



SCOTTISH TRAFFIC AREA

Decision of the Traffic Commissioner

**Public Inquiry in Edinburgh, 8 November 2018
and 23 January 2019**

**FIRST GLASGOW (NO 1) LTD: PM0000001
FIRST GLASGOW (NO 2) LTD: PM0000006
DUNCAN CAMERON – TRANSPORT MANAGER
DOUGLAS MAIR – TRANSPORT MANAGER
EWAN SCRYMGEOUR – TRANSPORT MANAGER**

DECISION

PUBLIC PASSENGER VEHICLES ACT 1981 (the “1981 Act”)

1. Pursuant to adverse findings under Sections 17(1)(aa), and, in the case of PM0000006 only, 17(1)(c), I issue the companies with a formal warning of the need constantly to monitor maintenance arrangements and tighten them where evidence indicates concerns and a second need to ensure that sophisticated management systems do not remove the ability for direct communication
2. The following undertaking is recorded on both licences:

A review of transport management arrangements will be conducted and the outcome provided to the Traffic Commissioner for Scotland by 31 May 2019 for agreement.
3. Having recorded the undertaking and issued a warning, I take no regulatory action against the licence
4. I make no adverse findings in relation to any transport manager.
5. ADL is put on notice of the operating environment likely to be encountered by these vehicles in later life
6. All operators of ADL Enviro 300 vehicles are put on notice of the likelihood of rear spring bolt failures and called upon to review maintenance arrangements
7. DVSA is respectfully requested to review guidance on defects that appear to indicate a potential failure in the vehicle’s design or manufacture

BACKGROUND

1. The companies each hold standard national PSV operators licences as follows:

	First Glasgow (No 1) Ltd ("PM1")	First Glasgow (No 2) Ltd ("PM6")
Start date	April 1995	September 1995
Authority	685	370
Vehicles	649	263
Registered services	139	114
Operating Centres	Blantyre (30v) Dumbarton (10v) Scotstoun (215v) Caledonia (410v)	Blantyre (25v) Dumbarton (60v) Scotstoun (5v) Caledonia (40v) Overtown (75v)
Directors	Douglas Harrison David Alexander Andrew Jarvis Graeme McFarlane Ronald Williamson Duncan Cameron Gary West	
Transport Managers	Duncan Cameron John Gorman Douglas Mair Anthony O'Connor William Wood	Duncan Cameron John Gorman Douglas Mair Anthony O'Connor William Wood Colin McKay Ewan Scrymgeour Mark Taggart

2. Both companies are run within the wider governance of First Scotland. All the maintenance systems are common. For the purposes of this decision, except where I explicitly state otherwise, I treat them as a single operation.
3. The catalyst for the DVSA investigation was a crash on 28 April 2018. Vehicle SN62AKJ was extensively damaged and passengers and driver sustained injuries. DVSA's inspection of the vehicle found both near side and offside rear anchor spring bulbs to be broken. A check of the vehicle maintenance records found that the vehicle had six rear spring anchor bolts fitted during the previous six months. The shortest time between bolt replacements was seven days.
4. A fleet check was carried out on 23 May 2018. Inspections were focused on the suspension components of ADL Enviro 300 vehicles. Sixty vehicles were inspected and seven immediate prohibition notices issued for broken rear spring anchor bolts. Checks of the records showed that five of the seven prohibited vehicles had broken rear spring anchor bolts recorded on

the previous inspection reports. Further investigation by the Vehicle Examiner found the following:

- evidence that rear spring anchor bolts had been breaking on the ADL Enviro 300 from 2013
- since the vehicle had been introduced in 2013, the operator had purchased 647 bolts from ADL for a fleet of approximately 130 vehicles
- the operator had not informed DVSA of any specific problems with the anchor bolts
- prior to the crash, the safety inspection programme had not been enhanced as a result of the large number of bolt breakages
- the Examiner felt that the operator should have been aware of a potential problem as a document was issued in January 2011 regarding ADL Enviro 200 rear spring eye inspection and repair
- ADL issued a service bulletin in December 2017 regarding the Enviro 200 and 300 rear spring eye mounting bracket

5. In response to the DVSA findings, the company started an internal investigation. Discussions continued between the operator and ADL. The operator tightened inspection frequency for ADL Enviro 300 suspension components initially to fortnightly and then later to weekly. Expert advice from engineering consultants Burgoynes was sought. The company continued to work closely with Burgoynes, DVSA, ADL Police Scotland.

6. Concern over the apparent continuing issue with a critical suspension component caused the operators to be called to public inquiry in the following identical terms:

Under Section 17(1)(a) that the holder of the licence may no longer satisfy the requirements of Section 14ZA(2), namely that the licence holder no longer meets the requirement of:

- Section 14ZA(2)(b) to be of good repute (as determined in accordance with paragraphs 1 to 5 of Schedule 3 of the Act),
- Section 14ZA(2)(d) to be professionally competent (as determined in accordance with paragraphs 3 to 7 of Schedule 3 of the Act).

Under Section 17(3)(aa) of the 1981 Act, of the 1981 Act, that any undertaking recorded in the licence has not been fulfilled, specifically:

- that the laws relating to the driving and operation of vehicles used under the licence would be observed

- that the vehicles would be kept fit and serviceable

Under Section 17(3)(c) of the Act, that vehicles or drivers had been issued with prohibition notices by DVSA or the police in the past five years

7. There were bus service reliability matters but they are adjourned and not the subject of this decision.
8. All nominated transport managers were called separately to consider their good repute and professional competence.

CASE MANAGEMENT

9. The operator has been represented throughout by Peter Woodhouse, Stone King Solicitors. I am grateful to him for his purposive approach which has greatly assisted in focussing the matters under discussion and rationalising the witnesses to be called.
10. I held a directions hearing on 24 October 2018 in Bristol. Present for the operator was Gary West, Engineering Director, represented by Mr Woodhouse. Following that hearing and subsequent submissions, I adjourned the bus compliance matters to be considered in spring 2019 by the newly appointed Traffic Commissioner for Scotland. I stood down all the transport managers with the exception of Duncan Cameron, Douglas Mair and Ewan Scrymgeour. Having noted from the DVSA report their view that maintenance systems, facilities and procedures were otherwise beyond reproach, I confined the scope of the inquiry to the issues around the rear spring anchor bolts.
11. Witness statements from Mr West and Mr Cameron, and a report from Daniel Pointon of Burgoyne's, were provided in advance with supporting documentation.

THE PUBLIC INQUIRY – DAY ONE, 8 November 2018

12. Gary West, Engineering Director, led the attendance for the operator, represented as before by Mr Woodhouse. All relevant senior managers and directors from the operator and the parent business were present. Also present was Mr Danny Pointon, expert witness from Burgoyne's. Vehicle Examiner George Scott McIntyre attended for DVSA. Again, a number of DVSA managers were also in attendance including Mr Neil Barlow, Head of Engineering Services. The public gallery was full with other interested parties and members of the public.
13. The oral evidence is electronically recorded and a transcript is available on request; I repeat here only that which is central to my decision.

14. Mr Woodhouse and I confirmed the documents that were in front of the inquiry at the start of the hearing.

The evidence of DVSA Vehicle Examiner George Scott McIntyre

15. Mr McIntyre adopted his statement and set out the background to the investigation. He confirmed that the maintenance arrangements generally were satisfactory. In relation to the rear spring anchor bolts, he told me he had never seen that component fail in that way on any vehicle before. For that reason it should have been ringing alarm bells.
16. Under cross-examination, Mr McIntyre confirmed his view that the broken spring anchor bolts were indeed a safety critical defect. The defect had only been witnessed on Enviro 300 vehicles, not the smaller Enviro 200. Mr McIntyre posed as a possible explanation for this was that the operator only had a very small number, perhaps four, of the smaller Enviro 200 derivative. Mr McIntyre accepted the advice issued by ADL in 2011 was in relation to the failure, or potential failure, of the spring mounting bracket rather than the bolt. He further confirmed his view that the operator had complied with all advice from ADL, the manufacturer.

The evidence of Neil Barlow, DVSA Head of Engineering Services

17. Mr Barlow started by outlining his responsibility for DVSA's recall team and how the recall process worked in practice. Under cross-examination, he pointed to the advice on the rear of form PSV112. This sets out PSV operators' obligation to report matters to the Secretary of State (DVSA, in this instance). The advice referred to "safety critical defects". Mr Barlow expressed the view that was intended to refer to defects that arose due to the design or manufacture of the vehicle. He accepted the advice required some interpretation. It was also accepted that there was no clear relevant advice in the Guide to Maintaining Roadworthiness.

The evidence of Mr Danny Pointon, Partner, Dr JH Burgoyne & Partners LLP

18. Mr Pointon introduced himself and adopted his report. He gave a clear explanation of his conclusions in relation to the design characteristic that led to the bolt failures. The problem was that the bolt had, in effect, two jobs. The first was to act as a locating pin for the front of the road spring. The second was to provide a clamping force that was sufficient to prevent the central component of the spring brush from rotating. The contact surface of that central component was small so the clamping force required was great. Once relative movement between the bush and the bracket had begun, the bracket began to wear. In his words "*merely cranking up a new bolt doesn't return you to as built condition*".
19. Mr Pointon confirmed to me that achieving the required torque on the bolts was extremely difficult given the level of torque needed and the poor

accessibility of the component. Replacing the spring hanger bracket was also difficult because of the accessibility and the need for correct alignment.

20. I asked further about the purpose of the spring bolt. Mr Pointon agreed that it transmitted all the braking force from the rear wheel. It was his view, though, that the likelihood of an axle detaching was very small. Whilst the component did transmit the driving and braking forces, the major wear that had been seen was in the vertical direction. For that reason, it was unlikely that it would have any effect on the directional stability of the vehicle.
21. Mr Pointon went on *“as far as I’m aware every bolt that’s been seen so far has retained its position. There’s no sideways movement. Basically the problem with the component is that the longitudinal stress in it, the stress that is supposed to be created by the torque, is so high that it just pops that off then you get a very small relaxation, probably less than a millimetre, there. And then essentially the component just sits there because there’s no particular force to move it anywhere.... I mean in the context of what I’d heard discussed this morning I think it’s significant that none of these bolts had moved, so whilst you’ve lost the head you haven’t lost... So you’ve lost the “let’s not wear this component out very quickly function” of the bolt. You’ve lost that function. But I have not seen any evidence that you’ve lost the other function, which is the bolt needs to keep that component in this general area.”*
22. I asked Mr Pointon about the value of more frequent inspections. His view was that they were of limited value. The pin stayed in position and detecting the defect earlier did not necessarily reduce the extent of rework necessary to return the vehicle to the as-new condition.
23. During a short adjournment, the Vehicle Examiner made the Clerk aware of some further evidence that appeared to show that at least some of the bolts had displaced longitudinally to a significant degree. Whilst the Examiner was arranging for photographs to be produced, I continued with the evidence of Gary West.

The evidence of Gary West, Engineering Director

24. Mr West read a substantial portion of his written statement for the benefit of the public gallery. In addition to that, Mr West told me he believed there were around 1000 Enviro 300 vehicles in the wider bus industry. In relation to the apparently high number of replacement bolts purchased in 2016, Mr West said the issue was that bolts would be replaced routinely whenever a bush or spring was replaced so it was not apparent from the face of the figures that the component had a malfunction.
25. Mr Woodhouse asked Mr West whether he considered the bolt failures to be safety critical. Mr West said *“in my opinion, no. Whenever we had a spring anchor bolt failure there’s been very very little movement of the anchor bolt itself. I think probably approximately about 10 to 12 mm been*

the furthest any pin has moved. The weight of the vehicles maintains that the pin so as not to track or walk out of its current position”.

26. At this point, the DVSA photographs became available and appeared significantly to contradict the evidence of Mr West and Mr Pointon. Following a further short adjournment and subsequent submissions from Mr Woodhouse, I adjourned the hearing making directions for all photographic evidence to be provided to the operator. To do otherwise would have been unfair.

THE PUBLIC INQUIRY - DAY TWO, 23 January 2019

27. Both DVSA and the operator produced further submissions ahead of the reconvened hearing. Additionally in attendance for the second hearing date for DVSA was Ian Bartlett, Head of the Agency’s Vehicle Safety Branch, in lieu of Mr Barlow. Other attendance for the parties was as before.

Further evidence of Scott McIntyre, DVSA Vehicle Examiner

28. Mr McIntyre confirmed that the photographic evidence had not been provided to the company prior to the first day of the Public Inquiry. Mr Woodhouse asked Mr McIntyre whether, in his view, it was safe to relax inspection frequencies in the cases where both spring bolts and the brackets on both the nearside offside were replaced. Mr McIntyre said that was an issue for the company, but he would be cautious about relaxing inspections.
29. Mr McIntyre accepted the view of Mr Pointon that a pin that had migrated out of one end of the bracket would be subject to a relatively minor change in engineering load, however he still considered it posed an immediate danger.

Further evidence of Daniel Pointon, Forensic Engineer, Burgoyne’s

30. Mr Pointon adopted his further written evidence. He told me that the immediate effect of a break in the bolt was accelerated wear of spring bush and components. It was not immediately safety critical. If the bolt began to migrate it needed to move 33 mm to move out of one side and 143 mm to move out completely. At 33 mm, it was supported on one side only. The bolt was very oversized in that respect. It was that big because of its role in preventing the bush turning.
31. The migration of the bolts is slow, but Mr Pointon accepted it was more than he had previously been aware of. Gross failure was still a low possibility. As a safety issue he considered it to be undesirable, nothing more.

32. Mr Pointon had consulted a bolt expert. A bolt would normally be expected to break at the thread. These bolts broke at the head because of the angularity of contact between the head and the bracket. The basic design was flawed. Replacing the bracket accurately was difficult. The bracket was both welded and bolted and formed a clevis joint. Accuracy in location was key.
33. I took Mr Pointon to paragraph 3.1. of his Supplementary Report where he says "*displacement is only immediately hazardous if it reaches about 143 mm, and only represents a (minor) change in engineering loading if it reaches 33 mm*". I put it to Mr Pointon that, far from being a minor change in engineering loading, having the bolt in single shear rather than double shear reduced its load capacity by 50%. Mr Pointon agreed.

Continuing evidence of Gary West

34. Mr West adopted minor changes to his statement relating to the migration of bolts and reflecting the later DVSA evidence. He then continued to read it for the benefit of the public gallery. He accepted that, with the benefit of hindsight, DVSA should have been involved earlier. However he reiterated that there had never been any loss of control or stability of any vehicle. The issue was now more serious than previously thought. There was a new engineering management IT system, Tracerit, which tracked engineering issues. The defect with spring bolts had needed a deep dive investigation.
35. The defect was not safety critical but was safety relevant. There was no industry guidance on notifying DVSA. DVSA had not made photographs available following the fleet inspection.
36. Broken bolts had become the norm and had become unremarkable. There is now re-education of the internal vehicle examiners, in particular, that they have an obligation beyond the Categorisation of Defects.

The evidence of Ian Bartlett, DVSA Senior Engineer, Head of Vehicle Safety & Market Surveillance Unit

37. Mr Woodhouse sought Mr Bartlett's view of a proportionate solution for the operator with seven-day inspections imposing a significant burden.
38. Mr Bartlett began by giving an explanation of the role of the bolt within the joint. His view was that joint was immediately compromised once the bolt broke. There was evidence that a bolt had migrated as much as 30 mm within seven days. Another appeared to have migrated 80 mm which is significant within a bush which is 98 mm long. The operator needed to monitor the impact of the recent action and reduce inspection frequencies in a managed way. Mr Bartlett thought that a reasonable period of monitoring would be six months. He believed there were around 1000 vehicles affected by the issue.

Closing submissions

39. Mr Woodhouse provided written submissions and drew out several key points. The directing mind of the business knew of the general issue but did not know of the migration of the bolts and hence the safety impact. The bolt breakages was seen as annoying and costly not safety critical. There was no suggestion that any other operator had increased inspection frequencies. Therefore there cannot be heavy criticism of the operator whose maintenance was otherwise excellent.
40. It was accepted that there had been a breakdown in communication between the vehicle examiners and senior management. They hadn't reported up the issue of migration. This minor failing should be seen in the context of overall good maintenance systems.
41. Is the defect safety critical? There is no evidence that a broken bolt has ever interfered with the control of a vehicle. First Group submit that the issue is one of design. They had moved to replacing both brackets and inspecting at the twenty-eight day cycle
42. The DVSA guidance on what to report relation to recalls had been accepted by the Agency as inadequate.

CONSIDERATION AND FINDINGS OF FACTS

43. The investigation began following an examination of a crashed vehicle which was found to have two broken rear spring anchor bolts. A subsequent fleet check and investigation identified that significant numbers of spring bolts had been replaced and that numbers of spring bolts had been found broken at preventative maintenance inspections. It is common ground between Mr Pointon and the DVSA evidence that such breakages are unusual in the wider commercial vehicle fleet. I personally cannot previously recall ever having seen a broken spring bolt as an item on a prohibition notice.
44. Several witnesses gave evidence in relation to the safety impact of the defect. My assessment of that impact is made within the context of the otherwise good maintenance systems which exist at First Glasgow such that I can fully rely on inspections taking place on time, with high quality facilities and by qualified technicians. It is a fact that no bolt has ever sheared completely such that the axle has become detached. Could that ever happen? Migration of between 80 and 100mm has been seen by DVSA examiners. Mr Pointon told me that a pin would have to migrate 143mm to completely fall out. (Note: there is a discrepancy here between the evidence of Mr Bartlett and Mr Pointon. Both agree that the depth of the spring bracket with boss is 33mm, but Mr Pointon records the length of the inner portion of the bush as 108mm whilst Mr Bartlett records it as 98mm. The effect would be that, on Mr Bartlett's evidence, the bolt would be in free air at 131mm of displacement. I do not find the difference

material, nor do I find anything more than a simple mathematical error in the difference between the sum of 33 and 108mm and 143mm.)

45. Mr Pointon told me, and provided written evidence, that the effect on the load-carrying capability of the bolt of exiting the first spring boss was “minor”. It is within my knowledge that, when the bolt is located in both bosses, it is said to be in “double shear”. When it is located in only one boss, it is in “single shear”. It is an accepted, and plainly logical, engineering fact that the shear strength of a pin in single shear is half that in double shear. I do not know why Mr Pointon referred to that difference as minor. It quite plainly is not. In addition, once the bolt exits the first boss, it will come under additional forces due to the flexibility within the bush. Mathematical modelling is necessary to establish the magnitude of those forces and the effect they would have on the bolt’s integrity, particular any potential to cause a fatigue fracture. This was not done. I note from paragraph 3.7.2 of Mr Pointon’s first report that “most of the bolts exhibited a very slight bend” which is a suggestion that the bolts may have been displaced beyond the first boss. I find it necessary to consider the wider credibility of Mr Pointon’s evidence.
46. In his first report, Mr Pointon is silent on the migration of the bolts. In oral evidence on Day 1, he told me “*as far as I’m aware every bolt that’s been seen so far has retained its position. There’s no sideways movement*”. He went further “*I think it’s significant that none of these bolts had moved* “. This was contradicted by the DVSA photographic evidence where, of eight bolts encountered that were broken, five had moved by 20mm or more, one as much as 100mm (Mr Pointon estimates 80mm from the same photographic evidence, either is clearly significant movement and means that the bolt has long-since exited the mounting boss on one side). In Mr Pointon’s supplementary statement, he reports on inspections undertaken by ADL witnessed by Burgoyne’s staff. Of seven broken bolts, two are noted as having moved between 14.5 to 18mm. His statements to me that “*There’s no sideways movement*” and “*none of these bolts had moved*” were clearly untrue and it appears he knew as much.
47. I am surprised that the first report does not consider in any detail the consequence of the broken bolts beyond merely accelerated wear to the bush. I would have expected to see the identification of all possible consequences and then a risk assessment supported, where appropriate, by loading calculations.
48. I find that the evidence in the first Pointon report and his oral evidence on both Day 1 and Day 2 could have had the effect of misleading me, and would have done had Mr McIntyre not spoken out. I do not dismiss all of Mr Pointon’s evidence. Much of it appears sound. But I do approach it all with a good degree of caution. It is disappointing to have to treat the evidence of an expert witness in such a way.
49. So were the broken bolts a safety critical defect? There is significant migration and so I find it more likely than not that, at some point, a bolt will either fall out or suffer a second, shear or fatigue, failure due to the

abnormal loads imposed once the support on one side is lost. My finding is that the defect was safety critical in its own right. There are secondary risks too, in that the displaced bolt appears to contact either a wiring loom or air pipes and could cause failure in those items. However, I accept the evidence of Mr West that even a broken and significantly displaced bolt would not have manifested itself in the steering or handling of the vehicle. It is only the ultimate failure that would do so. And, whilst such a failure ultimately seems inevitable, the strengths of the wider First Glasgow maintenance system provide a degree of mitigation.

50. It is submitted that the controlling mind of the company was not aware of the degree of migration in the bolts witnessed by DVSA. I find it impossible to believe that it was only those five bolts that had moved significantly. I find it disingenuous to seek to apportion responsibility for the lack of knowledge in relation to the “DVSA five” at the door of DVSA. DVSA may have had the photographic evidence but First Glasgow had the real thing. They had the buses with the broken and displaced bolts. Those prohibitions should have been properly investigated. They clearly were not. The operator wilfully and recklessly failed to make such inquiries as an honest and reasonable man would make; I take the operator to have had knowledge of the movement of the bolts.
51. Mr West told me that he had raised the issue of the bolts breaking with ADL shortly after being appointed. It is clear that the operator had, in 2017, identified that there was a problem. I have said above, I take the company to have had knowledge of the extent and potential risks arising from the problem – over and above cost and inconvenience. It was at that time, at the very latest, that inspection frequencies for the rear suspension should have been tightened significantly. It took DVSA’s intervention for that to happen. That is not good enough. I am told that the operator complied with, exceeded in fact, the manufacturer’s advice. But the operator held the first-hand evidence that the manufacturer’s advice did not stop the components failing. The advice was patently inadequate.
52. First Glasgow has sophisticated systems in place. It would appear that the sophistication of those systems may be contributory to the failure in respect of these defects. Vehicle examiners answered the questions they were asked. In a modern process and data driven environment, there needs to be a mechanism for team members to point out exceptional matters. The piles of broken bolts photographed should have rang alarm bells. Someone should have asked – what is this bolt’s role in life? Can it still perform it when its head has dropped off? The systems and processes need to be supported by something more personal, more passionate. The defects have the potential to cause real harm (albeit, as I have said, the potential in the First Glasgow context is less than in some others). Mr West has told me that the vehicle examiners are being spoken to, retrained, such that they look beyond the letter of what is being asked. That may be doing them a disservice; I cannot know. Whatever or whoever is the cause, the operator accepts that communication broke down and that must be put right.

53. I find that vehicles have not been kept fit and serviceable and Section 17(1)(aa) is made out. Prohibitions have been issued to PM6 and Section 17(1)(c) is made out.
54. I turn now to the operator's professional competence. The transport manager structure generally seems sound with one apparent deficiency. Key compliance staff, the vehicle examiners, sit out-with the control of a nominated transport manager. That needs to be addressed. However, that shortcoming is not enough to find that the operator in the round lacks professional competence. I record an undertaking for the transport management structure to be reviewed and agreed with the Traffic Commissioner for Scotland. It would seem sensible for that to be addressed alongside the bus service reliability matters.
55. The calling-in letter cited the operator's good repute. Whilst there have been failings, I must again consider the operation in the round. The first time pass rate and general maintenance compliance is exemplary. The company employed the services of Burgoyne's and may have been let down by the rigour of the investigation undertaken. I accept the company's submission that there is no clear guidance on when to involve DVSA in relation to defects that appear to be the result of vehicle design or manufacture. I make no adverse finding in relation to good repute.

DECISIONS

56. Pursuant to adverse findings under Sections 17(1)(aa), and 17(1)(c), I issue the company with a formal warning of the need constantly to monitor maintenance arrangements and tighten them where evidence indicates concerns, and a second need to ensure that sophisticated management systems do not remove the ability for direct communication.
57. The following undertaking is recorded on both licences

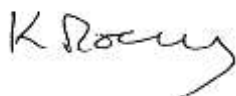
A review of transport management arrangements will be conducted and the outcome provided to the Traffic Commissioner for Scotland by 31 May 2019 for agreement.
58. I make no adverse finding in relation to any transport manager.

WIDER POINTS – NOT PART OF THE DECISION

59. I have found that the broken bolts create a safety critical defect. The severity is mitigated by the strong maintenance systems in place at First Glasgow. Whilst good maintenance systems are a requirement of operator licensing, the reality is that few second or third tier operators have anything like the facilities and technical competence of a large bus company. They are also unlikely to have the financial resources and wherewithal to replace pairs of spring hanger brackets. It is my view that a catastrophic bolt and subsequent suspension failure is inevitable on an

Enviro 300 as it falls in to service for a less well resourced, yet still compliant, operator. Enforcement of the General Product Safety Regulations 2005 is not a matter for Traffic Commissioners but we are well placed to understand the circumstances in which buses can become operated as they move to mid and later life. I hope that ADL will take that reality in to account when considering whether or not to recall these vehicles.

60. This issue with the ADL Enviro 300 is now public knowledge. Whether or not the vehicles are ultimately recalled, all operators of these vehicles must review their maintenance arrangements to ensure that no catastrophic failure is allowed to happen. In that regard, I note that First Glasgow inspect the rear suspension weekly, a second operator I have encountered with the vehicles inspects them between weekly and fortnightly depending on the use to which they are put. The advice of DVSA at the inquiry was to be cautious and, to paraphrase Mr Bartlett, to inspect based on an analysis of the performance of the vehicles in service.
61. I respectfully request that DVSA review the guidance to operators in relation to informing the Agency when a pattern of defects arises that appears to be a function of the vehicle's design or manufacture. The PSV112 seeks to cover it by referring to "safety critical defects". It was clear that the operator interpreted this as meaning the most serious of defects whereas, in DVSA parlance, it refers to defects relating to design or manufacture. There appears to be no equivalent guidance for HGV operators.



Kevin Rooney
Traffic Commissioner for Great Britain
13 February 2019