



Traffic Commissioners' Annual Reports 2014-15

Championing safe, fair and reliable passenger and goods
vehicle transport

July 2015



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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The Traffic Commissioners

Introduction

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 28 to 44.

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

The post of traffic commissioner (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.

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

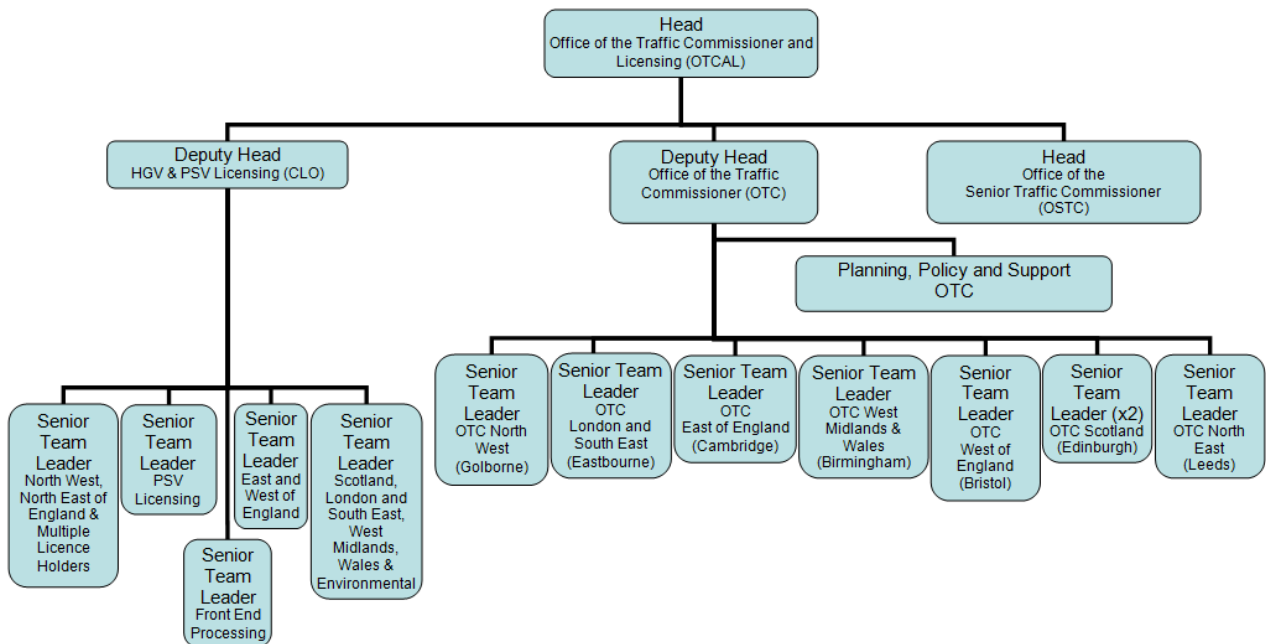
A number of staff working on behalf of TCs are regionally based, located at the individual OTCs. These offices assist TCs in carrying out their regulatory functions, including facilitating public inquiry hearings.

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 on page 6 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 2015

	Traffic Commissioner	Deputy Traffic Commissioners	Office Address
Eastern Traffic Area	Richard Turfitt	Marcia Davies Gillian Ekins	Office of the Traffic Commissioner Eastbrook Shaftesbury Road Cambridge CB2 8BF
North Eastern Traffic Area	Kevin Rooney	Liz Perrett	Office of the Traffic Commissioner Hillcrest House 386 Harehills Lane Leeds LS9 6NF
North Western Traffic Area	Beverley Bell	Patrick Mulvenna 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.

Geographical boundaries of the traffic commissioners and office locations



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* (page 24):

- 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* (page 19), 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 TCs and provide an efficient and consistent service to our stakeholders.

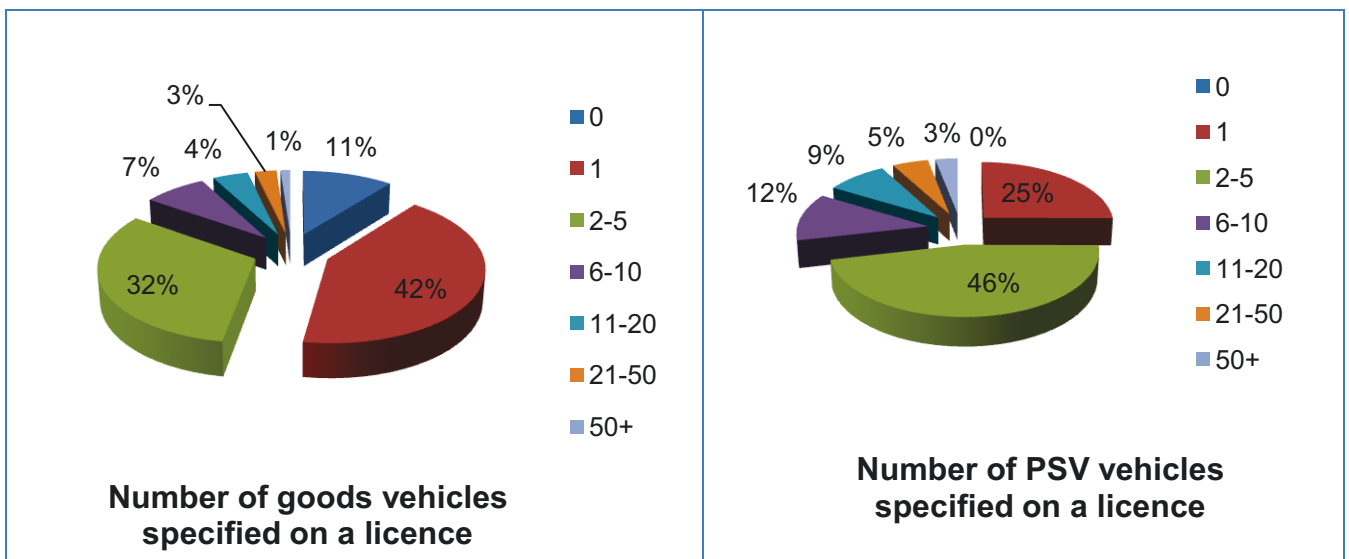
The operating landscape and regulating the industry in Great Britain

Licensing

The total number of commercial vehicles in the UK, according to DfT registration figures, is 468,900, reversing several years of slow and steady shrinkage with a 1.8% increase. The number of heavy goods vehicles covered by operator licences is 337,570. The discrepancy of 131,330 vehicles is the result of differing time periods for measurement, operator licence evasion, shifting tax classes, exemptions and the proportion of vehicles in the used supply chain.



As can be seen from the chart above, restricted licences account for 53% of all goods licences and 45% of all 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.



There is an extreme concentration of vehicle ownership and it is a significant fact that only 1% of all goods licences are held by operators with fleets of 50 or more vehicles and only 3% of all PSV licences are held by operators with fleets of 50 or more vehicles. By contrast 74% of goods licences and 71% of PSV licences are held by operators who operate up to five vehicles. These statistics dramatically demonstrate the breadth of type of operation of goods and PSV vehicles in

Great Britain and illustrates just how flexible TCs need to be in our approach to regulation. The specialist nature of our work illustrates that we not only understand the particular issues that individual operators face but that we also understand how these impact on the landscape that they operate within.

Drivers

Data produced by Skills for Logistics shows that the average age of a driver is 53. 13% are over 60, 2% are below 25 and 92% of those passing HGV driving tests in 2013 were male.

It is well known in the industry that by September 2014 all professional commercial vehicle drivers had to qualify for and hold a Driver Qualification Card (DQC) under the rules of the Driver Certificate of Professional Competence (Driver CPC). In order to hold and continue to hold a DQC, both new and existing drivers must have completed 35 hours of periodic training over a period of five years. Modules include: loading vehicles safely and securely; applying rules about professional driving; first aid; optimising fuel consumption; and preventing trafficking of illegal immigrants. For those drivers who have been out of the industry for some time they can obtain the Certificate by taking an examination which is both a practical test and a case study.

In September 2014 DVSA stated that 664,000 lorry bus and coach drivers had completed their first five-year block of training. Failure to carry a DQC can result in a £50 fixed penalty, with a maximum fine of £1,000 for both the driver and the operator licence holder. In addition TCs can and do take action against both drivers and operators where appropriate.

The Transport and Logistics Industry

In October 2014 the UK Commission for Employment and Skills published a report entitled *Understanding skills and performance challenges in the logistics sector*. It makes fascinating reading. It is well recognised by the industry itself that the logistics sector is vital to the UK economy but this importance is not always recognised by those outside the industry. I have often stated that it is regrettable that the industry does not always have the positive image that it often deserves.

The report stated that: *“The UK logistics sector employs 2.2 million people which is one in twelve UK workers, but the sector’s performance in the UK lags behind that found in many of our European competitor economies (The World Bank, 2014). The sector particularly underperforms with regard to education and training – ranking 22nd in the extent of staff training provided (World Economic Forum, 2014). This is a concern as the quality of education and training is crucial for domestic economies wanting to move up the value chain (World Economic Forum, 2014). Today’s globalised economy requires pools of well educated workers who are able to adapt rapidly to their changing environments”.*

It went on to say: *“The most prevalent roles in the sector are machine operatives and elementary occupations, with these accounting for 49 per cent of the workforce (ONS, 2013b). These include roles such as drivers (LGV, van and forklift truck), and warehouse operatives. Looking forward, it is anticipated that the proportion of workers employed in these two groups will decline (UKCES, 2014b). Conversely, it is anticipated that there will be a greater need for higher level occupations: managers, professionals and associate professionals and technical positions.*

A shortage of LGV drivers is not a new phenomenon (Winters and Moloney, 2012) but it appears to be a continual issue. In 2014 drivers were ranked as a top three job role which employers had difficulties filling (ManpowerGroup, 2014) compared to 2012 when it fell outside the top 10.

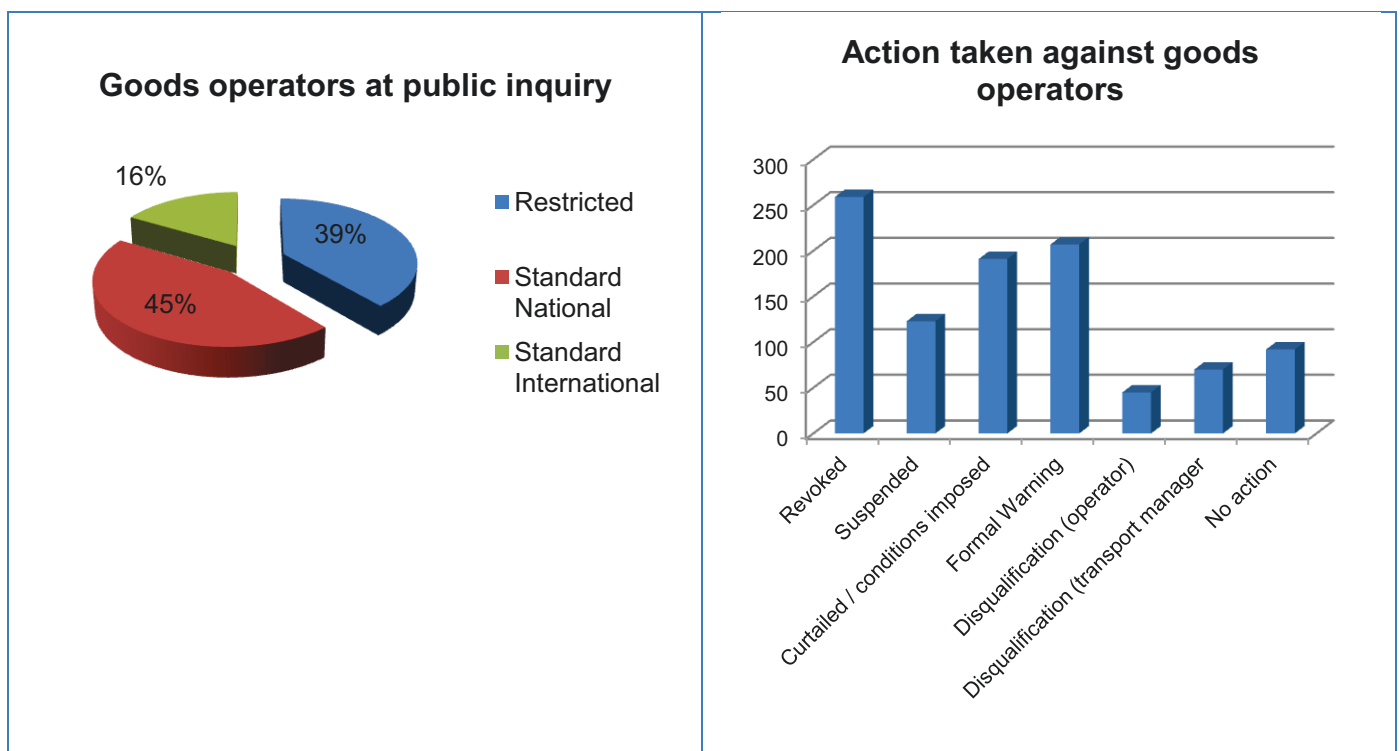
Attracting young people is a further problem for the sector. Only nine per cent of the workforce in the logistics sector is under 25, while nearly half (45 per cent) are over 45 years of age.

Compounding this is the fact that only 18 per cent of logistics employers had recruited at least one education leaver to their first job, with nearly a third of employers reporting the young person to be poorly or very poorly prepared for work (UKCES 2014b). This is much lower than the all sector figure of 27 per cent and places the sector in the bottom two of all sectors, behind agriculture, for recruiting young people. Furthermore, it is imperative the sector overcomes these recruitment challenges to ensure it can fulfil the demand for nearly 1.2 million additional workers by 2022”.

Whilst the report refers to the logistics sector and to LGV drivers in particular I consider that the same comments apply equally to the challenges facing the PSV sector regarding the driver and skills shortage. I refer to this document in my annual report because TCs do not regulate in a vacuum and we all recognise the competing pressures that lorry, bus and coach operators face as they go about their daily work of delivering goods and transporting people all across Great Britain and across the continent. It is therefore vital that as regulators we do all we can to support compliance, development, training and recruitment initiatives by the industry to ensure that in the coming years we have competent people working in this vibrant, challenging and exciting industry that is subject to continual change. Our regulatory and licensing roles are there to ensure that only those individuals and companies who are competent to operate remain licensed and that we exclude those operators and individuals who either pay lip service to the licence requirements or who choose to flagrantly disregard it.

Non-compliance

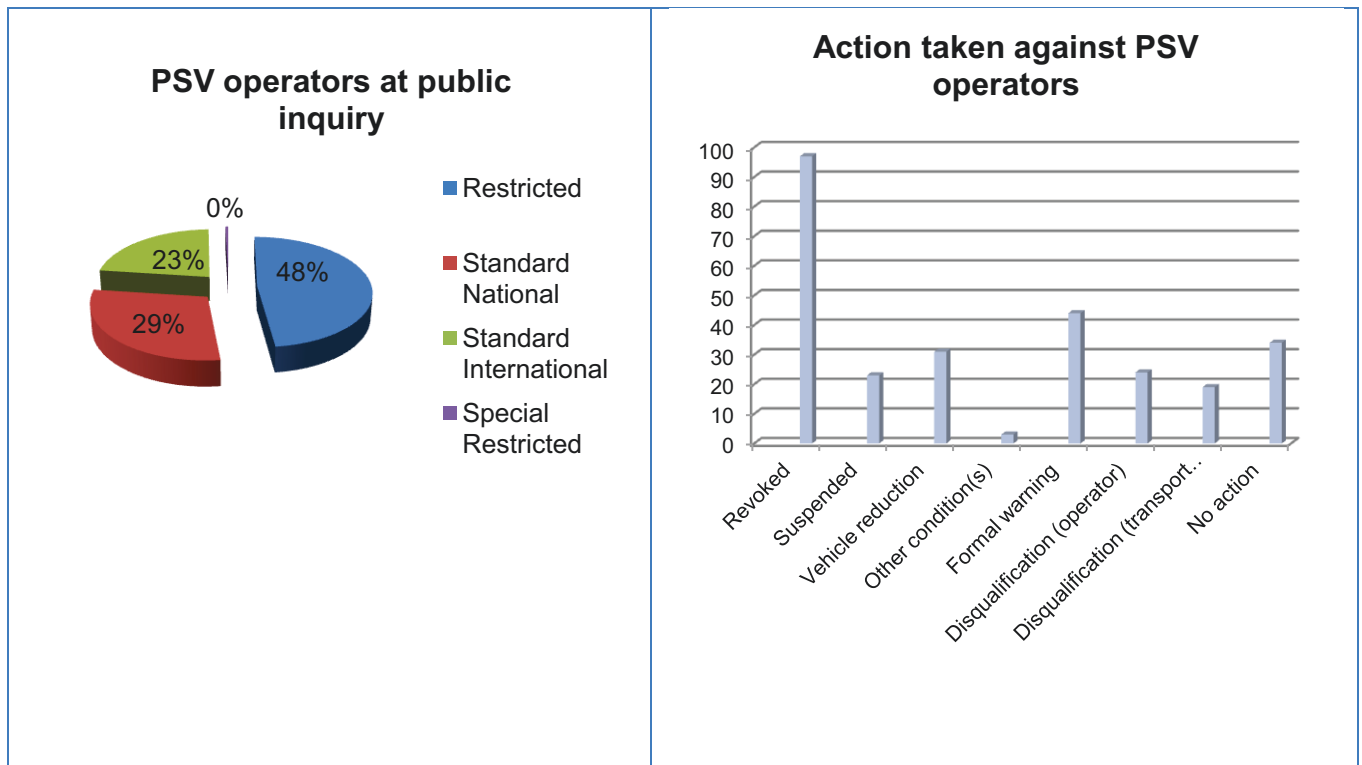
Goods operators



We held a total of 859 public inquiries in this reporting year and the number of revocations (259) 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 imposed 123 orders for suspension of the licence and 191 orders for curtailment. 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.

Often an unsatisfactory DVSA maintenance investigation followed by a call up letter for public inquiry will focus the operator's mind and as a result they will have taken appropriate and swift remedial action. Consequently the TC may then only need to issue a formal warning rather than use their statutory powers. This year we issued 207 formal warnings at inquiry showing that operators can and do respond to enforcement activity. However in 92 cases we did not take any action and this is of concern. I can report that my colleagues and I are already looking at ways of diverting these cases away from public inquiry so that we make the best use of our limited tribunal time and that we do not unnecessarily call operators to public inquiry. I aim to report on this again next year.

PSV operators



We held a total of 252 public inquiries in this reporting year and the number of revocations (97) 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 imposed 23 orders for suspension of the licence and 31 orders for a reduction of 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.

Just as with the goods operators there were a number of PSV operators who had already taken remedial action by the time they appeared in front of the traffic commissioner at the public inquiry and as a result we issued 44 formal warnings. However in 34 cases we did not take any action and this is of concern. I can report that my colleagues and I are already looking at ways of diverting these cases away from public inquiry so that we make the best use of our limited tribunal time and that we do not unnecessarily call operators to public inquiry. I aim to report on this again this next year.

Disqualification

This year TCs have again made a number of orders for disqualification of operators and transport managers. As a result we disqualified 45 operators and 70 transport managers in goods cases and

24 operators and 19 transport managers in PSV cases. These orders are significant as they prevent operators and transport managers from re-entering the industry either for an indefinite period of time or until they have undertaken some further training such as retaking the transport manager 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 refresher training events.

Bus reliability cases

It is many a long year since TCs were regularly conducting bus reliability public inquiries and there are a number of reasons for this. In particular DVSA is working with TCs and DfT to ensure that registered service reliability enforcement is as good as it can be and that non compliant operators are referred to the traffic commissioner as soon as possible. This work is not yet complete and so I will report on it next year. I am also sure that many operators will have reviewed their own registered services as a result of the publication of SGD14 in March. This year TCs heard 16 bus service cases at public inquiry although these were not in all traffic areas. There were no such inquiries in the North East. Of the 16 cases, 12 resulted in the imposition of a financial penalty showing that we can and do take strong action where operators are not running punctual and reliable services.

Whilst the statistics make interesting reading they can never tell the story behind the decisions and so I have set out some examples of the types of cases TCs have dealt with at public inquiry and driver conduct hearings over the last year.

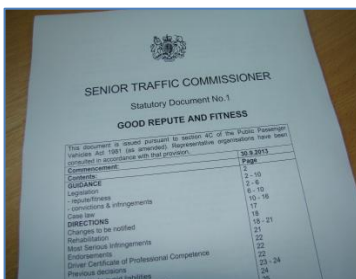
East of England	Richard Turfitt prevented a transport manager from relying on an Acquired Rights' Certificate after finding that he did not meet the criteria to hold one. Mr Turfitt also revoked and disqualified an operator for four years after he was convicted of theft by false accounting. He disqualified an operator who had lent their licence to another bus firm.
North East of England	Kevin Rooney suspended an HGV driver for six months after he tried to evade DVSA officers. Mr Rooney disqualified a minibus operator indefinitely for serious maintenance issues. He also revoked the section 19 permits after finding that the holders were making a profit contrary to the legislation.
North West of England	DTC Simon Evans disqualified a coach driver for 21 months after he admitted to nearly driving his coach when he was twice the legal limit. Several former employees of a Cumbrian firm were banned from professional driving for between nine and 18 months for false record offences. DTC Patrick Mulvenna, disqualified a bus driver for 12 months who was found guilty of driving without due care and attention.
London and the South East of England	Nick Denton disqualified a former transport manager for five years after he had colluded in getting drivers to work over their legal hours. Mr Denton also revoked and disqualified an operator's licence because the operator continued to drive after being declared medically unfit. He suspended an operator's licence for two weeks after reports from the DVSA and HMRC about HGVs running on red diesel.

West Midlands	Nick Jones disqualified the owner of a haulage firm for five years after he misled authorities. Mr Jones also fined a bus operator £3000 for late services and reduced the firm's licence authorisation. An operator who was involved in the illegal importation of alcohol and ran poorly maintained vehicles had its licence revoked.
West of England	Sarah Bell examined bus punctuality issues across the region, imposing fines against a number of operators. She also dealt with a high profile maintenance case, revoking the licence of a large coach operator.
Scotland	Joan Aitken suspended a PSV driver for six months after he was caught sorting cash whilst driving a bus. She also refused a licence after finding the applicant had manipulated bank statements produced as part of the evidence. She disqualified the directors of a waste company for life because vehicles authorised on the licence were being used for criminal activity.
Wales	Nick Jones imposed a three year ban for a minibus driver who gave false information to a DVSA enforcement officer. Mr Jones also indefinitely disqualified a bus operator who allowed pupils to be transported on an unsafe vehicle. A limousine operator's licence was also revoked and the owner disqualified for 12 months.

Educating the industry

Educating the commercial vehicle industry remains a key priority for TCs whether by keeping the industry up to date with new case law that impinges on day to day operations or 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.

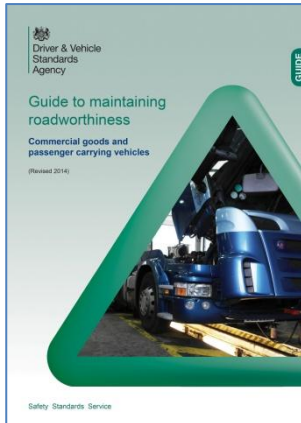
Statutory Guidance and Directions



Through the Statutory Guidance and Statutory Directions, we have demonstrated our commitment to a consistent approach to transparent decision making.

The Guidance and Directions not only give vital information to TCs and our staff about how to approach our work but also provide useful guidance for operators, drivers and transport managers. We update these documents and publish them on our website. In the coming year we will look to issue some documents that sit alongside the Statutory Documents that will be more “user friendly” for the industry itself.

Guide to Maintaining Roadworthiness



Commissioners Sarah Bell and Kevin Rooney have worked in close cooperation with DVSA and the trade associations to revise and modernise DVSA's Guide to Maintaining Roadworthiness which was published in April 2014.

In their foreword to the Guide Sarah and Kevin drew operators' attention to three key areas – flexibility of inspection date, unaccompanied trailers and professionalism in inspections – and I urge all operators to do the same. The Guide is on DVSA's website and all licensed operators should take a moment to download it and keep a copy in their workshop or transport office for easy reference. It provides the basic building blocks of an effective maintenance regime thereby allowing businesses to operate as efficiently as possible.

Driver CPC



Joan Aitken worked with the DVSA and stakeholders to promote the message of compliance for PSV and HGV drivers with regard to driver CPC requirements. Along with her colleagues, this included encouraging operators and drivers to plan ahead to complete their training well before deadlines and reinforcing the value of operators investing in their staff through this mandatory training.

Throughout the year Joan worked with DVSA to deliver joint messages to operators and drivers through articles in DVSA's Moving On blog as well as issuing regular decisions to the trade and local press. As operators plan afresh for the next 4 or 5 years I would like to remind them that for training to be effective it must be tailored to the needs of those who receive it and so operators should see the mandatory training as a real opportunity to further develop their frontline staff.

Seminars for operators

It is not so long ago that TCs used to hold regular seminars for operators and these were always welcomed by the industry, who saw them as a real opportunity to hear first hand from their local TC.

Whilst we do not currently hold these seminars we are pleased to see that DVSA regularly holds seminars for operators and we are always delighted to speak at these when requested to do so.

These seminars are an opportunity to find out vital up to date information and to receive help and advice on safe and legal operation. Sarah Bell has worked closely with DVSA to ensure that their seminars for new licence holders are relevant to those operators who need early compliance advice as they embark on their new businesses providing transport operations and using vehicles.

All TCs are pleased to see that the initial attendance rates at these seminars are high reflecting the desire of new operators to learn at an early stage how to avoid the pitfalls associated with any new venture.

Next year Sarah will be working with DVSA to see how these seminars might be cascaded to other operators.

Every year all TCs are invited by the CPT, FTA and RHA to speak at their own seminars and we attend these when we can. They provide an ideal mechanism for us to both speak to and listen to established operators, to hear what is worrying them at the present time and to highlight any major changes on the horizon.

In addition we also attend other industry events such as IRTE, SMMT, SOE and CILT seminars which we use as a valuable opportunity to educate industry on “all matters TC related”. We have devoted a considerable proportion of our time at these seminars to the position of the transport manager, raising awareness of this important role.

We have delivered the message that whether operators are running one vehicle or overseeing a multi-national company, transport managers must be at the heart of the business. Transport managers must have a proper profile, within a culture of understanding of that role and what it means for the business. The individual transport manager must be able to demonstrate continuous and effective management of transport operations.

Mock Public Inquiries

Whilst some operators have had to face a public inquiry most have never been to one – and quite understandably are glad that they have not. Nonetheless many want to know what would happen and also use it as a tool to educate their own staff as to the perils of not carrying out their roles properly.

Consequently when Sarah Bell took part in a mock public inquiry to give trade association members an insight into how the regulatory process works and explain the consequences of failing to comply the event was very popular.

In addition Kevin Rooney held a mock inquiry at the IRTE conference in September 2014 and this was an ideal way to engage with a wide audience. I know that this year Joan Aitken will be doing something similar at the Scottish IRTEC Convention in August 2015.

Consulting and engaging with stakeholders

Sitting side by side with the importance of effective education is the need for appropriate engagement with a number of stakeholders and in many cases the two are inextricably linked. The Regulators’ Code reminds us of the need to provide simple and straightforward ways to engage with those we regulate and hear their views. In addition to engaging with DfT, government agencies and the industry we also engage with other regulators and our approach to consultation

and engagement is set out in our [Administrative Policy Guidance document](#) – stakeholder engagement and consultation policy.



Department
for Transport

Our relationship with the department continued to grow and develop and officials and TCs generally work well together, whether this is by way of the formal tripartite meetings with DfT and DVSA or by one of my colleagues or I simply picking up the phone and chatting through a knotty problem or working on a new statutory guidance document. I know that the coming year will bring its own challenges as DfT officials and TCs consider how to respond to the Triennial Review report that was published in March 2015.

TCs are also pleased to attend and contribute to the DfT Compliance Forum meetings which take place every quarter. The purpose of the Forum is to share understanding on trends in compliance, through available evidence, and to discuss strategic road safety compliance policy and delivery including identifying potential changes in approach by specific Forum members.

The Forum focuses on road safety related compliance by commercial vehicles (principally light and heavy goods vehicles, buses and coaches). Compliance scope covers roadworthiness, driver issues and loading, and operator licensing, being those aspects of road transport legislation where the enforcement, compliance and regulation relates to DfT, DVSA or the TCs. The Forum discusses both current trends and future direction and considers compliance at annual test and through enforcement or other compliance checks.

The Forum views operator and driver compliance as essential not just to road safety but equally to the protection of fair competition, and also to support environmental considerations. The intended outcomes of the Forum are that through a better understanding of trends and developments in compliance, Forum discussions will variously inform and/or make recommendations about:

- policy development (both regulatory and non-regulatory);
- enforcement delivery by DVSA and other Forum members (whether full or ad hoc);
- TC regulation;
- education and awareness raising campaigns by Forum members;
- better directing and focussing of Forum member resources

The core membership comprises DfT, DVSA, National Police Chiefs' Council (NPCC), the STC on behalf of all TCs, and the industry represented by the British Vehicle Rental and Leasing Association (BVRLA), the Confederation for Passenger Transport (CPT), the Freight Transport Association (FTA), the Retail Motor Industry Federation (RMIF), the Road Haulage Association (RHA) and the Society of Motor Manufacturers and Traders (SMMT).



Driver & Vehicle Standards Agency



Department of the
Environment
www.doeni.gov.uk
Transport Regulation Unit

As lead TCs for enforcement work Sarah Bell and Kevin Rooney have brought a new dimension to working with DVSA on enforcement matters. Kevin's considerable background in enforcement and excellent technical expertise and Sarah's extensive expertise as a court advocate ensure that any potential changes to enforcement are "road tested" by them.

This will ensure that change will bring about better and more targeted enforcement so that DVSA and TCs can crack down on the serially and seriously non compliant whilst at the same time leaving the compliant to go about their business.

In January 2014 we signed a data sharing Memorandum of Understanding with the DVSA and the Northern Ireland Transport Regulator and it is good to see that this data sharing and joint working helps regulators and enforcement agencies to frustrate illegal activity and keep commercial vehicles, their drivers and the roads of the United Kingdom safe.

TCs are also pleased that the NI transport regulator frequently attends part of the regular TC meetings so that we can do all we can to adopt a unified approach to regulation in the United Kingdom.

Trade Associations

The Regulators' Code requires that we should have mechanisms in place to engage with those we regulate, to offer views and contribute to the development of our policies and service standards.

It is also important to look at the "big picture" with the trade associations and that is why I meet formally with them every six months to discuss cross cutting issues of mutual interest. I have extended attendance at these meetings to AORTL (the Association of Transport Lawyers) and more recently CILT so that the focus of the meetings is not too narrow.

In addition to these regular meetings I was pleased to meet with both Water UK and the FTA utilities working group to work with this sector of the industry to see how they can ensure that they report relevant convictions in a timely manner to their local TC and how we, as a group of TCs, will respond to the reporting of those convictions in a consistent way, taking account of the relevant legislation. This work will continue in the next reporting year and I am sure that it will result in greater clarity for the industry and TCs alike.

Here are some examples of our work educating and engaging with the commercial vehicle industries in 2014/15:

East of England

Richard Turfitt was delighted to present the National Final of UK Bus Driver of the Year and celebrate the achievements of all participants as well as reflecting on the high degree of professionalism within the bus industry.

He was also a panel speaker at a Health and Safety Conference hosted by Birketts, addressing the negative culture that can be associated with the way in which some health and safety matters can be reported. Mr Turfitt was keen to show that good effective assessment makes good business sense. He also led a break out session on the safe loading of vehicles.

Mr Turfitt also spoke at the Driver First Assist initiative launch at the House of Commons. He expressed TCs' support for the initiative and for the upskilling of professional drivers who play such a vital role in our society.

North East of England

Kevin Rooney judged and presented the awards at the UK Coach Rally at Alton Towers. This is always an ideal opportunity for operators to show the wider industry the excellent standards that can be achieved.

He also attended the Euro Bus Expo to present the first CPT Bus & Coach Engineering Manager Accreditations, recognising the professionalism of the industry.

Mr Rooney spoke at a compliance seminar at the Tip-ex and Tank-ex conference in Harrogate.

North West of England

I spoke to drivers and union members at the USDAW conference in Crewe about the importance of professional drivers understanding their responsibilities as well as taking the opportunity to hear from them about the pressures that they face in their work.

London and the South East of England

Nick Denton spoke at the FTA seminar at Brands Hatch about the key role of the transport manager, the need for continuous professional development, and some common pitfalls (in management of drivers hours' and maintenance) to avoid.

He also spoke at a Unite Union meeting in Eastbourne about the most common offences which bring drivers to driver conduct hearings, the potential impact on a driver's career and how union representatives can help educate drivers to reduce these offences.

Mr Denton gave a presentation to the APSE seminar in London, where he paid particular attention to the issues likely to be encountered by public authorities. He advised local authority operators to ensure that the transport manager was not too low in the management chain to influence vehicle operation.

West Midlands Nick Jones spoke at the AIRSO National Truck and Bus Driver Trainers' Conference about the work of TCs and in particular highlighted driver conduct issues of concern that might assist trainers.

He also spoke at a CPT event in Wolverhampton highlighting the importance of the role of transport manager and the importance of compliance.

West of England Sarah Bell was a keynote speaker at the Microlise conference in Coventry on the subject of TCs working with DVSA to develop strategies to get non-compliant operators off the road.

She also spoke at the RHA compliance conference and gave a presentation to transport managers in Hertford about the importance of their role and the need to comply with their statutory responsibilities.

Scotland Joan Aitken was a keynote speaker at the RHA Scottish conference in Hamilton.

She also spoke at the FTA Transport Manager seminar in Dunblane and at APSE's 2014 annual seminar in Aviemore.

Wales Nick Jones addressed coach operators at a CPT Wales event in Aberystwyth on the importance of compliance and also took the opportunity to hear from operators – to listen and learn about industry concerns.

Mr Jones also attended three days of seminars funded by Bus Users Cymru for bus and coach operators in Wales. These were held in Llandudno Junction, Aberystwyth and Cardiff. Mr Jones discussed issues relating to timetable compliance and the importance of providing a good quality service as well as having robust and effective complaints procedures in place.

Senior Traffic Commissioner I spoke at the CILT Transport and Logistics Safety Forum in Bedford emphasising the role that directors and managers have to play in ensuring safe operation. Delegates were shown a short film that illustrated the consequences of failing to take proper action.

I also spoke at the CTA England Policy Conference in London about the importance of compliance in the community and voluntary passenger transport sector.

Our performance and progress

This section reports on progress against our key strategic objectives for 2014/15.

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.

The Regulators' Code provides that regulators should carry out our activities in a way that supports those we regulate to comply and grow and that we should base our regulatory activities on risk. Consequently compliant operators expect regulators to promote the value of staying within the operator licensing regime whilst at the same time ensuring that serious licence failings are dealt with robustly. In championing safe, fair and reliable passenger and goods transport we see the two main pillars of road safety and fair competition as being inextricably linked.

We want to make sure that any changes that are implemented as a result of the Triennial Review will enable us to support compliant operation so that the right transport businesses can grow and prosper (thereby contributing to the economy) by reducing the regulatory burden. Traffic commissioners will therefore be concentrating on this work in the coming year and I look forward to reporting on developments in next year's report.

We continue to work with DVSA to deliver the Operator Licensing and Compliance System (OLCS), including improving operator self service and allowing new operator licence applications to be made online. This new service will reduce the time taken for processing complete licence applications and we hope these improvements will encourage greater use of online services by transport operators.

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.

In accordance with the Regulators' Code in basing our regulatory activities on risk we have targeted non-compliant drivers and operators by working with senior enforcement managers from DVSA, promoting education at the point of entry and supporting the Agency as it investigates new ways of delivering enforcement activity. We have revised procedures in our own offices, including enhancing delegations to staff so that decisions can be made more quickly and effectively as it is important that we deal with the serially and seriously non-compliant swiftly and robustly.

We also continue to work with other agencies and regulators to ensure that we effectively deliver this important key objective.

On 16 July 2014 a Memorandum of Understanding for the exchange of information between HMRC, DVSA, the Department of the Environment (NI) (DOE) and ourselves was signed and as result my colleague Nick Denton, in particular, has seen an increase in the number of public inquiries where operators are reported for issues directly affecting fair competition (e.g. using rebated fuel, alcohol and tobacco tax evasion) as well as road safety.

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.

The conduct of vocational drivers – those who hold a licence to drive a HGV, bus or coach professionally – is a key part of our work. Driver conduct hearings concern a wide range of issues that call into question the driver's fitness to hold a licence. Some relate directly to the rules governing commercial vehicle drivers – such as how long they are allowed to work for before taking a break. Other matters relate to their activity when interacting with road users and, in addition for bus and coach drivers, passengers. This year my colleague Nick Jones has taken the lead in reviewing and revising the Senior Traffic Commissioner's Statutory Document Number 6, on vocational driver conduct. The aim of the review is to offer greater clarity on how we will strengthen our regulation of commercial vehicle drivers. We anticipate that, after consultation, the revised document will be issued by the end of 2015.

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.

Reliable and punctual bus services are a high priority for all of us. Our powers, which include the ability to impose financial penalties on operators for failing to operate registered bus services, can only be used where there is evidence to show that an operator has been non-compliant. Compliance levels are established through a window of tolerance, giving bus operators a target by which services are deemed punctual and reliable. Following extensive consultation with the industry and stakeholders, in March 2015 I published a new Statutory Guidance Document 14 (SGD14) for the bus industry in England (outside London) and Wales. During the consultation I reviewed the window of tolerance and proposed to set out more detailed guidance and directions on registered service operation. In the published document, there is a helpful annex – examples of a good operation – and I urge all those who run registered services to read this carefully and see what hints and tips they can use in their own vehicle operation.

Whilst SGD14 is designed to promote and improve punctuality and reliability this cannot be achieved without the necessary enforcement activity to challenge operators who are failing to run services according to their registered timetables. In November 2014 we started a one year trial with DVSA Bus Operator Account Managers (BOAMs) to ensure that the necessary investigatory activity supports punctuality and reliability standards and we will be reporting back on this next year. I remain particularly indebted to Rachael Gilbert at DfT for her considerable assistance, energy and determination in supporting this important work.

In addition to our work on registered service reliability and punctuality it is important that we share appropriate information with other regulators to ensure that bus service operators also keep the promotion of road safety and fair competition at the very top of their agendas.

TCs were therefore pleased in February 2015 to sign a Memorandum of Understanding with DVSA and the Welsh Ministers in respect of the exchange of information relating to the provision of registered local bus services for the purpose of improving the punctuality and reliability of local bus services in Wales. This agreement fits well with our commitment to work with others to ensure that we concentrate resource on regulating those who pose the greatest risk to fair competition.

Nick Jones also welcomed continued financial support by the Welsh Government for Bus Users Cymru, ensuring that bus timetable compliance remains high. Nick additionally reflected on the professionalism and enthusiasm of the Bus Users Cymru staff.

In Scotland Joan Aitken welcomed Scottish Government funding of Bus Users Scotland, to handle bus complaints and provide monitoring. Joan remains a member of and regular attendee at the Scottish Government's Bus Stakeholder Group.

TCs were also pleased in February 2015 to sign a Memorandum of Understanding with the Secretary of State for Transport's Bus Service Operators Grant (BSOG) team to ensure the proper sharing of data regarding those operators who claim BSOG and this fits well with our commitment to work with others to ensure that we concentrate resource on regulating those who pose the greatest risk to fair competition.

Acknowledgments and thanks

No annual report of mine would be complete without acknowledging the work and contributions of those who assist me in my work. It can feel unfair to single out certain individuals who work closely with me either in my office or, as is so often the case, down a telephone line on the never ending conference calls.

This year I want to pay special tribute to the staff whom I never get a proper chance to see and chat to as I go about my work. All too often I only get chance to wave to them (with a promise to "catch up next time" which I never seem to find time to do) as I go past them in Leeds or Golborne or when I get out and about visiting colleagues in their own offices or DVSA staff in Bristol or elsewhere.

When I engage with industry I tell them that often the first encounter that third parties have is with their drivers and that therefore they should ensure that they are working well and being good ambassadors for their companies and the same is true of the staff who work with and assist TCs whether they be OTCAL or DVSA staff. These staff – whether DVSA or OTCAL – quietly get on with their work delivering excellent levels of service to operators at a time when resources are stretched and there is no sign of any resource increase. They do so without complaint and with general good humour. They are the life blood of the licensing regime and without them TCs would not be able to function as we do. They are sometimes asked to carry out work that is "well above their pay grade" (often in addition to their other duties) and again they rise to the challenge with enthusiasm and good grace.

DVSA runs a "Good Egg" scheme which recognises those individuals who have "gone the extra mile" and deserve the award. Secretary of State, this is my equivalent of the DVSA "Good Egg Award" and I would like to award it to all those staff in OTCAL and DVSA who fit into the above category – TCs' unsung heroes – we cannot function without them.

In addition to the above I must mention some people who work closely with me and the challenges that our workload inevitably brings. They rise to these challenges and their enthusiasm and determination to deliver such a demanding and wide portfolio of work ensures that there is never a dull moment in the Office of the Senior Traffic Commissioner. Sarah Pybus – executive assistant to the STC, Damien Currie – media officer to all TCs and the STC, Christopher Dormand – head of the Office of the Senior Traffic Commissioner are my "rocks in the storm of my work". The arrival of David Glinos as a secondee for two years from DfT has helped to reduce the workload for all TCs and he slotted into the team as soon as he arrived at Golborne taking on a range of work with relish.

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 Rhys Millier and then Phil Howes to assist me from TfL and I record my special thanks to them and to Sir Peter Hendy for facilitating this.

In Leeds I have come to rely increasingly on Paul Hartley and David Whitehead in my capacity as STC and I would like to thank them and all the senior management team at Leeds for their assistance when I ask them for information and briefings – often at short notice.

In addition Steve Fox, Phil Jowitt and John Spellman have made sure that I am easily able to understand the new operator self service system as they show me how it will work. I am grateful to them for their ability to enable me to easily understand the changes and benefits that it will bring.

And so to them and to all the “good eggs”, Secretary of State, I am eternally grateful and I record my thanks here.

East of England

Report of the Traffic Commissioner Richard Turfitt

This has been a very busy year for the Eastern Traffic Area. The Area continues to be the largest in terms of users although there have been small decreases in the number of licences and vehicles. The work load is reflected in the attached statistics showing an increase in the number of Public Inquiry hearings, in the number of cases dealt with electronically and on the papers, and in the action taken against the non-compliant. I regret that the statistics do not yet provide a record of the alternative disposals adopted in order to speed up the tribunal process, such as Preliminary Hearings (the use of which has also increased). I can however report that the JMP Consultants' review¹ on the average TC working week is a gross underestimation.

There are a number of issues which feature at hearings with regrettable regularity. I will not repeat the points raised in previous Annual Reports and at public engagements during the year. I do use this opportunity to encourage operators to remind themselves of the basic requirements of an operator's licence. Operators would save themselves considerable inconvenience if they would only communicate with me in advance of any significant change such as in entity or in financial circumstances. My office cannot help operators unless they communicate proactively. Operators also need to ensure that they get what they are paying for through proper management of their suppliers and those they enter into contractual relationships with. If they have entered into a contract with a Transport Manager it should be possible to describe how continuous and effective management of transport is to be achieved. Basic checks of a Preventative Maintenance Inspection form should ensure that it is fully completed. It is not for traffic commissioners to determine the fairness of contract terms which impose penalty clauses but I can assist where a Period of Grace might be required to address financial standing. Proper diligence when entering into a contract with, for instance, a freight forwarder will ensure that the operator retains control of the operation and will save upset in the long run. The challenges are not always as easy to address. I am frequently told of the difficulties in managing drivers due to the well publicised shortage. I know that the wider industry is looking at other sources with commendable work being done with apprenticeships and to encourage a more diverse work force. One large operator based in my area has been working with the Royal British Legion to explore opportunities to recruit experienced drivers, who are about to leave the Armed Forces. In that context I should also record my admiration for those who took part in the Bus Driver of the Year competition, which I attended in 2014; when drivers display that level of professionalism it can be genuinely inspiring.

I turn therefore to the challenges faced by the Office of the Traffic Commissioner (OTC) in the last year. Faced with a significant backlog of case referrals from DVSA enforcement staff, the members of my team based in Cambridge have worked long hours to reduce that backlog to manageable numbers. They have also commenced the move to service of case papers five weeks in advance of hearings, following feedback from tribunal users. This will hopefully pay dividends in a reduced number of vacated hearings. There will be little excuse for the late service of documents by parties appearing before a traffic commissioner. As work is progressed at that stage inevitably this is reflected in longer lead in times for cases to be heard. I therefore need to record my thanks to local DVSA managers who have allowed us to divert nearly eighty cases away from a hearing to targeted seminars held at the OTC. We have only been able to maintain the level of hearings, whilst I have again been involved in major drafting and other legal work on behalf of the Senior Traffic Commissioner, through the willingness and professionalism of a number of deputy traffic commissioners, who have stepped in to cover my duties. I therefore record thanks on behalf of the service users to Marcia Davis, Miles Dorrington and Fiona Harrington. In addition to the hearings we have reached over 2000 other decisions on the papers alone. I also wish to record the work of the Acting Deputy Head of Licensing and those supporting him in Leeds to address the resilience

¹ Traffic Commissioners: Triennial Review, Department for Transport (March 2015)

issue connected with PSV Licensing. I have been honest with local PSV operators attending the regular CPT briefings about the challenges facing that team but progress is finally being made. I have also met with other tribunal users and attended trade association and other briefings to explain resource issues and to answer their queries and receive their feedback.

Looking forward, whilst it may be difficult to discern a clear direction from some of the more contradictory suggestions, a number of challenges as well as opportunities can be garnered from the recent Triennial Review. I can report that the call for greater transparency in the use of operators' fees has strong support amongst responsible operators in this traffic area. In my engagement with professional tribunal users valid questions have been asked about the differing levels of service between traffic areas. The triennial review report picked up on this concern but unfortunately then concentrated on circumstantial differences in individual decisions rather than explore further.

In Henry IV, part 2, Shakespeare may have suggested that *the first thing we do, let's kill all the lawyers* but the basis for any action must always lie with the statute and the case law, as that is how we achieve consistency between the traffic areas. This is augmented by guidance and directions issued by the Senior Traffic Commissioner. Ill-informed comments regarding the 'starting points', which are clearly given to assist in consistent decision making, are neither reflected in the Upper Tribunal appeal decisions nor the submissions of professional advocates. Apparent ignorance of the legal position is often not helped by the state of the legislation, which at times assists neither regulator nor operator. There are of course a number of inconsistencies in the two operator licensing regimes and I expect this to be picked up as part of our ongoing strategic objectives. However I do want to give one example, namely the provisions of SI 1629 of 1986, which require limited fee income to be expended on the retention of records for limited benefit.

The STC has a high profile but, as the triennial review demonstrates, the views of the regulated industries as a whole can be difficult to obtain. DVSA research indicates that only 39% of smaller fleet operators are members of a trade association. If we are to avoid a disproportionate impression of industry there is a need to reach out to those who are not currently affiliated with an association. I hope that Richard Burnett, the new Chief Executive of the RHA, will not mind me referring to a conversation I had with him where I acknowledged this challenge, and it applies to all who want to see improved standards.

Historically much store has been placed on the individual personality of the regulator; some of the more mischievous reporting risks prolonging this. In the twenty-first century the governance of a regulatory body should probably reflect the way in which regulated entities and other public sector bodies are run, with a Board providing oversight. If we are to retain responsibility for licensing then its management needs to be genuinely accountable to traffic commissioners. Recent feedback from stakeholders calls for operator fees to be used for operator licensing. Where resources are limited, I should be in a position to assure ETA operators. I was therefore frustrated by the inability to provide us with accurate expenditure reports at various times during the year. To function effectively we must also have efficient support in place and after four years of asking, there needs to be greater financial transparency.

Given the distractions encountered in 2014 it is difficult to argue against a legal structure which would allow more opportunity to concentrate on the tribunal function and the seriously non-compliant. The triennial review report clearly identifies potential efficiencies from 'Amended Delivery Options' and suggests that the old models have not always worked. In the face of the challenges facing ETA operators it is difficult to argue against further rationalisation but I also recognise the opportunities and this can be seen in the ongoing digital transformation of the courts and tribunal service. It is frustrating that we cannot also benefit, for instance, in Cambridge I have a video-linked tribunal room, which has yet to be used for those purposes. All that said, it continues to be an honour to serve the regulated industries and communities of the Eastern Traffic Area but this is only possible with a strong team around me. I look forward to the opportunities for improving the service further.

North East of England

Report of the Traffic Commissioner Kevin Rooney

Restricted PSV operators have continued to take up a disproportionate amount of public inquiry time. Minibus operations linked to taxi businesses are the greatest concern and particularly, but not exclusively, in and around the Middlesbrough area. I spent two days in Middlesbrough in January where I heard ten public inquiries. This resulted in two applications being refused, three existing licences being revoked, one suspended indefinitely and a range of undertakings attached to the remainder. This generated significant press coverage and I hope the message is starting to sink in that managing an operator's licence is very different from running private hire and taxi vehicles. The Law Commission produced a [report](#) in May 2014 recommending a number of important changes in the area of private hire and small PSV licensing and I hope this can provide a catalyst for modernisation. It is of particular concern that individuals who may not meet local authority standards to hold a taxi licence can meet the statutory requirement for a restricted PSV licence and ply for hire in a larger vehicle though frequently carrying only one or a small number of potentially vulnerable passengers.

Regulation of local bus services outside London was originally provided for by the Transport Act 2000 through a mechanism called a Quality Contract Scheme (QCS). The legislation requires that any proposed scheme undergoes scrutiny by a Quality Contract Board chaired by a TC. Nexus, on behalf of the North East Combined Authorities, formally requested that their proposed scheme be scrutinised by a Board in October last year. The Senior Traffic Commissioner had previously appointed me as Chair of that Board assisted by two independent advisors, Alan Wann and David Humphrey. This is the first time that the legislation, which envisages that the work of the QCS Board will be completed in 42 days, has been called upon. It rapidly became apparent that the scale of the QCS proposed in the Tyne & Wear area and the complexity of the economic and other arguments involved mean that the process is likely to take closer to a year. It is taking up a considerable amount of TC and officials' time and I am grateful to the Department for Transport for funding the necessary backfill, and for Liz Perrett, Miles Dorrington and Fiona Harrington putting themselves out considerably to ensure that the public inquiry programme in Leeds continues unaffected. It is clear that the QCS Board process is not what was envisaged when the legislation was drafted some fifteen years ago. Once this QCS process is concluded, it will be appropriate for government to review and see what lessons can be learned and whether legislative change is necessary, particularly given the interest in QCS and bus service regulation in other cities and city regions.

Increasing the professionalism in the commercial vehicle sector has continued as a key theme particularly amongst the small to medium size businesses. I have, for example, been pleased to support the Confederation of Passenger Transport's development of their Bus & Coach Engineering Manager Accreditation Scheme. I also presided over a mock public inquiry at the Institute of Road Transport Engineers Annual Conference where over two hundred delegates saw first-hand what is expected of an operator called to an inquiry. Of course, those who attend such an event will naturally tend to be from the more compliant operators and getting the message across to those who do not attend such events remains a challenge.

Public inquiries are essential where regulatory action needs to be taken against an operator's licence, but there can be other ways of improving an operator's compliance. I have worked closely with my OTC in Leeds to trial alternative approaches. These include giving operators the opportunity, without a hearing, to agree to undergo relevant training and development and provide independent evidence that shortcomings identified by DVSA examiners have been rectified. Other operators and transport managers have been called to short, less bureaucratic, preliminary hearings where relevant steps can be agreed to address concerns. This has led to an overall drop in the number of full public inquiries undertaken and, far more importantly, it has freed up

resources so that operators posing significant safety or competition risks can be brought to public inquiry more quickly. I note this is in line with the recommendations in the Department's triennial review of Traffic Commissioners.

I have noticed in the second half of the year a significant increase in DVSA officers detaining, aka impounding, illegally operated goods vehicles. In many cases, these have been foreign-registered vehicles that have breached cabotage or combined transport rules on a continuing basis. The nature of these detentions means that they are rarely publicised. I would like to take this opportunity to make the compliant industry aware that the enforcement agency is tackling the difficult cases and taking strong action.

I close my report this year with a thank you and goodbye to Liz Perrett, who has been Deputy Traffic Commissioner for the North East since 2001. Liz has provided great support and guidance to me in my three years as a TC – I suspect she has no idea of how valuable to me personally that support has been. As a Deputy, Liz has been outstanding. Over the years, she has tackled the most difficult cases in her own inimitable manner. I am sure at times she has surprised operators and their representatives. I recall her dealing with a limousine impounding where the (illegal) operator argued that the vehicle could only carry eight passengers and so was exempt operator licensing. Liz's response was to have the limousine brought from the pound and to sit the operator's representative and eleven members of staff comfortably in the back. In another area that has become her speciality, Liz has dealt with the most difficult environmental cases involving operating centres and their neighbours, navigating to an acceptable conclusion when, at the outset, none seemed possible. There are some on the fringes of the Traffic Commissioner Service who appear to view Deputy Traffic Commissioners as something of an expensive and difficult inconvenience. My view is that they are essential to the smooth running of the Service, providing efficient and cost-effective back up when needed. Liz Perrett has certainly been absolutely at the centre of keeping the service together in the North East and I will miss her dearly. Liz, enjoy your retirement!

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 take me away from my duties as 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. Whilst both have made extremely valuable contributions to the work of the North West the burden of conducting the majority of public inquiries has fallen on Simon Evans, even more than last year. 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 Senior Traffic Commissioner 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 right track 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. Road safety and fair competition are often so inextricably linked and it is only right that those operators who abide by the rules and bear the cost of compliance should be allowed to carry their own or third parties' goods.

Report of the Deputy Traffic Commissioner Simon Evans

I have pleasure in responding to the request made by the Traffic Commissioner for this area, Beverley Bell, to contribute this annual report to the Secretary of State because I have had the responsibility, along with my colleague Deputy Traffic Commissioner Patrick Mulvenna, for hearing the vast majority of the public inquiries during the last year.

If I may, I will respectfully refer you the myriad of statistics in the tables on succeeding pages that speak for themselves, suffice to say that there is no real overall reduction in cases called to public inquiries, where applicants and operators need to account for what they will do, have done, or omitted to do.

This year I have noticed a trend towards a greater number of Preliminary Hearings in this traffic area: a slightly less formal and shorter hearing – but one that is no less rigorous in examining the root causes of non compliance and critically how such issues can quickly and effectively be addressed. This approach is designed to support in the most obvious fashion the achievement of the TCs' strategic objective to target those operators who pose the greatest risks, who will continue to be called to a full Public Inquiry.

In the year ahead a further development of this theme will be the introduction in the North West of the requirement for selected operators and transport managers to attend a meeting with a senior member of staff of the Office of the Traffic Commissioner in cases where formal intervention is appropriate but the full panoply of neither Public Inquiry nor a Preliminary Hearing is justified. The sorts of matter thought to be susceptible to this sort of approach include where operators need simple encouragement to come back into line, where education is required, straightforward undertakings can be imposed or where financial standing seems likely to be met but there have been difficulties finalising the position.

The privilege of undertaking a large number of Public Inquiries allows me to draw from my experience the following themes that in my view justify consideration by a wider audience.

The first concerns the apparently increased incidence of professional drivers being called to hearings to consider their vocational entitlement in circumstances in which they have been detected to have consumed alcohol prior to or whilst driving professionally.

These cases simply serve to re-emphasise the expectation of the TCs that operators will need to have done all that is practically possible to exclude that prospect through clear employment policies and practices and through the support offered to staff. There will be special challenges for those whose drivers for example spend periods of time away from the operating centres overnight with no direct supervision.

Reconsideration by operators of their policies in relation to the use of substances by drivers in this regard would seem very timely with the new criminal offences of “drug driving” recently coming into force. The uncertainties of previous formulation of the law in offences of driving whilst unfit are to be removed because of sophisticated testing devices that will be available to the police. The challenge for the industry is in handling this change, where there is a greater likelihood of drivers being shown to have committed drug driving offences, including a range of commonly prescribed drugs.

The second is a practical reflection of the often acute shortages of drivers of large goods and public service vehicles being suffered by some operators. This state of affairs, especially at times of business peaks, necessitates increased recourse by operators to casual, temporary or agency drivers, and thereafter for those responsible for analogue fleets, to a necessary process to the retrieval of tachograph charts, to analyse them and provide feedback. Experience at hearings shows that in order to have an effective system, operators may need to be persistent and that can be time consuming. However, that time is always well invested if the system is working properly and operators are able to make sure that all their drivers contribute to compliance with licence undertakings.

The third matter returns to a theme which my quick review of earlier annual reports confirms has provided a rich vein in these reports over recent years. It applies no less in the North West than any other areas and that is the role of transport manager.

When questioning transport managers I have been apt to ask “If I were standing behind you during the 8 hours you spend on your duties what would I see you doing?” Too often I have been given an answer that stretches credulity as to how time has been purposefully spent. Too often there is no evidence that the transport manager ever writes anything, rarely interacts with a driver, or works to a list of tasks or themes, or is held to account by the operator. Disappointingly the language of audit, quality assurance and changes to practice that are based on experience is absent, as often is how they spend time keeping their own skills up to date.

I should also record I have also been able to attend with the Traffic Commissioner for some, and in her stead for others, a series of events with transport organisations in the region. The opportunity to speak at events, to offer myself for Q & A sessions and to hear at first hand from members of the RHA, FTA and CPT about the practical matters that affect them but outside the rarefied atmosphere of the Public Inquiry room has been a treat and a pleasure.

Acknowledgements by the North West Traffic Commissioner

As always it has been a busy year. I want to thank my deputies Simon Evans, Liz Perrett and p Patrick Mulvenna who have assisted me so ably and willingly.

Corrina Bielby does an exceptional job of leading the compliance team at Golborne. The 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. Steve Mitton, Dave Welham, David Whitehead 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 them and all the teams at Leeds for their considerable assistance.

London and the South East of England

Report of the Traffic Commissioner Nick Denton

As ever, I have concentrated my efforts this year on activities which only a traffic commissioner can do: in essence holding public inquiries and taking regulatory action when appropriate against the licences of non-compliant operators, or seeking undertakings from them about necessary improvement measures. My two deputies and I have together held 358 public inquiries this year, and we have also held some 73 less formal meetings with operators to discuss their difficulties and nudge them back into compliance. The inquiries resulted in the revocation of 56 licences and the suspension or curtailment of 118 others.

Particular themes which have recurred this year and are worth stressing include:

The importance of continuous professional development for transport managers

The transport managers I meet when I address training events run by the CPT, RHA, FTA, CILT etc tend to be bright, dynamic and keen to develop themselves professionally by undergoing regular training. By contrast, transport managers I meet at public inquiries typically have not bothered to attend training since they qualified 20 or 30 years ago. They have not kept up to date with legislation or developing best practice and as a result, their operator has failed to comply with the legal requirements and now faces action against their licence. It is an anomaly that, while drivers are now legally required to undergo 35 hours of training every five years, there is no similar requirement for transport managers. A good transport manager will take their continuous professional development seriously. But too many cannot be bothered, taking pride in being “old school” (too often just a synonym for “useless”). If you are an operator with one of these transport managers, please get them trained urgently, get someone else or just surrender your licence to me now.

The amateur approach of many restricted licence holders

Restricted licence holders do not have to have a qualified transport manager but must still abide by the same laws on safe vehicle operation, drivers' hours etc as standard licence holders. Too many applicants for restricted licences in my area sign the application form promising that they will abide by these laws without actually knowing what the laws are or ever subsequently troubling to find out. I have lost count of the number of restricted licence holders who have at my insistence attended an operator licence management course and who have subsequently told me that they never realised what holding a licence involved and wished they had attended such a course much earlier. I am always glad to welcome such prodigal sons and daughters back into the fold of the compliant, but how much better and cheaper – attendance at a public inquiry costs them time and money – it would have been to have found out what they were supposed to do before embarking on their restricted licence operation rather than several years later. I have boiled down the requirements of a restricted licence into a simple list of commandments on one sheet of paper which I intend to give to all applicants in future, with instructions to nail it over their bed and check before going to sleep every night that they are doing what they need to.

Waste sites

I have seen a large number of operators in the waste sector whose vehicles have received multiple prohibitions for heavily deflated or damaged tyres. Anyone who has ever seen an HGV tyre explode knows how dangerous this can be. It does seem to be a common occurrence that tyres are damaged while the vehicle is on the waste site. Part of the problem lies in the fact that drivers

do not always check their vehicles after leaving the site, and that operators do not always equip the vehicles with the most suitable tyres for such arduous work. But from the photographs which operators have showed me, it is clear also that the terrain over which the vehicles are expected to travel is very challenging – with vehicles forced to drive over jagged bits of metal or axle deep in a noxious sludge. It sometimes seems that if waste site operators had set out deliberately to cause as much damage as possible to a vehicle entering their premises, they could not have done a better job. I have no authority over the way in which waste site operators conduct their business, but there is something wrong with a business model whose result is that a large proportion of the heavy goods vehicles leaving the site are unroadworthy and dangerous. I intend to hold talks with the waste industry to see if this problem can be overcome.

Co-operation with HMRC

Several public inquiries this year have resulted from information received from HMRC, following the data sharing agreement concluded with them in 2013. The initial reason for the referral has frequently been the seizure of an operator's vehicle for carrying alcohol or tobacco without the required duty being paid. The pattern tends to be that, where an operator is untroubled by the niceties of customs duty, it also is not bothered about taxing their vehicles or MOTs, complying with drivers' hours rules or keeping vehicles in a fit and serviceable condition. They pose a very substantial danger to other road users. In a particularly bad case, I revoked the licences and disqualified the directors and transport managers of two such operators, Euro Logistics (London) Ltd and Euro Logistics (Kent) Ltd, which had just such a full house of non-compliance. I am also calling the drivers of the seized vehicles to conduct hearings and taking action against their driver entitlement.

Operators who ignore the undertakings on their licence

Quite often, the only reason the operator leaves a public inquiry still in possession of its licence is that the holder or director has undertaken to attend training and/or to have compliance audited by an independent auditor in a few months time. There must be something in Eastbourne's sea air that causes some operators to forget these undertakings the moment they leave the inquiry room. They fail to carry out the undertakings by the deadline or at all. Such operators should realise that at the inevitable second inquiry I will be asking myself the question "can I trust this operator to comply in future?" They might protest that this time they really, really mean what they say, but actions speak louder than words – if an operator has already failed to fulfil one set of promises, the chances of me believing a second set are small.

Money wasters

Operators launched 17 appeals to the Upper Tribunal against my decisions in 2014/15 (see table 19). An operator has every right to appeal, but four of these appeals were withdrawn by the operator just before they were due to be heard. The expense of an appeal (to my office rather than the operator) is considerable. A transcript of the often lengthy inquiry must be paid for and there are further costs in terms of materials and staff time in the preparation of the huge wodge of documents which each appeal involves. The right to appeal is an essential part of the regulatory process and resources are rightly deployed to support this. But there seems to be a trend of operators launching appeals which have no chance of success and then withdrawing them when they have looked at the issue in the cold light of day and drawn the inevitable conclusion. By this time all the expenses described above have been incurred – for no eventual purpose, as the appeal is not heard. The waste of public money involved makes my blood boil. Of course, the costs redound in the end upon compliant operators, through licence fees. I do think that there is a case to be made for charging appellants – if they withdraw an appeal – the costs which traffic commissioners have incurred before the withdrawal.

West Midlands

Report of the Traffic Commissioner Nick Jones

In the last reporting year a greater proportion of my time has been spent in the Birmingham office, at the expense of my other traffic area. This in part reflects the issues with resourcing. Throughout the reporting period there have been regular shortages of both senior staff and permanently employed case workers, an issue that I referred to in my earlier annual reports, this has impacted on the efficiency and effectiveness of service delivery. Respondents to the Triennial Review have raised the issue of accountability. The Triennial Review was referred to by me in my last report in the hope that it would bring much needed reform and it is now clear that legislation is needed to address the structural problems that arise. There are a number of challenges but none of those can be resolved without proper accountability for fees and a central licensing office which meets the requirements of traffic commissioners and applicants for operator licences.

The Law Commission's report on taxi and private hire licensing has made a number of recommendations which, if and when implemented, will have an impact on PSV operator licensing. For my part, I welcome the recommendation that all passenger carrying vehicles of up to 16 passenger seats which carry passengers for hire and reward, be licensed by local authorities and not traffic commissioners.

Within the West Midlands, Birmingham in particular, there are substantial issues with taxi and private hire operators loaning their PSV discs and treating them as if they were part of the private hire regime. In several cases before me it was clear that operators genuinely thought that they could hire out PSV discs, charging rental income. A worrying feature is that substantial numbers of those running 9 to 16 seat PSV's in the Birmingham area are doing so illegally. The travelling public are very much at risk and it is of concern that often it is revealed that passengers being carried by illegal operations are especially vulnerable.

It is not surprising that the numbers of standard national licence holders in the Birmingham area is proportionately less than elsewhere as it is difficult for good compliant standard national licence operators to compete where there is a lack of a level playing field. The work of the Law Commission is welcomed by me.

I refer to my report as Traffic Commissioner for Wales. When resources are so scarce there is always a risk that the regulation of the West Midlands area suffers as a result of my additional commitment to Wales, for that reason I continue to meet with the trade associations for both the goods and the bus & coach industries and thank them for the excellent work that they do. I am also grateful to the deputy traffic commissioners who undertake valuable work and enhance the quality of the traffic commissioner jurisdiction. Regulation of both traffic areas would not be possible without them.

Statistics attached to this report confirm the busy workload in what is a geographically diverse area in the West Midlands. The needs of hauliers in relatively remote rural areas are different to those in the industrial heartland; however the need for a level playing field throughout industry remains. I have undertaken a lot of speaking engagements during the last year in an effort to try and inform and educate operators despite the paltry resource allocated between two traffic areas. In the absence of specific provision to support greater education I will never reach those operators who are not part of a trade body.

I make no apology for commenting on the failures in the systems for supporting me. The length of time taken to process applications needs to be addressed. I want to set standards that suit the needs of West Midlands operators, rather than just administrative convenience. I remain grateful to the many excellent staff who work so hard on my behalf despite the inability to recruit. Hopefully by

the time of the next report real progress will have been made towards structural reform and to removing unnecessary bureaucracy. There is need for accountability for fees and delivery in order that services to the public and industry can be improved. The value of the tribunal work needs to be recognised.

West of England

Report of the Traffic Commissioner Sarah Bell

Secretary of State:

Like tribunal decisions any policy development should be evidence based and there is a major risk in relying on data collected in a broad-brush manner for one purpose being put to other wider uses without informed analysis. The Triennial Review of Traffic Commissioners and the TC strategy work appear to have resulted in some confusion amongst officials, industry representatives and the trade press. Transparency is key to effective regulation and I am keen to correct any misconceptions arising. Therefore, as we enter a new economic phase I intend to get back to basics as that is the true benchmark of my day job and I remain focused on that service when balancing the competing demands on my limited resources.

I am writing this just shy of my eighth year as a TC. Year-on-year at least 85% of my time has been spent exercising my judicial functions or functions which cannot be contrasted. The tribunal work starts life as a case submission sent to me electronically from the Central Licensing Office in Leeds (for new/variation applications) or my local office (for alleged non-compliance). Sometimes the two merge. This is what the Tribunal calls "box work". It requires sufficient detail in order to make an informed decision. Some submissions are one side of A4, others longer. Every submission is scrutinised and requires a proportionate balancing exercise. It is important that I have the time to make these decisions (1) to help compliant businesses to progress and expand; (2) to manage those who want to be compliant consistently and meet the standard but on an occasion fall below and (3) remove those who undermine road safety and fair competition and thereby derail economic growth and confidence in these indispensable industries. There may need to be a Public Inquiry or the case may be suitable for alternative disposal, often under delegated authority, without my direct involvement. Deputy TCs play an essential role in the timely throughput of all these cases, not just in Public Inquiry but also by dealing with electronic submissions.

If a Public Inquiry is called the local case workers prepare the calling-in letters ensuring the legislation and reasons for the hearing are accurately stated. Paged Public Inquiry bundles must be prepared. All cases must be published and documents served allowing for statutory notice. My diligent team will often seek further case management directions. I have sat in other areas and can confirm a consistent level of professionalism. I recognise, as has the Master of the Rolls, that 'complexity breeds both unnecessary expense and delay. Delay in turn leads to complexity'².

Some reporting post the Triennial Review attempts to suggest that TCs live in some ivory tower. The less well-informed compare individual cases in a bid to 'prove' inconsistency. The Upper Tribunal is clear - no two cases are ever likely to be identical and fairness demands uniformity of approach (not outcome). Assertions are easily made but evidence has not been forthcoming. Indeed the Upper Tribunal decisions do not indicate inconsistency. Exercises at the TC Annual Professional Development Seminar confirmed that consistency of approach.

TCs have always looked at alternative ways of working so as to allow decisions to be made more quickly, utilising delegation and alternative methods of disposal or seminars instead of a Public Inquiry. It is now more formalised in the TCs' strategic objectives but has long been employed in the Western Traffic Area due to limited resources. However TCs are creatures of statute. We can

² Lord Dyson MR (opening the Law Society's Magna Carta 800th anniversary celebrations).

only do what the law allows. The statutory criteria must be met and is subject to judicial scrutiny. Appeals are generally made to the Upper Tribunal Administrative Appeals Chamber rather than by expensive judicial review. Often the legislation does not lend itself to efficient regulation or use of tribunal resources and save in very limited cases action cannot be taken on a Licence without the offer of a Public Inquiry. It follows that whilst streamlining is important to throughput, this cannot be achieved to the detriment of proper consistent scrutiny using the legal principles of fairness and proportionality. It is also why delay in any part of the process needs to be avoided to ensure those who need to come to a hearing do so in a reasonable time after the alleged non-compliance.

Forward looking

I am delighted to continue to work with Kevin Rooney on behalf of all TCs on our DVSA liaison portfolio. We set challenging objectives for 2014 and those shared with the DVSA group for 2015 are no less demanding. These are now allied to the TC strategic objectives and the DVSA Business Plan. They will allow for targeted enforcement to progress to a timely Public Inquiry. It is, in my view, an excellent example of partnership working and one of my favourite parts of the job.

Those TC Strategic Objectives are based on a premise of improving service delivery across our local offices and the Central Licensing Office in Leeds by a targeted approach to non-compliance and to free up time for box work and similar. Secretary of State, there are areas where the Department, its agencies and the goods and PSV industries can help meet the challenges, namely by removing some of the root causes of delay.

The industry and its representatives get a year-end 'could do better' marking from me. There has been no improvement in the number of incomplete applications (or where the criteria are not met) received, which remains around 80%. The greater percentage of these is new applications with 88% of those sampled being incomplete and/or inaccurate. Double and triple handling by CLO causes delay and has a knock on effect for all Operators. The forms have been revamped and the guidance enhanced. It is time for industry to act. The licensing regime is there to support business but it is challenging to respond to private sector needs with public sector constraints, such as recruitment. The managers who work to support us are faced with continuing uncertainty over the organisational structure they work within and face ongoing barriers to flexible and efficient delivery.

It can take 3 months for agency staff to be engaged even though it is the budget made up of licence fees already paid.

There is still a lack of transparency on fee income. Some progress has been made but TCs are still prevented from providing assurance to licence fee payers about the expenditure of their fees. We will need to consider the impact of the Supreme Court ruling in *Hemming*³ and the potential implications of the reference to the CJEU for our own charging scheme. There needs to be transparency to ensure every possible facility is available across the system from Front End Processing in Leeds to TCs and DTCs to support of the TCs strategic objectives and to address the inequity in some of the fees.

We can find limited TC resources pulled into other unnecessary work, often as a result of corporate amnesia amongst officials. We can find matters which were agreed and settled in writing years ago being unpicked without any recollection of the potential impact. All officials would be advised to read the 2012 Transport Tribunal decision in Nolan: *'...actions speak louder than words. The strongest verbal support for the independence of TCs can all too easily be damaged or destroyed by actions which, directly or indirectly, intentionally or inadvertently, undermine or give the appearance of undermining the independence of TCs... It is important that everyone, at whatever level in the DfT, who has direct or indirect dealings with or responsibility for TCs is aware of the importance attached to their independence and aware of the ease with which it could be undermined.'*

³ [R \(Hemming \(t/a Simply Pleasure Ltd\) and others\) v Westminster City Council \[2015\] UKSC 25.](#)

Secretary of State, I am an optimist, always trying to remain focused on doing what needs to be done and committed to overcoming obstacles. As a TC I engage with the industry representatives at national and local levels. Where possible I attend Compliance Forum and other engagement meetings but we need to listen to the whole industry rather than limit ourselves to the interests of the more vocal. Invitations such as to become an Honorary Fellow of the Institute of Couriers convinces me that working in partnership with those who share our values provides real benefits. Where I can assist with any of the above I will do so. I was reminded recently of a Persian proverb when reading a fascinating work by Matthieu Ricard: *Patience changes the mulberry leaf to satin*. No pun intended, I hope for material change by my next report.

Acknowledgements

This year sees a pillar of the industry move on to new and exciting adventures from his role as Chief Executive of the Freight Transport Association. I thank Theo de Pencier for his insight, healthy debate and inordinate sense of fun which has enhanced my role over the years.

I remain indebted to the Deputy Head of the Office of the Traffic Commissioner, John Furzeland, and Manager of the Information Access Team, Bev Crowley for all their work in my name, often saving me from myself. Paul Hartley and the managers in Leeds continue to tackle PSV team resilience despite limited resource. I thank Dave Huggins and Justin Park for the order and fun they brought to the western traffic area in their short time with us. As always heartfelt thanks to the DTCs, particularly for the ongoing support in this unsettling year. Last but not least a big thank you to all the staff who work tirelessly in my name – far too many to name but you know who you are...

Scotland

Report of the Traffic Commissioner Joan Aitken

The most significant pre-occupation of 2014/15 for my Office and operators within Scotland was to ensure that the Commonwealth Games would be an outstanding success and that the movement of people and goods would flow smoothly and safely and that we would look back on the summer of 2014 with a rosy glow of Games well played and well delivered. In the scheme of such a massive undertaking as the Commonwealth Games ours was a small part but we put effort into encouraging all operators in Scotland to be aware of the impact the Games and Games preparations would have on their businesses and imploring them to plan ahead. I also worked with DVSA to ensure that we could do all possible in the months leading up to Glasgow's Games to make sure that only roadworthy licensed vehicles and operators would be serving Games' attendees. All operators in Scotland received a direct communication from me on planning for the Games. A measure of success is that DVSA only had to intervene with one unlicensed minibus operator and that was done swiftly and with least inconvenience to passengers. This report gives me an end of year opportunity to record my gratitude to operators, their drivers, all the mechanics and schedulers and others who worked to keep Scotland moving last summer and to all other colleagues on the stakeholder side of transport delivery for the Games especially Transport Scotland, Strathclyde Partnership for Transport and Glasgow City Council.

The additional work stemming from the Games and continuing pressure to work within tightening budgets required some different ways of working. We managed to maintain our level of Public Inquiry and driver conduct hearings – the visible, accountable way in which we probe applicants and licence holders. Following the example of some colleague Commissioners in England I and Deputy Traffic Commissioners held 48 preliminary hearings as another tool in the kitbag of regulation. Such hearings are not appropriate to all cases and cannot be used where regulatory action is required. I continue to place a premium on using the medium of Public Inquiry decisions to inform the industries, other agencies and public alike, that I and my Office are here serving the ends of operator licensing and not hidden away. Given that such decisions include reporting on evidence produced by DVSA Examiners, they serve to give publicity to the public protection service performed by DVSA Examiners. This year Public Inquiries and driver conduct hearings were heard in Edinburgh, Glasgow, Aberdeen, Inverness, Dundee, Kirkwall and Forfar, the latter an environmental Inquiry.

Roadworthiness cases often arise from dramatic incidents such as wheel loss, bridge strike or significant prohibition. DVSA data on annual test performance continues to be a useful tool in measuring an operator's compliance with a steady improvement in the Scottish fleet. I continue to challenge some transport manager nominations and it is a sad fact that there are some consultants and agencies which encourage or collude in non compliance. DVSA Examiners are becoming quite expert in flushing out cases where the transport manager is an absentee. Here is not the place to discuss all the dynamics and different outcomes from a Public Inquiry. Worthy of mention is that in two very different cases – one a relatively small coach operation, the other a local authority I pushed the respective operators in the direction of spending time with compliant modern operators. Witnessing for themselves what "good" looked and felt like was transformative. The changes implemented as a result reassured me as to the likelihood of future compliance. But for the immediacy and leverage of a Public Inquiry, such would not have happened. As we move forward in our strategic thinking, our work on the Triennial Review and regulators codes, I find myself returning to the value of our Public Inquiries as a regulatory tool.

Operators and their drivers have for the very most part complied with the introduction of the driver CPC. There are grumbles about quality and sufficiency but my perception is that there is a correlation between grumbling and lack of focus on what would be the best choice for the particular driver doing particular work. It is patently stupid of an operator or driver to attend a course of no relevance or to repeat a course for tick box reasons. We are now in the second full 5 year tranche

of the driver CPC and it behoves operators and drivers to make choices that work for them in terms of knowledge delivery and focussed content and to report poor trainers to DVSA. In my Commonwealth Games letter to all operators I asked that their drivers be vigilant given increasing numbers of cyclists. In my presentations to industry I emphasise that the breadth of the driver CPC choices of modules includes awareness of vulnerable road users training, first aid training, ADR training, safe loading and so on.

Police Scotland and DVLA continue to advise my Office of professional drivers committing mobile phone offences. It has been noticeable this year how many professional drivers called to a driver conduct hearing know that the suspension of their entitlement is the likely outcome, in short the word is out within the driver community that their licences are at risk. I am hoping that we are now seeing a trend away from professional drivers taking and making calls at the wheel. Mobile phone offending also prompts us to look at who was operating the vehicle and if pressure was applied to drivers to take calls.

On the PSV side I continue to find applicants for or operators of restricted licences (minibus licences) who do not qualify to hold such, having no principal occupation. Standard national operators who require a transport manager and greater finance have justifiable grievances against many of such operators. It is a concern how many PSV operators tender for school and local authority contracts without having the level of authorisation to absorb the work. This leads to difficulties for the local authorities as increased authorisation cannot be presumed. DVSA's abolition of the post of Bus Compliance Officers in Scotland had the effect of slashing the number of bus punctuality Public Inquiries as is evident from year on year comparison of Tables 11, 16 and 17 even allowing for the BOAM work undertaken by DVSA (which is valuable if there are wider operator licensing issues). Fortunately the Scottish Government has funded Bus Users Scotland to work on bus complaints and undertake monitoring. Passenger satisfaction studies and analysis by Transport Focus (formerly Passenger Focus) are useful in assessing what matters to the travelling public and serve to confirm that punctuality and reliability are the top priorities. Thus I hope that in future I will be able to view the low level of Public Inquiry cases as meaning buses are running to time and route. For the present I cannot be so optimistic.

I have the additional jurisdiction of being responsible for appointing Parking Adjudicators to determine appeals in those Council areas of Scotland where parking has been decriminalised. The untimely death of a serving Adjudicator led to my commencing a recruitment exercise this year for additional Adjudicators.

My remaining additional jurisdiction is that of hearing taxi fares scales appeals brought under the Civic Government (Scotland) Act 1982 by operators aggrieved by local Council decisions. In 2014/15 6 appeals were received with 3 proceeding to public hearings.

Stakeholder engagements, too numerous to list, included presentations to the Freight Transport Association, Road Haulage Association, the Confederation for Passenger Transport and the Association of Public Service Excellence. I was very pleased to address the annual conferences of Road Safety Scotland and Cycling Scotland, Scottish Government's Mobility and Access Committee and the AGM in Edinburgh of Bus Users UK. I participate in working groups convened by Scottish Government, SEPA and DVSA. I have regular contact with Scottish Government officials given that some of my responsibilities derive from devolved powers. This contact is mutually beneficial, a recent example being Transport Scotland requesting my help in enhancing the awareness of operators and drivers that the 2015 increased HGV speed limit for England and Wales did not apply in Scotland.

Wales / Cymru

Report of the Traffic Commissioner / Comisiynydd Traffig Nick Jones

Little if anything has changed in the approach to regulation in Wales. I encourage readers of this latest Annual Report as Traffic Commissioner for Wales to refer to my previous annual reports, they cannot fail to note the repetition of the same themes.

Funding allocated to the eight traffic areas is supposedly based on the workload of the seven individual traffic commissioners. This means that there is no specific allocation for Wales and it is treated as if it were part of the West Midlands of England. As a result there is no separate financial provision for communication with trade associations in Wales or liaison with the Welsh Government; nor is there any allowance for the cost of hearings outside of the Birmingham office. The lack of any financial provision for compliance with the legislation relating to the Welsh language has been an ongoing concern which will eventually lead to interesting challenges.

The historic approach to administration has meant that the interests of Welsh operators and the safety and convenience of the public in Wales has not been given the primacy it deserves.

A number of anomalies result from the wording of the Local Transport Act 2008, not least that whilst I am accountable to the communities of Wales as their traffic commissioner, it is for the Senior Traffic Commissioner to try and influence the budget allocation. However as the individual who the Welsh Government and industry in Wales regard as the Traffic Commissioner for Wales, I am very much concerned.

I am encouraged that the DVSA is to recruit in an attempt to address some of the historic staffing shortfalls in the South Wales area. It will be interesting to see what happens with the work that is likely to be referred to a traffic commissioner as a result. I look forward to being in a position to better regulate on behalf of stakeholders. Currently I have concerns that the many fine hard working family businesses in Wales suffer as a result of the lack of a level playing field, as identified in this report and elsewhere.

The public in Wales and the industries who I am supposed to regulate deserve both a traffic commissioner and resources which are no less than that provided in England. Currently Wales continues with a second rate service with fees subsidising English areas.

Finally I record my appreciation of the moral and occasional tangible support provided to me by the Welsh Government despite it having no formal legal duty to do so. Additionally I remain appreciative of the support from my deputy traffic commissioners who have been of invaluable assistance. Over the past year I have had to rely on them even more than usual in view of difficulties within the West Midlands of England office and also as I have been spending significant time dealing with a review of the statutory documentation in relation to driver conduct.

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Table 1: Goods vehicle operators - licences continued and in issue 2014-15 (2013-14)						
	Type of Licence			Total number of licences in issue	Total continuations sought	Continuations not sought
	Restricted	Standard National	Standard International			
Eastern Traffic Area	6789 6946	4612 4742	1716 1714	13117 13402	1813 1922	708 742
North Eastern Traffic Area	5948 6146	4489 4603	1170 1195	11607 11944	1686 1923	615 698
North Western Traffic Area	5656 5837	4038 4185	977 1001	10671 11023	1551 1576	573 577
South Eastern and Metropolitan Traffic Area	5123 5223	2907 2992	1160 1165	9190 9380	1225 1287	503 469
West Midlands Traffic Area	4489 4659	3035 3120	836 826	8360 8605	1167 1253	528 527
Western Traffic Area	5811 6013	3902 4031	1172 1187	10885 11231	1560 1715	622 665
Scotland	3116 3233	2713 2786	521 545	6350 6564	943 975	319 333
Wales	2964 3064	2043 2104	408 415	5415 5583	697 781	340 322
Total	39896 41121	27739 28563	7960 8048	75595 77732	10642 11432	4208 4333

Table 2: Goods vehicle operators - numbers of specified vehicles on licences, 2014-15 (2013-14)					
	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	15762 15358	32765 32402	15945 15308	64472 63068	7713 7721
North Eastern Traffic Area	14503 14494	26319 25632	12794 12584	53616 52710	4827 5098
North Western Traffic Area	13191 13343	24601 23852	10929 10658	48721 47853	4373 4623
South Eastern and Metropolitan Traffic Area	13889 13561	19533 19270	9469 9058	42891 41889	4637 4831
West Midlands Traffic Area	10397 10437	17502 17289	9808 9108	37707 36834	3689 3455
Western Traffic Area	13589 13841	26154 25332	9981 9843	49724 49016	4219 4539
Scotland	7216 7313	16681 16516	4964 4976	28861 28805	2207 2339
Wales	5998 6075	8705 8277	2979 3043	17682 17395	1456 1666
Total	94545 94422	172260 168570	76869 74578	343674 337570	33121 34272

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, 2014-15 (2013-14)										
	Number of applications processed		Number of licences issued in full		Number of licences issued with restrictions		Number of applications refused		Number of applications withdrawn	
	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations
Eastern Traffic Area	1118	1302	1012	1318	0	0	53	13	66	66
	1000	1063	881	1095	0	0	53	13	78	73
North Eastern Traffic Area	757	989	709	1072	0	0	24	12	32	30
	789	956	725	1017	0	0	46	16	32	39
North Western Traffic Area	683	964	619	971	0	0	43	15	33	40
	707	848	658	905	0	0	37	19	20	32
South Eastern and Metropolitan Traffic Area	854	1044	775	1071	0	0	45	34	42	51
	733	858	656	910	0	0	48	19	42	46
West Midlands Traffic Area	615	723	547	755	0	0	42	10	37	27
	552	618	494	640	0	0	40	15	38	19
Western Traffic Area	823	1098	740	1147	0	0	40	26	47	57
	703	881	637	917	0	0	29	11	58	52
Scotland	293	503	271	542	0	0	28	11	15	29
	394	490	347	548	0	0	34	5	30	28
Wales	360	336	326	353	0	0	19	8	21	21
	324	324	295	358	0	0	16	7	16	21
Total	5503	6959	4999	7229	0	0	294	129	293	321
	5202	6038	4693	6390	0	0	303	105	314	310

Table 4: Goods vehicle operators - results of opposed applications for new licences and for publishable variations to licences, 2014-15 (2013 -14)

	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	1132	1569	1118	1302	18	25	5	7	9	10
	1082	1384	1000	1063	28	15	7	5	13	7
North Eastern Traffic Area	783	1238	757	989	7	14	0	9	3	4
	850	1201	789	956	13	18	5	8	4	6
North Western Traffic Area	759	1120	683	964	8	12	3	5	2	6
	714	1115	707	848	15	17	2	8	9	5
South Eastern and Metropolitan Traffic Area	875	1291	854	1044	25	30	4	6	16	17
	856	1156	733	858	28	26	1	4	23	17
West Midlands Traffic Area	622	880	615	723	8	6	2	4	2	2
	645	769	552	618	10	8	2	4	4	3
Western Traffic Area	857	1262	823	1098	18	21	1	6	11	11
	747	1175	703	881	17	20	5	6	8	8
Scotland	340	700	293	503	5	4	0	1	4	1
	420	680	394	490	6	6	4	3	2	2
Wales	368	451	360	336	9	7	3	2	6	3
	360	436	324	324	7	7	1	1	4	4
Total	5736	8511	5503	6959	98	119	18	40	53	54
	5674	7916	5202	6038	124	117	27	39	67	52

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	2	0	2	8	3	0
	3	1	5	2	1	2
North Eastern Traffic Area	2	0	2	1	1	3
	1	1	3	3	0	1
North Western Traffic Area	0	0	3	1	0	1
	2	0	2	4	3	2
South Eastern and Metropolitan Traffic Area	2	0	3	7	0	2
	1	1	3	4	2	2
West Midlands Traffic Area	1	0	3	0	1	1
	1	0	3	1	4	1
Western Traffic Area	1	0	5	4	0	0
	1	2	3	4	3	2
Scotland	1	0	0	2	0	0
	0	0	0	1	0	0
Wales	0	0	0	2	0	1
	0	0	2	2	0	0
Total	9	0	18	25	5	8
	9	5	21	21	13	10

Table 5: Goods vehicle operators - complaints against existing operating centres, 2014-15 (2013-14)					
	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	3 7	0 3	1 2	0 5	2 2
North Eastern Traffic Area	5 10	1 2	1 2	4 8	0 0
North Western Traffic Area	3 3	1 0	1 3	2 0	0 0
South Eastern and Metropolitan Traffic Area	2 2	0 0	0 1	1 1	1 0
West Midlands Traffic Area	0 7	0 1	0 1	0 6	0 1
Western Traffic Area	3 5	0 0	1 3	1 2	1 0
Scotland	1 1	0 0	1 1	0 0	0 0
Wales	0 9	0 1	0 2	0 7	0 0
Total	17 44	2 7	5 15	8 29	4 3

Table 6: Goods vehicle operators - action taken at public inquiry for non-compliance, 2014-15 (2013-14)								
	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	57	18	33	41	13	12	23
	128	60	5	25	27	11	9	12
North Eastern Traffic Area	93	30	11	21	29	2	4	4
	109	41	12	9	31	8	13	21
North Western Traffic Area	107	26	5	32	35	4	4	10
	120	31	12	32	53	6	6	8
South Eastern and Metropolitan Traffic Area	205	51	64	43	38	11	26	12
	218	54	52	52	43	19	24	17
West Midlands Traffic Area	79	37	5	13	12	7	6	12
	113	54	15	22	11	7	21	12
Western Traffic Area	82	27	8	17	18	5	6	13
	120	50	10	20	32	5	3	7
Scotland	55	7	5	25	19	3	2	5
	52	13	9	18	11	3	2	1
Wales	66	24	7	7	15	0	10	13
	55	19	4	13	10	0	6	9
Total	859	259	123	191	207	45	70	92
	915	322	119	191	218	59	84	87

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, 2014-15 (2013-14)												
	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	53	23	29	12	5	5	5	1	8	4	3	1
	54	25	27	14	4	5	8	2	9	2	6	2
North Eastern Traffic Area	56	7	48	4	2	2	1	0	4	1	1	0
	53	6	30	5	6	0	0	0	14	0	3	1
North Western Traffic Area	33	12	20	10	0	1	1	0	10	1	2	0
	41	19	33	12	4	6	0	0	4	0	0	1
South Eastern and Metropolitan Traffic Area	64	33	46	21	1	2	4	1	12	7	0	0
	61	21	44	14	1	1	5	1	10	2	1	3
West Midlands Traffic Area	57	6	30	2	10	2	1	0	12	3	3	0
	52	25	34	19	1	2	1	1	14	2	2	1
Western Traffic Area	36	31	30	18	0	6	2	0	3	5	1	2
	63	22	34	13	4	2	12	0	12	6	1	1
Scotland	25	5	8	1	2	0	0	3	13	2	0	1
	29	7	17	3	0	0	1	0	11	2	0	2
Wales	30	7	22	5	2	0	0	1	4	1	2	0
	17	4	15	4	0	0	0	0	1	0	1	0
Total	354	124	233	73	22	18	14	6	66	24	12	4
	370	129	234	84	20	16	27	4	75	14	14	11

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, 2014-15 (2013-14)

	Restricted	Standard National	Standard International	Total number of licences in issue	Total continuations sought
Eastern Traffic Area	486 519	394 418	352 369	1232 1295	169 204
North Eastern Traffic Area	813 864	437 434	310 311	1560 1609	219 249
North Western Traffic Area	740 750	414 419	201 207	1355 1376	200 225
South Eastern and Metropolitan Traffic Area	382 391	350 357	403 408	1135 1156	156 199
West Midlands Traffic Area	420 434	212 222	190 190	822 846	102 175
Western Traffic Area	418 438	369 390	268 277	1055 1105	171 164
Scotland	345 369	425 437	137 142	907 948	148 131
Wales	396 410	227 231	178 179	801 820	106 129
Total	4000 4175	2828 2908	2039 2083	8867 9155	1271 1476

Table 9: Bus and coach operators - discs in issue, 2014-15 (2013-14)

	Restricted	Standard National	Standard International	Total discs
Eastern Traffic Area	712 745	6342 5993	5549 5912	12603 12650
North Eastern Traffic Area	1154 1257	5807 5274	6805 7160	13766 13669
North Western Traffic Area	1067 1097	6457 6371	4280 4340	11804 11796
South Eastern and Metropolitan Traffic Area	520 520	8404 8513	10237 9858	19161 18892
West Midlands Traffic Area	586 607	3626 3722	2950 3108	7162 7437
Western Traffic Area	609 640	6378 5893	5138 6313	12125 12846
Scotland	499 534	5427 6371	4818 4246	10744 11151
Wales	568 591	2125 2180	3483 3340	6176 6111
Total	5715 6029	44566 40557	43260 49382	93541 95968

Table 10: Bus and coach operators - applications for new licences and to vary existing licences, 2014-15 (2013-14)										
	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	89	103	71	103	0	0	21	0	22	0
	131	152	94	121	0	0	20	0	15	0
North Eastern Traffic Area	113	129	89	129	0	0	23	0	11	1
	144	138	96	115	0	0	25	0	9	2
North Western Traffic Area	79	65	74	65	0	0	15	0	3	0
	100	136	69	112	0	0	18	0	4	0
South Eastern and Metropolitan Traffic Area	92	114	90	114	0	0	14	0	3	0
	118	156	89	131	0	0	13	0	4	0
West Midlands Traffic Area	59	71	47	71	0	0	25	0	4	0
	84	66	58	58	0	0	24	1	9	0
Western Traffic Area	93	135	81	135	0	0	16	0	6	0
	83	135	55	104	0	0	6	0	8	0
Scotland	59	79	49	79	0	0	8	1	8	0
	65	119	45	90	0	0	16	0	5	0
Wales	58	44	42	44	0	0	12	0	10	0
	75	77	30	63	0	0	16	0	4	0
Total	642	740	543	740	0	0	134	1	67	1
	800	979	536	794	0	0	138	1	58	2

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, 2014-15 (2013-14)												
	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	19	5	11	1	0	0	0	0	7	3	1	1
	20	5	1	0	1	1	8	4	7	0	3	0
North Eastern Traffic Area	23	3	15	1	2	1	0	0	6	1	0	0
	33	2	20	2	4	0	2	0	4	0	2	0
North Western Traffic Area	22	2	13	0	0	0	1	0	8	2	0	0
	9	5	6	1	1	0	0	0	2	3	0	1
South Eastern and Metropolitan Traffic Area	15	5	6	2	2	1	2	0	4	2	1	0
	11	6	6	5	1	0	1	0	3	1	0	0
West Midlands Traffic Area	15	1	3	0	0	0	0	0	12	1	0	0
	26	6	8	1	0	0	0	0	15	3	3	2
Western Traffic Area	15	9	10	5	0	0	1	0	5	2	0	1
	5	2	3	2	0	0	0	0	2	0	0	0
Scotland	13	7	9	5	0	0	2	0	4	1	0	0
	17	2	5	2	0	0	3	0	8	0	1	0
Wales	17	4	7	2	4	0	0	0	6	0	0	2
	18	5	10	2	0	0	0	0	6	2	2	1
Total	139	36	74	16	8	2	6	0	52	12	2	4
	139	33	59	15	7	1	14	4	47	9	11	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, 2013-14 (2012-13)							
	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	1	1	0	0	2	1	10
	0	0	0	0	0	0	10
North Eastern Traffic Area	3	3	0	0	0	2	16
	0	0	0	0	0	1	15
North Western Traffic Area	1	1	0	0	0	3	17
	5	5	0	0	0	0	19
South Eastern and Metropolitan Traffic Area	0	0	0	0	0	0	2
	0	0	0	0	0	0	2
West Midlands Traffic Area	0	0	0	0	1	0	4
	0	0	0	0	0	1	4
Western Traffic Area	1	1	0	0	1	5	12
	2	2	0	0	2	1	17
Scotland	6	6	0	0	3	4	41
	7	7	0	0	0	0	39
Wales	4	4	0	0	2	3	20
	3	3	0	0	0	0	19
Total	16	16	0	0	9	18	122
	17	17	0	0	2	3	125

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 2015 (31 March 2014)

	Live local bus registrations	Applications processed		Applications accepted		Refused	Withdrawn	Existing registrations cancelled
		New	Variations	New	Variations			
Eastern Traffic Area	2462	502	1177	502	1177	0	0	525
	2557	409	1284	409	1284	0	9	480
North Eastern Traffic Area	3362	651	1715	651	1715	0	0	711
	3628	625	1808	625	1808	0	2	639
North Western Traffic Area	3490	515	1657	515	1657	0	0	644
	3404	708	1460	708	1460	0	2	683
South Eastern and Metropolitan Traffic Area	1181	263	643	263	643	0	0	171
	1004	153	588	153	588	0	1	172
West Midlands Traffic Area	1779	312	1170	312	1170	0	0	316
	1632	234	745	234	745	0	4	320
Western Traffic Area	2310	823	1550	823	1550	0	0	474
	2747	372	1517	372	1517	0	1	395
Scotland	2526	610	1234	610	1234	0	0	451
	2789	680	1036	680	1036	0	5	466
Wales	1483	167	776	167	776	0	0	193
	1058	141	552	141	552	0	2	143
Total	18593	3843	9922	3843	9922	0	0	3485
	18819	3322	8990	3322	8990	0	26	3298

Table 14: Flexible bus registrations, 2014-15 (2013-14)						
	Received	Accepted	Refused	Withdrawn	Varied	Cancelled
Eastern Traffic Area	17 10	17 10	0 0	0 0	22 3	8 0
North Eastern Traffic Area	5 0	5 0	0 0	0 0	1 0	3 1
North Western Traffic Area	1 6	1 6	0 0	0 0	0 1	0 4
South Eastern and Metropolitan Traffic Area	0 1	0 1	0 0	0 0	0 0	3 1
West Midlands Traffic Area	0 0	0 0	0 0	0 0	0 0	0 0
Western Traffic Area	13 6	13 6	0 0	0 0	7 6	3 3
Wales	3 2	3 2	0 0	0 0	5 7	0 0
Total	39 25	39 25	0 0	0 0	35 17	17 9

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, 2014-15 (2013-14)

	Standard Bus Permits Issued by			Total	Large Bus Permits	Community Bus Permits
	Traffic Commissioners	Local authorities	Designated bodies			
Eastern Traffic Area	598	566	168	1332	5	30
	659	292	181	1132	17	28
North Eastern Traffic Area	517	341	151	1009	27	42
	447	240	352	1039	6	31
North Western Traffic Area	298	172	89	559	2	33
	463	232	122	817	29	21
South Eastern and Metropolitan Traffic Area	858	135	114	1107	104	14
	737	228	284	1249	17	20
West Midlands Traffic Area	301	124	102	527	2	20
	194	101	201	496	6	52
Western Traffic Area	753	622	126	1501	11	22
	698	222	240	1160	9	36
Scotland	349	106	24	479	11	27
	259	72	40	371	36	14
Wales	195	79	22	296	5	11
	314	51	34	399	0	18
Total	3869	2145	796	6810	167	199
	3771	1438	1454	6663	120	220

Table 16: Bus and coach operators - action taken at public inquiry for non compliance (under the Public Passenger Vehicles Act 1981), 2014-15 (2013-14)

	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	33	5	2	5	0	5	4	3	2
	30	12	2	2	2	10	3	3	2
North Eastern Traffic Area	50	25	3	2	0	12	4	0	6
	35	9	3	2	3	11	4	3	7
North Western Traffic Area	21	11	1	3	1	5	2	1	1
	27	15	1	6	0	4	1	3	1
South Eastern and Metropolitan Traffic Area	29	5	6	5	2	5	1	2	8
	35	4	10	6	0	10	0	3	6
West Midlands Traffic Area	36	16	7	4	0	3	6	7	5
	23	14	1	2	0	6	2	5	0
Western Traffic Area	25	12	1	8	0	2	2	2	2
	18	6	0	4	0	4	1	1	4
Scotland	29	10	1	2	0	6	3	0	4
	41	9	1	5	2	17	2	0	7
Wales	29	13	2	2	0	6	2	4	6
	22	6	4	3	1	3	1	2	5
Total	252	97	23	31	3	44	24	19	34
	231	75	22	30	8	65	14	20	32

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)*, 2014-15 (2013-14)					
	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	0 5	0 0	0 3	0 0	0 2
North Eastern Traffic Area	0 0	0 0	0 0	0 0	0 0
North Western Traffic Area	3 0	1 0	1 0	2 0	0 0
South Eastern and Metropolitan Traffic Area	1 0	0 0	1 0	1 0	0 0
West Midlands Traffic Area	6 3	1 0	6 3	0 0	0 0
Western Traffic Area	4 1	0 0	2 0	1 1	1 0
Scotland	2 2	0 1	2 1	0 0	0 1
Wales	0 5	0 0	0 2	0 0	0 3
Total	16 16	2 1	12 9	4 1	1 6

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, 2014-15 (2013-14)

	Traffic Commissioners	Deputy Traffic Commissioners	Total
Eastern Traffic Area	148 161	161 99	309 260
North Eastern Traffic Area	113 192	119 48	232 240
North Western Traffic Area	14 36	186 191	200 227
South Eastern and Metropolitan Traffic Area	249 242	109 91	358 333
West Midlands Traffic Area	128 134	72 103	200 237
Western Traffic Area	104 155	104 80	208 235
Scotland	112 107	35 38	147 145
Wales	30 51	125 80	155 131
Total	898 1078	911 730	1809 1808

Table 19: Bus, coach and lorry operators - appeals to the Upper Tribunal, 2014-15 (2013-14)				
	Number of appeals made	Number of appeals heard	Number of appeals withdrawn	Number of appeals successful or partially successful
Eastern Traffic Area	10 6	4 4	4 2	0 0
North Eastern Traffic Area	12 4	10 6	2 1	2 0
North Western Traffic Area	8 4	6 3	2 1	3 1
South Eastern and Metropolitan Traffic Area	17 12	9 10	4 2	1 6
West Midlands Traffic Area	10 9	9 7	3 0	3 4
Western Traffic Area	12 15	11 12	1 0	3 2
Scotland	7 0	3 0	2 0	0 1
Wales	5 0	2 0	2 0	2 0
Total	81 50	54 42	20 6	14 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, 2014-15 (2013-14)

	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	1444	148	2	106	92	29	445	139	157	453	212
	1504	204	4	108	89	18	371	67	210	469	235
North Eastern Traffic Area	2549	235	4	56	183	46	1092	226	490	409	233
	2806	308	5	29	238	39	1140	274	592	445	170
North Western Traffic Area	1458	183	22	91	446	70	429	122	174	43	265
	1352	197	10	69	167	55	288	148	243	307	269
South Eastern and Metropolitan Traffic Area	1973	279	8	185	102	104	389	41	243	551	306
	1899	367	8	166	100	104	410	12	231	503	301
West Midlands Traffic Area	1039	282	36	33	220	73	203	0	92	100	489
	1087	323	42	94	253	95	106	0	106	65	423
Western Traffic Area	1237	180	6	44	70	97	328	0	211	278	341
	1088	178	6	38	33	133	226	0	210	251	502
Scotland	1215	161	19	123	37	146	175	26	201	321	320
	1319	161	19	151	76	139	158	27	215	367	411
Wales	634	151	15	36	124	53	108	0	60	90	271
	641	136	19	46	146	83	86	0	74	48	226
Total	11549	1619	112	674	1274	618	3169	554	1628	2245	2437
	11696	1874	113	701	1102	666	2785	528	1881	2455	2537

Table 21: Applications for the return of impounded vehicles, 2014-15 (2013-14)

	Number of vehicles impounded	Number of applications received and processed	Granted		Refused		Appeals to Upper Tribunal			
			with hearing	without hearing	with hearing	without hearing	made	heard	withdrawn	successful
Eastern Traffic Area	11	4	0	0	3	0	1	1	0	0
	2	2	0	0	2	0	2	2	0	0
North Eastern Traffic Area	7	6	2	0	2	0	1	1	0	0
	0	0	0	0	0	0	0	0	0	0
North Western Traffic Area	9	6	0	0	6	0	0	0	0	0
	8	7	2	2	3	1	1	1	0	0
South Eastern and Metropolitan Traffic Area	15	3	0	0	3	0	0	0	0	0
	14	9	1	0	5	3	2	1	1	0
West Midlands Traffic Area	2	1	0	0	1	0	0	0	0	0
	2	2	0	0	2	0	0	0	0	0
Western Traffic Area	8	4	1	0	3	0	0	0	0	0
	6	3	0	0	3	0	3	2	1	0
Scotland	0	0	0	0	0	0	0	0	0	0
	3	3	1	0	2	0	0	0	1	0
Wales	2	2	1	0	1	0	0	0	0	0
	3	0	0	0	2	0	0	0	0	0
Total	54	26	4	0	19	0	2	2	0	0
	38	26	4	2	19	4	8	6	3	0

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

Contact Details

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)

Kabir Majid

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Hillcrest House
386 Harehills Lane
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LS9 6NF
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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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