



Senior Traffic Commissioner
for Great Britain

Statutory Guidance and Directions: Vocational Driver Conduct

Formal consultation

July 2015

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Senior Traffic Commissioner's Foreword

In October 2014, the traffic commissioners published a set of [strategic objectives](#) to show how we will continue to champion safe, fair and reliable passenger and goods transport.

Two of these objectives directly involve professional drivers – those who carry out the frequently challenging work of transporting goods or passengers across Great Britain and on the continent.

Our priorities for the conduct of professional drivers are clear – to review and modernise the regulation of HGV and PSV drivers and to concentrate resource on those who pose the greatest risk to road safety, fair competition and legal operation. This consultation is therefore a key part of our work around the regulation of professional drivers.

I therefore invite you to contribute to this vital piece of work and help to inform how traffic commissioners deal with the conduct of professional drivers in a proportionate and consistent manner.

I would finally like to thank my colleague Nick Jones, traffic commissioner for Wales and the West Midlands, for the significant time and effort that he has spent on the development of the proposed revised document.



Beverley Bell
Senior Traffic Commissioner for Great Britain

How to respond

A small number of specific questions on the proposed revised draft of the Senior Traffic Commissioner's Statutory Document on Vocational Driver Conduct have been drawn up. The Senior Traffic Commissioner would particularly welcome the views of stakeholders in these areas, but respondents should not feel restricted from commenting on any other part of the proposed revised document.

Responses to this consultation can be submitted by email or post to:

Email

sstcconsultations@otc.gsi.gov.uk

Post

David Glinos
Office of the Senior Traffic Commissioner
Suite 6
Stone Cross Place
Stone Cross Lane North
Golborne
Warrington
WA3 2SH

The consultation will run from 13 July to 07 September 2015. Please ensure that your response reaches us before the closing date so that we can consider your comments.

With your response please specify if you are responding as an individual or on behalf of an organisation, in which case please make it clear who the organisation represents and, where applicable, how the views of the members were assembled.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Senior Traffic Commissioner.

The Senior Traffic Commissioner will process your personal data in accordance with the Data Protection Act (DPA).

Introduction

Traffic commissioners are responsible for regulating the conduct of professional drivers in the haulage, bus and coach industries. Traffic commissioners carry out this work on behalf of the Secretary of State.

The Senior Traffic Commissioner for Great Britain issues Guidance & Directions under section 4C(1) of the Public Passenger Vehicles Act 1981 to provide information as to the way in which the Senior Traffic Commissioner believes that traffic commissioners should interpret the law in relation to vocational driver conduct and the approach to be taken by staff acting on their behalf.

In October 2014, the traffic commissioners published a set of strategic objectives to demonstrate how they will continue to champion safe, fair and reliable passenger and goods transport.

The strategic objectives outlined a planned review and modernisation of the regulation of HGV and PCV drivers with the aim of ensuring a consistent regulatory outcome for all drivers who commit infringements. This included a commitment to publish a revised Statutory Guidance & Directions Document on Vocational Driver Conduct by the end of 2015. The current [Document](#) was last reviewed in December 2011.

Scope

This consultation follows an initial gathering of views and information on professional driver conduct from a group of key stakeholders in early 2015.

The consultation now seeks to gather formal responses from stakeholders on the proposed revised Statutory Document.

The specific areas of interest relate to:

- achieving consistent regulatory outcomes for drivers;
- the referral and starting points for action against drivers;
- the delegation of matters to staff acting on behalf of traffic commissioners;
- serious offending;
- referral of disqualifications committed in commercial vehicles;
- the use of case studies in the document;
- the communication of guidance to professional drivers.

Annex A: List of consultation questions

- Q1. Will the proposed revised document help to ensure a consistent regulatory outcome for drivers who commit infringements? Please provide reasons.
- Q2. Are the referral and starting points in Annex A clear and easy to follow, and do they reflect the right approach for each specific offence? Are any specific and common offences currently missing from the Annex?
- Q3. Is there further scope for offences to be dealt with by staff rather than by the traffic commissioner? If so, please provide details / examples.
- Q4. Reference is made in Annex A of the Document to 'less serious' and 'more serious' non-endorsable traffic offences / drivers' hours, tachograph & WTD offences. Do you have any suggestions as to how 'less serious' / 'more serious' could be more clearly defined (e.g. by using additional or alternative examples) in order to ensure consistency in approach?
- Q5. When the traffic commissioner is made aware, should all disqualifications committed in a commercial vehicle be referred to the traffic commissioner and/or a driver conduct hearing?
- Q6. Is the use of case examples at Annex C helpful? Would the document benefit from additional cases examples and, if so, what should these cover? Are there too many case examples?
- Q7: Do you have any views on how the Document should be communicated in order to promote safe, fair, efficient and reliable passenger and goods transport?