off Services Ltd, whom I had earlier seen at an informal meeting. It was good to see the strenuous efforts they had made to address the shortcomings identified by a Driver and Vehicle Services Agency (DVSA) report and the improved systems they had introduced. I was very sad to hear that Paul Foster, the director I met that day, died recently. I mention the company as an example of an operator which did not always get things right, but made an honest and effective attempt to do so when it realised this. How much more commendable this is than simply setting up another company fronted by a child or aged parent and repeating the same mistakes over and over again.

I took other short breaks from the regular diet of public inquiries when I addressed gatherings of transport managers at various events run by the Chartered Institute of Logistics and Transport (CILT), the Confederation of Passenger Transport (CPT), Freight Transport Association (FTA) and Road Haulage Association (RHA). Almost by definition, the attendees are people who take training and professional development seriously and are anxious to run compliant operations. I hope that, by giving them some examples of traps which operators and transport managers who come before me have fallen into, I have in some small way helped these attendees to avoid the same errors.

My deputy, Mary Kane, is retiring in the course of the coming year, and I would like to thank her for her work and support over the four years I have been in post and indeed for her many years of service as a deputy before that.

West Midlands

Report of the Traffic Commissioner Nick Jones

Secretary of State, I have pleasure in producing my annual report for 2015 - 16, this is my last one as a traffic commissioner for two distinct traffic areas. Your decision to agree to a request from the Welsh Government that Wales has its own separate full-time appointment will have an impact on the West Midlands. I understand that the West Midlands will also have its own full-time commissioner, accordingly this should reduce waiting times in listing outstanding cases in my Birmingham office which is a long-standing problem. Public inquiries should ideally be listed within six to eight weeks but often it is several months before a hearing date is available, a feature that is not always conducive to promptly addressing road safety and fair competition. The appointment of a separate commissioner will also enable fuller and better liaison with local industry and trade associations.

My last annual report referred to frustrations and delays, particularly when dealing with restricted Public Service Vehicle (PSV) licences - the problems identified remain as legislation is required to put matters right. As the triennial review route plan has identified, this needs to be addressed. There are other pressures and very little contingency built into our licensing and tribunal functions. For instance, my being called upon to undertake jury service together with the Department's request to be a witness in a tribunal case, took up a not insignificant amount of my time. The latter provided me with a useful reminder of the importance of taking account of the needs of tribunal users, abortive hearings are not only inefficient and wasteful, they are also frustrating. My introduction of the use of preliminary hearings has assisted in reducing waiting times, it is also a useful means of sifting cases and reducing the need for public inquiries.

It is a source of pride that as far as the Birmingham office is concerned, it is in the healthiest state since I was appointed in 2007. The bald statistics on the numbers of cases dealt with have always suggested effective performance but despite not having a permanent senior manager in post for the entirety of the reporting period, the quality of the work produced has improved dramatically and I am no longer reliant on agency staff. Credit for this improvement goes almost exclusively to John Fuzeland, who manages the traffic area offices. He is a talented and hard-working senior officer; his contribution to the work of the local offices of the traffic commissioner is not sufficiently recognised. It is right that I recognise the debt owed to him by me and others and also the efforts of the locally-based staff who have responded so well to John's management. Together they have improved the standard of work produced. Indicative of work done in Birmingham is the consideration being given to assisting the Office of the Traffic Commissioner for the West of England where there are particular issues in relation to recruitment and retention.

Successive annual reports have referred to structural issues with the organisation of the centralised support for traffic commissioners. The Triennial Review suggested the retention of the licensing function whilst issuing a challenge to dramatically reduce the average waiting times. It is becoming increasingly clear that if the level of service required by transport businesses is to be delivered we must look again at the legal architecture. The resources available are far too limited in scope and the staff too small in number to bring about this kind of business change. The Triennial Review went as far as to suggest that a separate centralised licensing body might offer more efficient and effective service. This would leave locally based traffic commissioners to concentrate upon their specialist tribunal functions.

I hope that resources can be concentrated on speeding up processing times for operator licensing. When faced with the obvious benefits to the industries I see no good reason why an alternative licensing structure should be discounted. There would be an added benefit in that the Department's sponsorship team could concentrate on its core policy functions allowing its limited resources to be better targeted. I give one example as, at the time of writing this report, the central

HR team has indicated that it cannot provide traffic commissioners with the basic support and protections which other workers take for granted. It is clear that the human resources function is exceptionally problematic and the Department's HR officers are not equipped to deal with traffic commissioners. I do note that the casework function is going to be centralised in the Ministry of Justice later this year. The obvious solution would be to use the Ministry of Justice's tribunal team to take over the HR responsibility and to support our tribunal functions so that traffic commissioners can finally receive the support that has been lacking over the years.

I was pleased to see the publication of a refreshed version of the Senior Traffic Commissioner's Statutory Guidance and Statutory Directions on [Vocational Driver Conduct](#). My work leading on this area, whilst time consuming, has been rewarding, especially the process whereby there was both an informal and later formal consultation process. It was a good example of where a traffic commissioner, working with a talented and hard working official, in this case David Glinos, who was on loan from DfT, can use specialist knowledge to inform and shape delivery policy. David Glinos's contribution to my work was invaluable. The consultation exercise ensured both a better quality document and additionally, industry acceptance of the principles set out in the statutory document. The contribution to road safety is evidenced by the fact that our work, highlighting the significance of drivers distracted by use of mobile phones and other similar distraction offences, has merited particular attention. I am also pleased that consideration is being given to increasing the number of penalty points to be imposed for CU80 offences (mobile phone and other distraction offences), as part of a consultation launched by Department for Transport (DfT) in January this year. Good regulation in this area will help reduce accidents and save lives. The suggestion of a separate code for committing the same offence in a commercial vehicle is especially welcome, as is the consideration of a larger number of penalty points for offences committed in commercial vehicles. I have no doubt of the potential for improvements to road safety.

The team of traffic commissioners consists of individuals with varied specialist expertise in a variety of subjects, this is the advantage of our coming from different backgrounds. Commissioners very much work as a team but the expertise of individual traffic commissioners is not always fully recognised. Having worked on the Statutory Document for drivers I acknowledge the contribution of my colleague, Richard Turfitt, who undertakes the remainder of that work in the name of the STC, that being in addition to full-time work in his own exceptionally busy traffic area. Sarah Bell and Kevin Rooney continue to lead in liaising with Driver and Vehicle Service Agency (DVSA) on enforcement issues, driving forward improvements in the reporting of issues and improved guidance. The input of Kevin Rooney to the new online services for operator licence holders and applicants has also been significant. These help to illustrate that the operator licensing system is more than one person and each of the traffic areas, West Midlands included, benefits from traffic commissioners working as a team.

West of England

Report of the Traffic Commissioner Sarah Bell

Secretary of State,

In my ninth year as a Traffic Commissioner, I choose as my themes Responsibility and Efficiency. These notions have synergies not only with the industries regulated by Traffic Commissioners but in the communication and support which Parliament recognised we need to fulfil our role effectively.

In Great Britain we talk about safe systems of working and culpability. I am drawn to an alternative concept, namely the Chain of Responsibility, more widely used in other jurisdictions. It recognises that duties, such as those on the operator, transport manager, driver (even regulator) are not mutually exclusive. It represents a more positive way of communicating the collective impact of individual decisions, i.e. "all in it together". I was struck by the assessment given by Australia's National Heavy Vehicle Regulator: there is a *'.....need for industry to fully comprehend their obligations and embrace a safety paradigm that recognises individual and collective roles in the chain can be strengthened by the provision of education, guidance and information to all parts of the supply chain'*. By way of example, safe loading has been high on the safety agenda for some time, but perhaps longer in the Western Traffic Area as a benefit of the Remote Enforcement Office pilot. I particularly want to commend the national work Nina Day (CEng MIMechE, Senior Engineer for Road & Workplace Transport at Health and Safety Executive's (HSE) Health and Safety Laboratory) has done with the Driver and Vehicle Services Agency (DVSA) and the police, educating and now enforcing this road risk. Much of the commercial vehicle industry acts responsibly and with a positive approach (albeit there is still much work to be done) but that is just one element. Nina is seeking to take the message along the supply chain – a safe load is not just the responsibility of the operator and driver. Nina recently said: *"Everyone has a part to play in ensuring that goods are transported safely, and safety starts at the point of loading. For many companies, the transport of goods by road will be their most dangerous work activity, yet all too often it is the one activity where the risks have not been adequately recognised or addressed. The Health & Safety at Work Act 1974 and the Road Traffic Act 1988 place responsibility on all parties in the transport chain to take reasonably practicable steps to prevent injury. Effective risk assessment and a clear chain of responsibility are key to protecting both drivers and other road users."* **Safety must come first and the whole of the supply chain must play its part as rollovers kill.**

The industries we regulate are only as efficient as the Licensing system behind them. It is the operators' fees which fund the licensing system. The Chain of Responsibility flows from Traffic Commissioners, in whose name the fees are collected, through to the Department which is expected by law to provide the support function. The Principles of Better Regulation are often cited at Traffic Commissioners. We recognise and align our work, including our strategic objectives, to them. However, we have made limited progress with the sponsoring Department and linked Agencies on our fees, despite all the references to accountability and transparency. In his book 'Leadership In The Headlines', Andrew Hill reflects on family led companies *'...where blood is often thicker than governance'*. The same might be said where the policy imperatives of another organisation are put above the good governance of the licensing system. By way of example, a DVSA decision to use front line Examiners for testing vehicles, without consultation, has caused significant interruption to Traffic Commissioners throughput of work. This directly impacts on licence holders and applicants awaiting decisions. Of course vehicles need to be tested, but so do under-performing operators who present a potential risk, so too prospective operating centres to allow responsible operators to expand their business and to keep them performing optimally. Business interruption undermines growth at every stage and has the potential to derail safety. The support arrangements need to be more focused on delivering a level playing field for operators.

As a child I was a fan of the 1970s sitcom 'Mind Your Language'. I cannot help but reflect that 'fees' is a four-letter word. There was a disconcerting backlog of New Operator Seminars last year. As at April 2016, clearing the backlog is estimated to take 70 days effort. This means that a large number of operators starting out may have a lower standard of compliance than otherwise, which will only add to the resource burden, not to mention the potential risk to road safety later on. DVSA has committed to addressing this by September 2016. I have received a commitment that clearing the backlog will not come from operator licensing fees collected in financial year 2016/7 to avoid duplication. However, operators are entitled to ask what happened to those fees which were allocated to the New Operator Seminars last year?

Regrettably unacceptable delays in filling staff posts already paid for by operators' remains a constant. The delays within the Agency are over and above the unwieldy civil service process. By way of example it took nine weeks to complete the internal appointment of a second EO in my traffic area office. In Birmingham the recruitment of the Senior Team Leader took over a year and diverted the Deputy Head of the Office of the Traffic Commissioner to provide cover.

Fees presently have a disproportionate impact on SMEs. They must therefore be used for the purposes they are collected. Traffic Commissioners cannot be accountable if the support given them does not follow the clear Chain of Responsibility and deliver proper transparency. The fees discussion needs to be approached positively, both in terms of reform and accountability. I encourage and value innovative solutions to accelerate application and decision making processes. Proper funding is the necessary bedrock if we are to meet the expectations of stakeholders and comply with the legislation. It is vital if Traffic Commissioners, and those who support us, are to move on from outdated modes of working and the delays which strike at the heart of road safety and fair competition, undermining GB growth. There simply must be complete transparency and probity moving forward, with an urgent need for an appropriate and independent review.

Finally I return to the issue of simplification. Traffic Commissioners have strived to ensure greater consistency, together with industry. We do endorse diverse approaches to promoting safety but confusion and differing standards will not assist operators avoiding my Public Inquiry room. At my regional speaking engagements through the year one of the recurring themes has been the challenges of differing standards - some geographical, some sector based. Additional local regulation in London at the moment presents challenges even for Western operators; with the possibility of different approaches spreading across other cities but not necessarily aligned, their pressing concern is how this will impact on their costs. I suggest that these concerns need greater recognition. As a Traffic Commissioner I will always seek to encourage innovation and the raising of standards but it may be helpful to remember that by working together we retain the advantages of 'One Regulator, One Rulebook'.

Acknowledgements

The Annual Report always provides an opportunity to recognise the contribution from valued members of staff. It is particularly timely given the stretch on the Western Traffic Area resources. This year in particular I thank Mr Andrew Toth (Senior Team Leader SEMTA) and Mrs Debbie Kavanagh (Senior Team Leader Leeds) for their invaluable assistance. Heartfelt thanks, as always, to DTC Harrington and DTC Hayden. I wish bon voyage and bon chance to Mr Andrew Dorton, who is moving to another government department on promotion. Andy has been an invaluable member of my traffic area office for 14 years and he will be missed.

Scotland

Report of the Traffic Commissioner Joan Aitken

Each month I hold driver conduct hearings in Glasgow. These take place in the imposing Glasgow Burgh Court Hall tucked behind Glasgow's solid and magnificent City Chambers in George Square. My journey from my Edinburgh office is by train and then by foot, out of the front exit of Queen Street Station and down the side of the Millennium Hotel to George Square. On 22 December 2014 at approximately 9.45am I emerged from that station and walked along the side of that Hotel into that Square, very festive given time of year, and onwards to the Burgh Court Hall where I fulfilled my day's business of assessing the conduct of those who were or wanted to be bus, coach or HGV drivers, all in the cause of road, load and passenger safety.

Whilst I was performing my road safety duties, tragedy was striking. The Glasgow bin lorry crash at 2.29pm that day led to six much loved people losing their lives and others being seriously injured. The bin lorry came to a halt when it hit the immovable side of the Millennium Hotel exactly where I and my colleague caseworker had passed earlier in the day.

The tragedy was explored at length before Sheriff Principal John Becket QC at a very widely reported Fatal Accident Inquiry held over 24 days in 2015. The Sheriff Principal issued his Determination on 7 December 2015 which is why I mention the bin lorry crash in this year's report for now we know why the crash happened. The Sheriff Principal's findings make for relevant reading for all of us involved in road safety whether as regulators, licensing authorities, drivers, employers or policy makers. Some road traffic incidents remain only in the memories of those directly affected; this one will be remembered for a very long time and it is one I speak about to operators at stakeholder presentations, Public Inquiries and Preliminary Hearings. It provides a tragic touchstone for why regulation and licensing are important. It gives leverage and sad potency to the messages I want to give about the importance of compliance.

The reassuring news from that Inquiry was that the operator of the vehicle, Glasgow City Council, was not found wanting in its operator licence duties. There were no issues with vehicle roadworthiness or with driver rostering. Much came down to the health of driver Clarke, the nature and efficaciousness of driver declarations, reporting to the Driver and Vehicle Licensing Agency (DVLA) medical and how to assess driver medical fitness. For me it underscored that regulatory systems are brought in to counter future harms after harm has been done; that processes serve to alert and discipline the vast majority into ways which counter risk and that trust is an active requirement. Thus when trust is lost it is very serious whether that is a driver lying to or misleading an employer, medical person or DVLA; just as it is when applicants or operators and their representatives are not straightforward with us as regulators. The lessons for all operators from the Glasgow bin lorry tragedy are to be as compliant as Glasgow City Council was and have the licence undertakings fully implemented and demonstrable so that if something bad happens there is that comfort; that drivers cannot be taken at face value however honest a face they might have – never assume someone you know as a driver in your community actually has a licence. Once upon a time they might have but many drivers run on without renewing their licence entitlements; without going for the medicals; without opening the mail and reading of the suspension or revocation of their licence. I have accepted or directed the resignations of a number of transport managers this year on basis of fundamental ignorance over how to check a driver licence. There is a desperation to many drivers for they feel that driving is all they know and all they can do and so they will strive to keep driving and set their face against the signs that they are not well or still up to the job.

I found myself recalling another Glasgow tragedy when dealing with the case of a driver who had driven a double deck service bus into a low bridge at Cawdor in Inverness-shire. The driver had not expected to be on that route and had been allocated a double deck vehicle which was unsuitable for the route. He did not realise the danger until the vehicle went under the bridge. He was on his

mobile phone at the time. Fortunately no one was injured. On 18 September 1994 three girl guides and guiders were killed and 29 others injured when the top deck of a bus was sliced in a bridge strike. Those drivers and operators in the industry from 20 years ago retain a dread of low bridges and double deckers and driver distraction. Mobile phones today are the new driver distraction, the cause of road traffic fatalities and injuries. I continue to receive reports from Police Scotland and DVLA of professional drivers using their phones when in charge of buses, coaches and Heavy Goods Vehicles (HGVs). Too many of the latter turn out to be operators putting business before safety by calling – or expecting their drivers to take calls – when they are out on the road.

As with my colleagues, the number of bus punctuality and reliability cases I receive is much reduced when compared with former years. This year the Scottish Government removed its financial support to the Driver and Vehicle Standards Agency's (DVSA) work in this area, DVSA having abandoned the Bus Compliance Officer role in favour of the Bus Operator Account Manager (BOAM) approach which did not appear to deliver the same outputs.

Fortunately I continue to receive operator licence enforcement reports from DVSA in respect of Public Service Vehicle (PSV) operator non compliance and these are essential. Bus Users Scotland which is grant funded by the Scottish Government deals with complaints from the public and undertakes operator visits and service monitoring. Their reports have been used at Public Inquiries and the organisation is contributing to the improvement of services in Scotland. However road traffic congestion has worsened over the last year exacerbated by road works. Unscheduled or poorly managed roadworks frustrate timely bus services. Traffic management arrangements which do not prioritise bus passenger needs let everyone down for bus travel is vital to successful urban and rural life. Road traffic congestion is made worse by increased presence of vans, recycling vehicles and new utilities street works. On the one hand life is made easier through internet shopping and speedier broadband but some of that comes at a cost of disrupted journeys and congested roads. I consider there is a real risk that unless the needs of bus passengers are given the traffic management priority which their high number deserves, bus punctuality will continue to deteriorate. This would be lamentable given the many brilliant initiatives otherwise coming from the bus industry and manufacturers.

This year saw the implementation of changes to the local bus service regulations in Scotland whereby 28 days before a registration can be lodged with my Office, the operator must intimate the route and timetable details to the relevant local authority. The purpose is to allow for genuine open dialogue given the respective interests of bus providers and communities. Early signs are that this provision will enhance communication and allow public transport officers and their authorities to work to secure what is best for those dependant on buses and to encourage use. I have not framed new Guidance to operators on punctuality pending the implementation of these amendments. Work on this was just one example of my Office's engagement with colleagues in Transport Scotland, whose support and interest we greatly appreciate just as I have valued my discussions with Scottish Transport Minister Derek Mackay MSP. I foresee that an imaginative approach to bus service registration of the future will be triggered by discussions on such as "uber" bus and personalised transport models.

This year Public Inquiries and hearings were held in Edinburgh, Glasgow, Aberdeen, Perth, Stornoway (Outer Isles) and Sumburgh (Shetland Isles). Media reporting of my work continues to be high and an important part of stakeholder engagement for my stakeholders include the people who use Scotland's roads whether as private individuals or commercially. A highlight of the year was a Mock Public Inquiry organised by the Institute of Road Transport Engineers (IRTE) with an as true to life script as I could give, this on the morning of Scotland's Truckfest. I attended stakeholder engagements for Association for Public Service Excellence (APSE), Scottish Environment Protection Agency (SEPA), Confederation of Passenger Transport (CPT), Abellio and BRT. I remain a member of SEPA's Environmental Crime Task Force. At their invitation I visited Bullet Express Ltd at Bothwell where I was humbled by the contribution made by that company to helping in Malawi. I used the opportunity of a visit by John Parkinson, Director of Motoring and Freight at the Department for Transport to take him to meet the Managing Director of the Malcolm Group at Newhouse. Every time I do an operator visit I tell myself to do more for they are a chance

to see good practice in action. My thanks go to Alexander Dennis, the Camelon based bus manufacturer, for generously hosting me and my management team on occasions when we wanted to think out with the Office.

This year I appointed three new parking adjudicators – Rosie Sorrell, Sukhwinder Gill and Colin Dunipace to join the two incumbents, Ian Kennedy and Petra Hennig-McFatrige. They are appointed to all areas of Scotland where there is decriminalised parking and bus lane enforcement. I contributed to their induction and as the appointing person maintain a close link with the jurisdiction. Influenced by the digital and telephonic approach to case management systems in use in parking adjudication in England, the adjudicators have embarked on a modernising of procedures the most visible of which is the change of nomenclature from the Scottish Parking Appeals Service to the Parking and Bus Lane Tribunal for Scotland. I hope DVSA will assist with the adoption of modern software packages to deliver the standard of service expected by today's consumers.

In 2015/16 three taxi fares scales appeals were dismissed without proceeding to a hearing (Renfrewshire, West Dunbartonshire, Falkirk). In an appeal by three operators against a decision of Comhairle Nan Eilean Siar I did not hold a hearing but found the appeal raised matters such that I affirmed the status quo and did not uphold the Council's proposed new tariff. A complex appeal by 3 appellants against the City of Edinburgh Council lodged in February 2015 was heard by the Deputy Traffic Commissioner at hearings during 2015. The burden of that appeal on the Deputy led to my taking over an appeal lodged against North Ayrshire Council with a hearing fixed for May 2016.

Wales / Cymru

Report of the Traffic Commissioner / Comisiynydd Traffig Nick Jones

In successive annual reports I have referred to issues relating to lower safety standards in Wales and to concerns regarding compliance with Welsh language legislation. I am delighted that the particular needs of Wales have been recognised through an agreement between the UK and Welsh Governments. As you are aware, the Welsh Government has agreed to fund the additional costs incurred in having an eighth full time traffic commissioner so that a devoted Traffic Commissioner for Wales will be supported by staff in Wales and who are fully bilingual in English & Welsh. The challenges remain but this is a positive step in ensuring safety standards for both the commercial vehicle industry and the people of Wales - as well as an improved service for Welsh operators.

Every traffic area has been affected by the introduction of Next Generation Testing with Driver and Vehicle Standards Agency (DVSA) prioritising MoT checks on commercial vehicles, often at the expense of local enforcement. This is particularly true in Wales compared to other parts of Great Britain. In part this arises from the fact that Wales, especially South Wales, historically had a lower level of vehicle and traffic examiner presence on the local road network. This, in turn, has resulted in significant periods of time with little or no adverse reports being made to my office. Periods of weeks passed between public inquiries. For the avoidance of doubt this should not be taken to suggest a high level of compliance, instead it reflects the paucity of enforcement within Wales. The report for my other traffic area makes reference to delays in hearing cases due to the volume of referrals, this is in marked contrast to the level of enforcement work emanating in Wales. No doubt whoever is appointed full time Traffic Commissioner for Wales will reflect on the optimum means of improving standards of road safety for the commercial vehicle industry. There is an opportunity for the new Traffic Commissioner for Wales to develop the strands under the [Regulators' Code](#), namely communication, education, engagement and the issuing of guidance. That is not to say that regulatory action shouldn't be taken where necessary, but accords with the new targeted approach advocated by the traffic commissioners.

I continue to have useful meetings both at officer and member level with the trade associations for the PSV and haulage industries, albeit it is often limited to a specific geographical area and is organised from my Birmingham base. It is anticipated that the full time Traffic Commissioner for Wales will increase this work and develop the Regulators' Code strands, as referred to above.

At the end of the last reporting year the Welsh Language Commissioner commenced a formal consultation with PSV operators who register local bus services; ultimately they will be required to meet standards in relation to the Welsh language. Whilst Welsh language standards have been introduced for public sector and other organisations (that most ordinary members of the public might perceive as public sector) the extension to PSV operators is possibly the first true private sector interaction with the Welsh Language Commissioner. I have been seeking to ensure that those who register local bus services in Wales contribute to the consultation process.

The Welsh traffic area may not be the largest in terms of operator numbers but its geography and need to improve standards, from an arguably lower base, present particular challenges. The appointment of a full time Traffic Commissioner will create an opportunity to build on the work which I have started. I have enjoyed great support from officials and wish to record my thanks for the assistance provided including financial support for bus compliance officers. This is a reflection of the priority given by the Welsh Government to passenger carrying transport. That individual will understandably benefit from the wise counsel of Joan Aitken, the Traffic Commissioner for Scotland.

It is possible that the next Annual Report from the Traffic Commissioner for Wales will be from someone else. At a time of wider constitutional review it is good news that, certainly by the medium term, administrative support for a tribunal function for Wales will actually be delivered by bilingual staff, most probably based in Cardiff. This is an exciting development but I would be remiss if I did not acknowledge the hard work and professional approach of the staff members based in Birmingham, who have served the Welsh traffic area to date. The new full time Traffic Commissioner for Wales can look forward to the significant support which has been provided by officials on behalf of the Welsh Government and from representatives of the trade associations based in Wales.

Traffic Commissioners and Operator Licensing

Offices of the traffic commissioners in England, Scotland and Wales

Administrative support to the traffic commissioners is provided by staff employed by the Driver and Vehicle Standards Agency (DVSA), 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 responsibility for recruitment, retention and performance management of the staff of the offices of the traffic commissioners (OTCs) and Office of the Senior Traffic Commissioner (OSTC) are retained by the Accounting Officer of DVSA.

TCs are funded from two sources. The administrative work that is carried out to support them in their driver conduct work is funded by the Driver and Vehicle Licensing Agency (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. DVSA collects those fees and therefore has a duty to ensure that they are used to cover the full cost of the TC licensing system.

Central Licensing Office

Staff at the central licensing office (CLO) handle the administration of operator licensing on behalf of the TCs, and for the Transport Regulation Unit in Northern Ireland. The primary activities of the CLO are:

- processing of fee payments
- registering and processing licence applications (including variations for existing operators)
- day to day licence administration
- referring casework to TCs (and the NI Transport Regulation Unit)
- maintaining operator self service – an online facility for operators to manage their licence
- registering and processing local bus service registrations and applications for Section 19 and Section 22 permits*

*Bus registration work in Scotland is carried out at the Office of the Traffic Commissioner in Edinburgh.

Office of the Traffic Commissioner

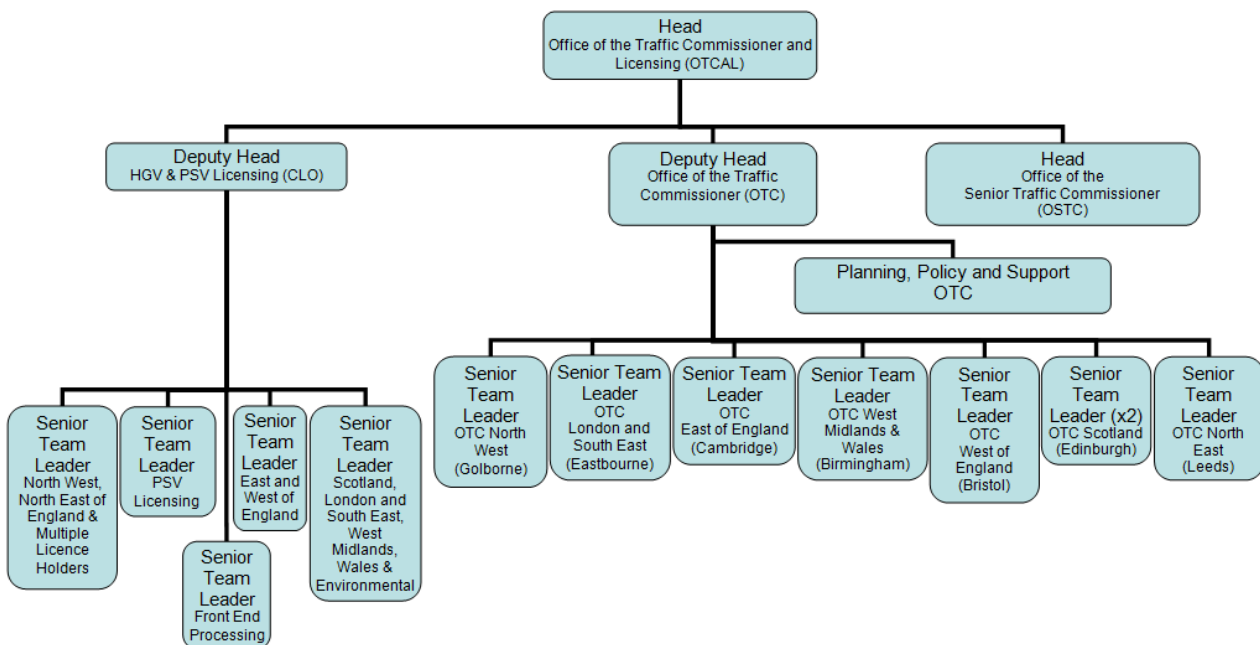
A number of staff working on behalf of TCs are regionally based, located at the individual OTCs. These offices assist TCs in carrying out their regulatory functions, including facilitating public inquiry hearings.

The primary activities of an OTC are:

- referring non-compliance cases
- conducting the administration around public inquiry hearings, including the preparation of call-in letters and briefs, clerking the public inquiries and issuing decision letters
- issuing warning letters to operators not dealt with at public inquiry
- implementing TC decisions, including the formal notice of licence revocations
- referring driver conduct cases from the DVLA and conducting the administration around conduct hearings
- dealing with impounding appeals including the preparation of call-in letters and briefs, clerking the hearings and issuing decision letters to the applicant and to DVSA
- issuing statements to enforcement officers relating to the status of operator licence holders

The organogram below shows the structure of the Office of the Traffic Commissioner and Licensing.

Office of the Traffic Commissioner and Licensing Organisation Chart



Geography

Great Britain is divided into eight geographical areas, covering Scotland, Wales and six regions in England. Previously there was a provision for a single TC to be appointed to each traffic area, however the Local Transport Act 2008 removed that requirement for England and Wales.

Under amendments introduced by that Act, the Secretary of State can appoint the number of TCs for England and Wales that he/she considers appropriate. As such, there is a pool of TCs who are appointed to act in all traffic areas in England and Wales, and also in respect of reserved matters in Scotland. The TC for Scotland was retained in Scotland but is also empowered to act in England and Wales in relation to reserved matters.

The Secretary of State can also appoint DTCs to perform the duties of any TC and duties which cannot conveniently or efficiently be performed by one person. The Secretary of State can also appoint a pool of deputy traffic commissioners, with powers to exercise any functions of a TC in any traffic area.

TCs retain responsibility administratively for their traffic area, with both the DfT and the STC recognising the benefit of the existing relationship between TCs and the country/region they regulate.

Values

In the performance of their duties, TCs 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 how TCs carry out their regulatory work is available on their website:

<https://www.gov.uk/traffic-commissioners>.

Traffic commissioners, deputy traffic commissioners and offices of the traffic commissioner

Current appointments as of 31 March 2016

	Traffic Commissioner	Deputy Traffic Commissioners	Office Address
Eastern Traffic Area	Richard Turfitt	Marcia Davies	Office of the Traffic Commissioner Eastbrook Shaftesbury Road Cambridge CB2 8BF
North Eastern Traffic Area	Kevin Rooney	Gillian Ekins	Office of the Traffic Commissioner Hillcrest House 386 Harehills Lane Leeds LS9 6NF
North Western Traffic Area	Beverley Bell	Simon Evans	Office of the Traffic Commissioner Suites 4-6 Stone Cross Place Stone Cross Lane North Golborne Warrington WA3 2SH
South Eastern and Metropolitan Traffic Area	Nick Denton	John Baker Mary Kane	Office of the Traffic Commissioner Ivy House 3 Ivy Terrace Eastbourne East Sussex BN21 4QT
West Midlands Traffic Area	Nick Jones	James Astle Miles Dorrington Anthony Seculer	Office of the Traffic Commissioner 38 George Rd Edgbaston Birmingham B15 1PL

Western Traffic Area	Sarah Bell	Fiona Harrington Tim Hayden	Office of the Traffic Commissioner Jubilee House Croydon Street Bristol BS5 0GB
Scotland	Joan Aitken	Richard McFarlane	Office of the Traffic Commissioner Level 6 The Stamp Office Waterloo Place Edinburgh EH1 3EG
Wales	Nick Jones	James Astle Miles Dorrington Anthony Seculer	Office of the Traffic Commissioner 38 George Rd Edgbaston Birmingham B15 1PL

Note: All DTCs have been appointed as deputies in the English Traffic Areas, Scotland and Wales and the locations indicated above are their primary office for administrative purposes.

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Table 1: Goods vehicle operators - licences continued and in issue 2015-16 2014-15						
	Type of Licence			Total number of licences in issue	Total continuations sought	Continuations not sought
	Restricted	Standard National	Standard International			
Eastern Traffic Area	6947 6789	4803 4612	1812 1716	13562 13117	1867 1813	666 708
North Eastern Traffic Area	5861 5948	4520 4489	1202 1170	11583 11607	1597 1686	625 615
North Western Traffic Area	5564 5656	4015 4038	1014 977	10593 10671	1547 1551	612 573
South Eastern and Metropolitan Traffic Area	5396 5123	3164 2907	1260 1160	9820 9190	1273 1225	496 503
West Midlands Traffic Area	4526 4489	3157 3035	855 836	8538 8360	1144 1167	468 528
Western Traffic Area	5895 5811	3942 3902	1197 1172	11034 10885	1456 1560	584 622
Scotland	3113 3116	2745 2713	537 521	6395 6350	943 943	345 319
Wales	2963 2964	2102 2043	412 408	5477 5415	755 697	348 340
Total	40265 39896	28448 27739	8289 7960	77002 75595	10582 10642	4144 4208

Note: data relating to the number of licences in issue has previously been underreported due to a system error.

Table 2: Goods vehicle operators - numbers of specified vehicles on licences, 2015-16 2014-15					
	Specified vehicles by type of licence			Total number of specified vehicles	Certified copies of European Community Licenses
	Restricted	Standard National	Standard International		
Eastern Traffic Area	17075 15762	36735 32765	17609 15945	71419 64472	8081 7713
North Eastern Traffic Area	14979 14503	30043 26319	14005 12794	59027 53616	4809 4827
North Western Traffic Area	13780 13191	26399 24601	11315 10929	51494 48721	4259 4373
South Eastern and Metropolitan Traffic Area	15329 13889	22685 19533	10201 9469	48215 42891	4789 4637
West Midlands Traffic Area	10533 10397	19651 17502	10440 9808	40624 37707	3503 3689
Western Traffic Area	14295 13589	28887 26154	10880 9981	54062 49724	4438 4219
Scotland	7312 7216	20252 16681	5269 4964	32833 28861	2211 2207
Wales	6264 5998	10835 8705	2975 2979	20074 17682	1539 1456
Total	99567 94545	195487 172260	82694 76869	377748 343674	33629 33121

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, 2015-16 2014-15										
	Number of applications processed		Number of licences issued in full		Number of applications refused		Number of applications withdrawn		Number of licences issued with environmental restrictions	
	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations
Eastern Traffic Area	1103	1389	984	1446	59	20	78	60	22	14
	1118	1302	1012	1318	53	13	66	66		
North Eastern Traffic Area	823	1128	766	1186	37	18	31	30	7	7
	757	989	709	1072	24	12	32	30		
North Western Traffic Area	757	920	682	951	40	21	47	24	13	4
	683	964	619	971	43	15	33	40		
South Eastern and Metropolitan Traffic Area	864	1097	763	1146	65	17	60	49	39	17
	854	1044	775	1071	45	34	42	51		
West Midlands Traffic Area	643	748	588	759	29	23	48	38	10	4
	615	723	547	755	42	10	37	27		
Western Traffic Area	848	1111	760	1145	40	14	56	63	36	29
	823	1098	740	1147	40	26	47	57		
Scotland	384	591	356	648	19	5	24	32	2	2
	293	503	271	542	28	11	15	29		
Wales	347	372	320	377	19	9	12	24	9	2
	360	336	326	353	19	8	21	21		
Total	5769	7356	5219	7658	308	127	356	320	138	79
	5503	6959	4999	7229	294	129	293	321		

Note: data relating to environmental restrictions is published for the first time this year

Table 4: Goods vehicle operators - results of opposed applications for new licences and for publishable variations to licences, 2015-16 2014 -15

	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	1143	1659	1103	1389	34	18	5	5	16	9
	1132	1569	1118	1302	18	25	5	7	9	10
North Eastern Traffic Area	819	1291	823	1128	16	15	7	4	5	7
	783	1238	757	989	7	14	0	9	3	4
North Western Traffic Area	738	1053	757	920	6	14	1	6	3	3
	759	1120	683	964	8	12	3	5	2	6
South Eastern and Metropolitan Traffic Area	856	1292	864	1097	31	34	7	11	16	15
	875	1291	854	1044	25	30	4	6	16	17
West Midlands Traffic Area	629	853	643	748	10	5	2	2	6	2
	622	880	615	723	8	6	2	4	2	2
Western Traffic Area	840	1283	848	1111	19	21	6	7	7	8
	857	1262	823	1098	18	21	1	6	11	11
Scotland	394	693	384	591	5	10	0	5	3	3
	340	700	293	503	5	4	0	1	4	1
Wales	305	396	347	372	5	6	1	2	2	2
	368	451	360	336	9	7	3	2	6	3
Total	5724	8520	5769	7356	126	123	29	42	58	49
	5736	8511	5503	6959	98	119	18	40	53	54

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 2	0 0	10 2	4 8	1 3	2 0
North Eastern Traffic Area	2 2	3 0	2 2	1 1	2 1	0 3
North Western Traffic Area	1 0	0 0	1 3	5 1	2 0	1 1
South Eastern and Metropolitan Traffic Area	6 2	0 0	2 3	8 7	0 0	3 2
West Midlands Traffic Area	1 1	0 0	1 3	1 0	0 1	1 1
Western Traffic Area	2 1	0 0	4 5	6 4	3 0	0 0
Scotland	2 1	0 0	0 0	2 2	0 0	2 0
Wales	2 0	0 0	0 0	2 2	0 0	0 1
Total	19 9	3 0	20 18	29 25	8 5	9 8

Table 5: Goods vehicle operators - complaints against existing operating centres, 2015-16 2014-15

	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	4	0	3	0	1
	3	0	1	0	2
North Eastern Traffic Area	2	0	1	0	1
	5	1	1	4	0
North Western Traffic Area	1	0	1	0	0
	3	1	1	2	0
South Eastern and Metropolitan Traffic Area	2	0	1	1	0
	2	0	0	1	1
West Midlands Traffic Area	0	0	0	0	0
	0	0	0	0	0
Western Traffic Area	4	0	3	1	0
	3	0	1	1	1
Scotland	1	0	0	1	0
	1	0	1	0	0
Wales	0	0	0	0	0
	0	0	0	0	0
Total	14	0	9	3	2
	17	2	5	8	4

Table 6: Goods vehicle operators - action taken at public inquiry for non-compliance, 2015-16 2014-15								
	Number of public inquiries completed	Licence revocations	Licence suspensions	Curtailement or conditions imposed	Notification of formal warning	Disqualification of licence holder under Section 28	Disqualification of transport manager	No action taken
Eastern Traffic Area	172	52	8	59	45	6	11	9
	172	57	18	33	41	13	12	23
North Eastern Traffic Area	146	41	12	28	59	3	7	14
	93	30	11	21	29	2	4	4
North Western Traffic Area	94	22	12	35	63	3	2	7
	107	26	5	32	35	4	4	10
South Eastern and Metropolitan Traffic Area	203	56	42	51	31	14	16	24
	205	51	64	43	38	11	26	12
West Midlands Traffic Area	103	37	17	32	14	15	32	5
	79	37	5	13	12	7	6	12
Western Traffic Area	86	40	8	10	16	9	20	12
	82	27	8	17	18	5	6	13
Scotland	68	7	8	34	29	2	0	3
	55	7	5	25	19	3	2	5
Wales	57	15	7	14	18	4	2	3
	66	24	7	7	15	0	10	13
Total	929	270	114	263	275	56	90	77
	859	259	123	191	207	45	70	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, 2015-16 2014-15												
	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	42	41	26	20	3	7	1	2	7	10	5	2
	53	23	29	12	5	5	5	1	8	4	3	1
North Eastern Traffic Area	47	9	30	6	3	0	0	0	12	3	2	0
	56	7	48	4	2	2	1	0	4	1	1	0
North Western Traffic Area	30	10	24	4	1	2	0	0	5	4	0	0
	33	12	20	10	0	1	1	0	10	1	2	0
South Eastern and Metropolitan Traffic Area	72	32	47	21	2	1	1	1	22	9	0	0
	64	33	46	21	1	2	4	1	12	7	0	0
West Midlands Traffic Area	41	20	18	2	3	9	0	0	16	9	4	0
	57	6	30	2	10	2	1	0	12	3	3	0
Western Traffic Area	45	11	27	4	1	0	1	0	10	6	6	1
	36	31	30	18	0	6	2	0	3	5	1	2
Scotland	28	2	16	2	3	0	0	0	7	0	2	0
	25	5	8	1	2	0	0	3	13	2	0	1
Wales	15	13	5	6	0	1	2	0	6	3	2	3
	30	7	22	5	2	0	0	1	4	1	2	0
Total	320	138	193	65	16	20	5	3	85	44	21	6
	354	124	233	73	22	18	14	6	66	24	12	4

Note: 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, 2015-16 2014-15

	Restricted	Standard National	Standard International	Total number of licences in issue	Total continuations sought
Eastern Traffic Area	503 486	410 394	355 352	1268 1232	162 169
North Eastern Traffic Area	803 813	469 437	320 310	1628 1560	198 219
North Western Traffic Area	761 740	418 414	209 201	1388 1355	186 200
South Eastern and Metropolitan Traffic Area	417 382	385 350	427 403	1229 1135	138 156
West Midlands Traffic Area	430 420	228 212	193 190	851 822	106 102
Western Traffic Area	460 418	391 369	288 268	1139 1055	138 171
Scotland	358 345	457 425	156 137	971 907	128 148
Wales	416 396	246 227	196 178	858 801	108 106
Total	4148 4000	3004 2828	2144 2039	9332 8867	1164 1271

Table 9: Bus and coach operators - discs in issue, 2015-16 2014-15				
	Restricted	Standard National	Standard International	Total discs
Eastern Traffic Area	689 712	6189 6342	5469 5549	12347 12603
North Eastern Traffic Area	1120 1154	5948 5807	6591 6805	13659 13766
North Western Traffic Area	1031 1067	6390 6457	4389 4280	11810 11804
South Eastern and Metropolitan Traffic Area	533 520	8936 8404	10163 10237	19632 19161
West Midlands Traffic Area	547 586	3630 3626	2901 2950	7078 7162
Western Traffic Area	610 609	6815 6378	4760 5138	12185 12125
Scotland	477 499	5566 5427	4866 4818	10909 10744
Wales	566 568	2154 2125	3638 3483	6358 6176
Total	5573 5715	45628 44566	42777 43260	93978 93541

Table 10: Bus and coach operators - applications for new licences and to vary existing licences, 2015-16 2014-15										
	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	98	155	66	143	0	0	17	0	14	0
	89	103	71	103	0	0	21	0	22	0
North Eastern Traffic Area	95	126	67	110	1	0	19	0	9	0
	113	129	89	129	0	0	23	0	11	1
North Western Traffic Area	95	88	45	80	0	0	23	0	9	0
	79	65	74	65	0	0	15	0	3	0
South Eastern and Metropolitan Traffic Area	98	139	73	127	0	0	16	0	5	0
	92	114	90	114	0	0	14	0	3	0
West Midlands Traffic Area	71	73	34	72	0	0	20	0	9	0
	59	71	47	71	0	0	25	0	4	0
Western Traffic Area	80	126	71	112	0	0	13	0	8	1
	93	135	81	135	0	0	16	0	6	0
Scotland	58	110	50	96	1	0	14	0	7	0
	59	79	49	79	0	0	8	1	8	0
Wales	52	46	44	41	0	0	11	0	4	0
	58	44	42	44	0	0	12	0	10	0
Total	647	863	450	781	2	0	133	0	65	1
	642	740	543	740	0	0	134	1	67	1

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, 2015-16 2014-15												
	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	9	2	2	1	2	0	0	0	4	1	1	0
	19	5	11	1	0	0	0	0	7	3	1	1
North Eastern Traffic Area	17	2	9	0	3	0	0	0	5	2	0	0
	23	3	15	1	2	1	0	0	6	1	0	0
North Western Traffic Area	16	2	7	0	0	0	0	0	8	1	1	1
	22	2	13	0	0	0	1	0	8	2	0	0
South Eastern and Metropolitan Traffic Area	6	1	3	0	1	1	0	0	2	0	0	0
	15	5	6	2	2	1	2	0	4	2	1	0
West Midlands Traffic Area	14	2	5	0	1	0	0	0	7	2	1	0
	15	1	3	0	0	0	0	0	12	1	0	0
Western Traffic Area	8	5	5	2	0	0	1	0	2	3	0	0
	15	9	10	5	0	0	1	0	5	2	0	1
Scotland	18	3	6	2	3	0	1	0	8	1	0	0
	13	7	9	5	0	0	2	0	4	1	0	0
Wales	10	2	3	1	0	0	0	0	5	1	2	0
	17	4	7	2	4	0	0	0	6	0	0	2
Total	98	19	40	6	10	1	2	0	41	11	5	1
	139	36	74	16	8	2	6	0	52	12	2	4

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, 2015-16 2014-15							
	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	0 1	0 1	0 0	0 0	1 2	1 1	9 10
North Eastern Traffic Area	0 3	0 3	0 0	0 0	3 0	2 2	14 16
North Western Traffic Area	0 1	0 1	0 0	0 0	2 0	4 3	13 17
South Eastern and Metropolitan Traffic Area	0 0	0 0	0 0	0 0	0 0	1 0	1 2
West Midlands Traffic Area	0 0	0 0	0 0	0 0	0 1	1 0	3 4
Western Traffic Area	2 1	2 1	0 0	0 0	1 1	2 5	12 12
Scotland	9 6	9 6	0 0	0 0	3 3	2 4	48 41
Wales	1 4	1 4	0 0	0 0	0 2	2 3	19 20
Total	12 16	12 16	0 0	0 0	10 9	15 18	119 122

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

Table 13: Local bus service registrations - live, new, variations and cancelled local bus services as at 31 March 2016 31 March 2015

	Live local bus registrations	Applications processed		Applications accepted		Refused	Withdrawn	Existing registrations cancelled
		New	Variations	New	Variations			
Eastern Traffic Area	2267	357	1272	357	1272	0	6	412
	2462	502	1177	502	1177	0	0	525
North Eastern Traffic Area	3246	629	1738	629	1738	0	1	511
	3362	651	1715	651	1715	0	0	711
North Western Traffic Area	3274	539	1613	539	1613	0	3	684
	3490	515	1657	515	1657	0	0	644
South Eastern and Metropolitan Traffic Area	1160	128	679	128	679	0	0	127
	1181	263	643	263	643	0	1	172
West Midlands Traffic Area	1694	183	1051	183	1051	0	1	225
	1779	312	1170	312	1170	0	0	316
Western Traffic Area	2203	370	1514	370	1514	0	2	380
	2310	823	1550	823	1550	0	1	395
Scotland	2507	573	1056	573	1056	0	0	464
	2526	610	1234	610	1234	0	0	451
Wales	1283	122	629	122	629	0	0	322
	1058	167	776	167	776	0	2	143
Total	17634	2901	9552	2901	9552	0	13	3125
	18168	3843	9922	3843	9922	0	4	3357

Table 14: Flexible bus registrations, 2015-16 2014-15						
	Received	Accepted	Refused	Withdrawn	Varied	Cancelled
Eastern Traffic Area	21 17	21 17	0 0	0 0	12 22	0 8
North Eastern Traffic Area	1 5	1 5	0 0	0 0	0 1	0 3
North Western Traffic Area	1 1	1 1	0 0	0 0	1 0	0 0
South Eastern and Metropolitan Traffic Area	0 0	0 0	0 0	0 0	0 0	0 3
West Midlands Traffic Area	0 0	0 0	0 0	0 0	0 0	0 0
Western Traffic Area	0 13	0 13	0 0	0 0	10 7	0 3
Wales	4 3	4 3	0 0	0 0	1 5	0 0
Total	27 39	27 39	0 0	0 0	24 35	0 17

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, 2015-16 2014-15

	Standard Bus Permits Issued by			Total	Large Bus Permits	Community Bus Permits
	Traffic Commissioners	Local authorities	Designated bodies			
Eastern Traffic Area	622	346	401	1369	0	37
	598	566	168	1332	5	30
North Eastern Traffic Area	929	198	346	1473	0	33
	517	341	151	1009	27	42
North Western Traffic Area	417	189	217	823	0	4
	298	172	89	559	2	33
South Eastern and Metropolitan Traffic Area	932	158	306	1396	15	29
	858	135	114	1107	104	14
West Midlands Traffic Area	321	225	304	850	2	6
	301	124	102	527	2	20
Western Traffic Area	993	209	325	1527	12	40
	753	622	126	1501	11	22
Scotland	294	101	203	598	17	16
	349	106	24	479	11	27
Wales	158	35	194	387	2	20
	195	79	22	296	5	11
Total	4666	1461	2296	8423	48	185
	3869	2145	796	6810	167	199

Table 16: Bus and coach operators - action taken at public inquiry for non compliance (under the Public Passenger Vehicles Act 1981), 2015-16 2014-15

	Number of public inquiries completed	Licence revocations	Licence suspensions	Reduction of vehicles authorised on licence	Other conditions imposed on licence	Formal warning given	Disqualification of licence holder under the 1985 Act	Disqualification of transport manager	No action taken
Eastern Traffic Area	14	7	1	1	0	4	2	3	1
	33	5	2	5	0	5	4	3	2
North Eastern Traffic Area	26	12	2	3	0	8	0	1	1
	50	25	3	2	0	12	4	0	6
North Western Traffic Area	24	13	2	3	1	9	1	1	1
	21	11	1	3	1	5	2	1	1
South Eastern and Metropolitan Traffic Area	8	2	2	1	1	2	0	0	0
	29	5	6	5	2	5	1	2	8
West Midlands Traffic Area	28	16	4	6	0	1	3	3	1
	36	16	7	4	0	3	6	7	5
Western Traffic Area	22	9	3	2	0	5	2	1	1
	25	12	1	8	0	2	2	2	2
Scotland	24	8	0	3	4	8	3	2	4
	29	10	1	2	0	6	3	0	4
Wales	16	8	1	2	0	5	2	1	1
	29	13	2	2	0	6	2	4	6
Total	162	75	15	21	6	42	13	12	10
	252	97	23	31	3	44	24	19	34

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), 2015-16 (2014-15)					
	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	3 0	0 0	3 0	0 0	0 0
North Eastern Traffic Area	2 0	0 0	1 0	1 0	0 0
North Western Traffic Area	0 3	0 1	0 1	0 2	0 0
South Eastern and Metropolitan Traffic Area	1 1	0 0	0 1	0 1	1 0
West Midlands Traffic Area	4 6	1 1	3 6	0 0	1 0
Western Traffic Area	0 4	0 0	0 2	0 1	0 1
Scotland	3 2	0 0	3 2	1 0	0 0
Wales	3 0	0 0	2 0	1 0	0 0
Total	16 16	1 2	12 12	3 4	2 1

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

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

Table 18: Work of the traffic commissioners and their deputies on public inquiries, 2015-16 2014-15

	Traffic Commissioners	Deputy Traffic Commissioners	Total
Eastern Traffic Area	169 148	83 161	252 309
North Eastern Traffic Area	94 113	147 119	241 232
North Western Traffic Area	7 14	164 186	171 200
South Eastern and Metropolitan Traffic Area	224 249	79 109	303 358
West Midlands Traffic Area	169 128	21 72	190 200
Western Traffic Area	125 104	46 104	171 208
Scotland	116 112	27 35	143 147
Wales	48 30	58 125	106 155
Total	952 898	625 911	1577 1809

Table 18a: Preliminary hearings and Senior Team Leader interviews, 2015/16			
	Preliminary hearings	Senior Team Leader interviews	Total
Eastern Traffic Area	60	3	63
North Eastern Traffic Area	63	3	66
North Western Traffic Area	130	31	161
South Eastern and Metropolitan Traffic Area	114	13	127
West Midlands Traffic Area	7	11	18
Western Traffic Area	63	10	73
Scotland	52	2	54
Wales	2	3	5
Total	491	76	567

Note: this data is produced for the first time this year

Table 19: Bus, coach and lorry operators - appeals to the Upper Tribunal, 2015-16 2014-15				
	Number of appeals made	Number of appeals heard	Number of appeals withdrawn	Number of appeals successful or partially successful
Eastern Traffic Area	9 10	4 4	0 4	0 0
North Eastern Traffic Area	9 12	2 10	1 2	0 2
North Western Traffic Area	7 8	5 6	4 2	2 3
South Eastern and Metropolitan Traffic Area	11 17	10 9	2 4	1 1
West Midlands Traffic Area	9 10	6 9	2 3	2 3
Western Traffic Area	23 12	7 11	10 1	4 3
Scotland	10 7	7 3	1 2	2 0
Wales	5 5	3 2	1 2	2 2
Total	83 81	44 54	21 20	13 14

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, 2015-16 2014-15

	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	1389	187	8	92	76	21	441	109	140	401	200
	144	148	2	106	92	29	445	139	157	453	212
North Eastern Traffic Area	2574	240	9	55	221	67	982	234	434	463	240
	2549	235	4	56	183	46	1092	226	490	409	233
North Western Traffic Area	1526	223	19	71	360	49	521	104	175	101	241
	1458	183	22	91	446	70	429	122	174	43	265
South Eastern and Metropolitan Traffic Area	1794	334	22	172	115	143	366	39	181	481	309
	1973	279	8	185	102	104	389	41	243	551	306
West Midlands Traffic Area	1097	277	43	77	148	92	204	8	82	156	347
	1039	282	36	33	220	73	203	0	92	100	489
Western Traffic Area	1169	197	4	28	181	87	286	0	177	208	312
	1237	180	6	44	70	97	328	0	211	278	341
Scotland	1053	167	21	66	75	104	124	21	204	264	240
	1215	161	19	123	37	146	175	26	201	321	320
Wales	654	153	9	29	61	47	94	2	44	219	270
	634	151	15	36	124	53	108	0	60	90	271
Total	11256	1778	135	590	1237	610	3018	517	1437	2293	2159
	10249	1619	112	674	1274	618	3169	554	1628	2245	2437

Table 21: Applications for the return of impounded vehicles, 2015-16 2014-15										
	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	7	4	1	0	3	0	1	0	0	0
	11	4	0	0	3	0	1	1	0	0
North Eastern Traffic Area	12	11	8	1	2	0	1			
	7	6	2	0	2	0	1	1	0	0
North Western Traffic Area	7	4	2	0	2	3	0	0	0	0
	9	6	0	0	6	0	0	0	0	0
South Eastern and Metropolitan Traffic Area	16	6	1	0	4	1	0	0	0	0
	15	3	0	0	3	0	0	0	0	0
West Midlands Traffic Area	3	3	1	0	2	0	0	0	0	0
	2	1	0	0	1	0	0	0	0	0
Western Traffic Area	4	3	1	0	2	0	0	0	0	0
	8	4	1	0	3	0	0	0	0	0
Scotland	1	1	0	0	1	0	1	1	0	0
	0	0	0	0	0	0	0	0	0	0
Wales	8	5	0	0	3	0	0	0	0	0
	2	2	1	0	1	0	0	0	0	0
Total	58	37	14	1	19	4	3	1	0	0
	54	26	4	0	19	0	2	2	0	0

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

Contact Details

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

Licensing Statistics

(tables 1-5 and 8-14)

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Bus Permit Statistics

(table 15)

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Regulatory Statistics

(tables 6-7 and 16-21)

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