



OFFICE OF THE TRAFFIC COMMISSIONER

Guidance Document

A GUIDE TO MAKING REPRESENTATIONS, OBJECTIONS AND COMPLAINTS

GOODS VEHICLE OPERATOR LICENSING

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1. Foreword

- 1.1 **The main aim of this guide is to help individuals and organisations with a statutory right to oppose an application for or to vary a goods vehicle operator's licence, as well as to lodge complaints against the use of existing operating centres, to:**
- understand the main purposes of the goods vehicle operator licensing system;
 - answer many of the questions about 'making statutory opposition' against the grant of a licence or to change an existing licence; and
 - assist with lodging opposition against applications
- 1.2 This guide is not intended to provide legal advice.
- 1.3 The information contained in this guide is also intended to explain the process of opposing applications for those who are applying for and to vary operator's licences, as well as outlining the complaints process for current licence holders.
- 1.4 More general information can be found at: [Being a goods vehicle operator - GOV.UK \(www.gov.uk\)](https://www.gov.uk/being-a-goods-vehicle-operator)
- 1.5 This Guide also gives advice on how to make 'complaints' about the use of an operating centre and how to report to the traffic commissioner any possible breaches of licensing conditions or unauthorised activities by operators.
- 1.6 Annex 2 gives details of relevant legislation, copies are available online.

This guide and other information concerning operator licensing are available on the website <https://www.gov.uk/being-a-goods-vehicle-operator/apply-for-a-licence>.

Also available on-line is the publication "Applications & Decisions" which gives details of all Heavy Goods Vehicle licensing applications received by the traffic commissioner and the decisions taken on the applications. Check out the website at: <https://www.gov.uk/government/organisations/traffic-commissioners/series/traffic-commissioner-applications-and-decisions>

For general queries, please contact the Office of the Traffic Commissioner - enquiries@otc.gov.uk



2. Goods Vehicle Operator Licensing – Environmental Provisions

2.1 What is Goods Vehicle Operator Licensing and who needs a licence?

- 2.1.1 Goods vehicle operator licensing is a system of licensing aimed at ensuring the safe and proper use of goods vehicles and the protection of the environment around operating centres (i.e. the place where an operator normally keeps his/her vehicles when they are not being used).
- 2.1.2 Most users of commercial vehicles that weigh over 3.5 tonnes (i.e. the maximum permitted total weight when loaded, including any trailer) require a licence.
- 2.1.3 In addition, users of light goods vehicles (LGV) over 2.5 tonnes also require an operator's licence when carrying goods for hire or reward on an international journey. Operators holding LGV operator licences (i.e those authorising the use of vehicles (and trailers) over 2.5 tonnes, and up to and including 3.5 tonnes) are not required to specify an operating centre and are, therefore, not subject to the environmental provisions described in this guide. They are, however, subject to objections on other statutory grounds. For the purpose of this guide any reference to the need for an operating centre and environmental provisions refers to vehicles used under an HGV operator's licence (i.e. usually those over 3.5 tonnes).
- 2.1.4 The holder of a licence is the 'operator'. A licence will authorise an operator to use up to a maximum total number of motor vehicles and trailers, and to use a specific operating centre or centres, except in the case of LGVs as set out above.

2.2 How does an operator obtain a licence?

- 2.2.1 An operator must hold a licence in each Traffic Area where he/she has an operating centre or centres. Licences can authorise the use of more than one operating centre.
- 2.2.2 Licence applications are made to traffic commissioners. Each traffic commissioner is a separate public body and, whilst appointed by the Secretary of State, each is independent of any Government department regardless of whether they are exercising judicial functions or not. There are eight traffic areas and eight traffic commissioners (Details of the traffic areas are at Annex 1).
- 2.2.3 The suitability of a proposed operating centre is just one of a number of matters which a traffic commissioner must consider before granting an application. Other matters include an applicant's fitness to hold a licence; the financial resources available for, and arrangements in place, to maintain his/her vehicles; and, where appropriate, professional competence.
- 2.2.4 Once a licence has been issued an operator can apply to amend (vary) it.

2.3 Who can oppose the grant of an application?

- 2.3.1 Owners and occupiers of land or buildings near an operating centre who feel that the use or enjoyment of their own land would be adversely affected by the proposed operating centre have a right to make their views known to a traffic commissioner. They are called representors; representations can be made only on environmental grounds.



- 2.3.2 Objections can be made by statutory objectors such as local authorities, planning authorities, the police, and certain Trade Associations and Trade Unions. They may object to the grant of an application on the grounds of repute or fitness to hold a licence, finance and the professional competence of the operator as well as on the environmental and general suitability of an operating centre.
- 2.3.3 Objectors and representors have different rights. This Guide deals with the rights of each separately.

2.4 How are representors told about applications?

- 2.4.1 An applicant for a new licence, or for a change to a licence which would affect an operating centre, must advertise the proposed use in a local newspaper circulating within the locality of the operating centre. The advertisement should give the name of the operator, the address of the operating centre and how many authorised, or additional, lorries and trailers will or are intended to be kept there if the application is granted. It will also show the address of the office where representations must be sent.
- 2.4.2 The advertisement gives potential representors the opportunity to respond within a certain period of time (within 21 days after the advertisement appears in a newspaper) and for other people who have an interest in the use of the site as an operating centre to consider drawing the application to the attention of statutory objectors to encourage them to make an objection. Details of how to lodge a representation are given in Part 3 of this guide. Please note that the statute only requires that an applicant for a licence must advertise in one or more local newspapers circulating in the vicinity of a proposed operating centre. The traffic commissioner has no legal authority to stipulate which newspaper is used. It is up to the applicant however to satisfy the traffic commissioner that they have met the requirements.

2.5 How are objectors told about applications and is the proposed use of an operating centre advertised in any other way?

- 2.5.1 A traffic commissioner must also publish details of most applications. This is done by using a publication called “Applications and Decisions” (As & Ds), which is issued every week. Statutory objectors must respond within a certain period following the publication of application details if they wish to object, but anyone can subscribe to As & Ds as it is a good way of being kept informed.
- 2.5.2 Copies of Applications & Decisions are available free of charge at the website: <https://www.gov.uk/government/organisations/traffic-commissioners/series/traffic-commissioner-applications-and-decisions>
- 2.5.3 It is also possible to subscribe to the publications for a fee. Further information on subscribing to As & Ds can be obtained from the Office of the Traffic Commissioner.

2.6 What happens next?

- 2.6.1 A traffic commissioner will consider all objections and representations received provided that they are “duly made” (please see 3.2.1 below). A traffic commissioner will also consider any other relevant information known about the proposed site and the applicant before making a decision on the application.



2.6.2 If a traffic commissioner decides to grant the application, he/she can impose:

- environmental conditions on the use of an operating centre if he/she feels they are necessary to prevent or reduce adverse effects, and/or
- road safety conditions if he/she considers they are necessary to prevent authorised vehicles causing danger to the public at any point where vehicles first join a public road on their way to and from an operating centre, and on any private approach road.

2.6.3 It is a criminal offence to break licence conditions and an operator faces penalties if he does so.

2.7 What environmental conditions can be put on a licence?

2.7.1 These can cover:

- the number, type and size of authorised vehicles, including trailers, kept at the operating centre for maintenance or parking;
- the parking arrangements for authorised vehicles, including trailers, at or in the vicinity of the operating centre;
- the times when the centre may be used for maintenance or movement of authorised vehicles;
- how authorised vehicles enter and leave the operating centre.

2.8 What are the limits to a traffic commissioner's powers?

2.8.1 Conditions on the use of an operating centre can apply only to the licence holder concerned and the use of vehicles authorised under the licence. A traffic commissioner cannot place restrictions on any vehicles which are visiting the site or are using it for other purposes.

2.8.2 It is important to recognise that the commissioner's powers are quite separate and different from those of highway, planning and local authorities. A commissioner cannot control the use of the premises for other purposes. That is the responsibility of the local planning authority.

2.8.3 A traffic commissioner cannot take into account the non-environmental suitability, including safety, of the public highway leading to the operating centre or the road network. These are matters for the highway authorities.



3. Representations

3.1 Who or what is a representor?

- 3.1.1 Owners and occupiers of land or buildings near (within the vicinity, see Para (3.1.2) of an operating centre who feel that the use or enjoyment of their own land would be “prejudicially” affected by the proposed operating centre can make a representation against the grant of an application and are called “representors”. Representations can be made only on environmental grounds and in response to an advertisement placed by an applicant (see paragraphs 2.4.1 and 2.4.2). A Representor must be directly affected by environmental nuisance emanating directly from the operating centre and not as a result of traffic on public highways.
- 3.1.2 A traffic commissioner may consider that some people who respond to an advertisement live too far away from the operating centre to be affected by it and may not accept the representation as valid.
- 3.1.3 The traffic commissioner’s decision on whether a representation is acceptable or not is final.
- 3.1.4 Parish Councils, residents associations and action groups cannot make representations unless they are owners or occupiers of affected land in the vicinity of an operating centre and can demonstrate that their use of that land or buildings will be prejudicially affected by environmental nuisance. Groups of residents, Parish Councils, or others who cannot be accepted as representors can consider the merit of approaching statutory objectors, such as local authorities, in order to put their case forward and ask them to consider making an objection.

3.2 How is a representation made?

- 3.2.1 For a representation to be valid it has to:
- be made in writing to the address shown in the advertisement. There is no set form but the grounds must be clearly stated;
 - be made within 21 days of the date the advertisement appeared in the newspaper;
 - be signed. If an individual makes a representation it must be signed by that person. If it is made by a firm or by any other group of persons it must be signed by one or more persons authorised to sign by that group of persons. A solicitor acting on behalf of a representor, be it individual, firm or other group may sign on their behalf. Anyone thinking of presenting a petition should read the notes below in paragraphs 3.3.1 and 3.3.2;
 - state relevant grounds; and
 - be copied to the applicant on the same day, or next working day, as the representation is made to the traffic commissioner

Please also refer to Part 3.4.1.

- 3.2.2 Unless there are exceptional circumstances which would justify him/her doing otherwise,



a traffic commissioner must refuse to accept a representation as ‘duly made’ (valid for the purposes of the traffic commissioner’s considerations) unless it is made by the required date and in the required manner.

3.2.3 When submitting a representation it is helpful to:

- indicate in the letter of representation whether a copy has been sent to the applicant/operator and, if not, the reason for not doing so;
- submit a sketch map showing the distance from your property to the operating centre.

3.3 Is it worth getting a petition together?

3.3.1 It is often difficult to determine from petitions whether all the people named are owners/occupiers of property within the vicinity of the proposed operating centre and parts of a petition may refer to matters outside the traffic commissioner’s jurisdiction. A petition might therefore have limited value.

3.3.2 If it is decided to proceed with a petition then one person should be nominated as the contact point for dealing with a traffic commissioner’s staff. The full name and address, including post code, should be given by all signatories who will usually be contacted on an individual basis by the Office of the Traffic Commissioner. The original of the petition should be made available to the traffic commissioner.

3.4 What grounds are relevant to a traffic commissioner’s consideration?

3.4.1 A representation can only be treated as valid if it is about the adverse environmental effects that the use of an operator’s vehicles at an operating centre is expected to have on the use or enjoyment of the property owned or occupied by the representor.

3.4.2 In considering the environmental impact an operating centre may have, the traffic commissioner will consider the proximity of the site to a representor’s property and the suitability of the site for its intended use.

3.4.3 A traffic commissioner can take into account:

- the nature or use of any other land in the vicinity of the operating centre and the effect which the issue of the licence would be likely to have on the environment;
- if the site has been used as an operating centre before, the extent to which the grant of the application would result in a change which would adversely affect the environment of its vicinity;
- if it has not been used as an operating centre before, any information known to him/her about planning permission relating to the operating centre or other land in the vicinity of the operating centre;
- the number, type and size of authorised motor vehicles and trailers;
- the arrangements, or proposed arrangements, for the parking of motor vehicles or trailers;



- the nature and the times of use of the land as an operating centre;
- the nature and times of use of equipment installed (or proposed to be installed) at the operating centre in connection with its use as an operating centre;
- the means by which, and frequency of, vehicles authorised by the licence entering and leaving the operating centre.

3.4.4 Generally speaking a traffic commissioner will consider the effects of:

- **Noise** – from the applicant’s vehicles moving in and out of, and while at, the operating centre. This may be intrusive in the neighbourhood, bearing in mind the use of other land in the surrounding area and the intended hours of operation;
- **Visual Intrusion** – the effect the parking of vehicles at the operating centre may have on the outlook from a representor’s property or land;
- **Vibration** – the effect vehicle movements may have, either at the operating centre or on their way to or from the operating centre;
- **Fumes/Pollution** – the effect of fumes from the applicant’s vehicles on the use or enjoyment of property.

NB. A traffic commissioner can consider the impact of only those vehicles to be operated by the applicant. If the site is already being used by other goods vehicle operators it is possible to make a complaint (see Part 5 – Complaints).

3.4.5 **In order to assist you in lodging opposition to an application, a model template can be found at Annex 3 of this guide. Whilst there is no requirement for a representation to be submitted using this template, it is intended as a useful guide which sets out matters which the traffic commissioner may and may not take into consideration.**

3.5 What happens after a representation has been submitted?

3.5.1 Representations are acknowledged and sometimes supplementary information is sought. If representors do not reply to correspondence, the traffic commissioner may assume that they do not wish to pursue their opposition.

3.5.2 The applicant will normally be asked for his views on the matters raised by any representors and, where appropriate, he will be asked to liaise direct with representors to see if any differences can be resolved without formal intervention by the traffic commissioner.

3.5.3 The traffic commissioner may also ask for one of the Driver and Vehicle Standards Agency’s (DVSA) Traffic Examiners to visit and report on an operating centre’s suitability insofar as his/her jurisdiction extends.

3.5.4 The traffic commissioner will then consider if he/she needs to hold a Public Inquiry to hear the evidence before reaching a decision or whether he/she already has sufficient evidence to make a decision.



3.5.5 On making a decision the traffic commissioner can grant the application as applied for, or with modifications, he/she can attach conditions or refuse the application.

3.6 Are representors told of the traffic commissioner's decision?

3.6.1 If it is decided to hear the application at Public Inquiry representors will be invited to attend and, in the case of "valid" representors, to put their case forward.

3.6.2 If the decision can be made on the basis of the written evidence before him/her the traffic commissioner will advise representors of the final decision in writing; this will include details of any special conditions or undertakings attached to the licence.

3.7 Is the traffic commissioner's decision final?

3.7.1 An operator or statutory objector may appeal to the Upper Tribunal against the decision of a traffic commissioner. Representors have no such right. If an appeal is lodged representors are told and have 14 days from date of notification to apply to the Upper Tribunal to be made party to the appeal. Representors may however, where they feel that a legal procedural requirement has not been complied with, request that the traffic commissioner reviews a decision. This may only be done however where proper procedure has not been followed.

3.7.2 Although representors cannot appeal to the Upper Tribunal against a traffic commissioner's decision they can apply to the High Court for a judicial review.



4. Objections

4.1 Who can make an objection?

4.1.1 The following organisations have a statutory right to object to an application for a goods vehicle operators licence or an application to vary a licence once issued:

- a Chief Officer of Police;
- a Local Authority (but not a Parish Council);
- a Planning Authority;
- the British Association of Removers;
- Logistics UK, formerly the Freight Transport Association;
- GMB, formerly the General and Municipal Workers Union;
- the National Union of Rail, Maritime and Transport Workers;
- the Road Haulage Association;
- Unite the union, formerly the Transport and General Workers' Union, before its merger with Amicus;
- the Union of Shop, Distributive and Allied Workers;
- the United Road Transport Union;
- a prescribed trade union as defined in the Trade Union and Labour Relations (Consolidation) Act 1992.¹

4.2 How are statutory objectors notified of any application?

4.2.1 A publication known as 'Applications and Decisions' is regularly produced for each traffic area which contains details of all the applications for a licence made in that area during a given period. The publication is emailed on request to Statutory Objectors in the region covered by the traffic area. The list of recipients is kept as up to date as possible but if you feel that you should be receiving a copy and are not please contact the Office of the Traffic Commissioner.

4.3 On what grounds can objections be made?

4.3.1 Objections can be made on environmental or non- environmental grounds or both.

4.4 Environmental grounds

4.4.1 Environmental objections may be made under the provisions of Section 12(1) (applications for) and Section 19(2)(a) & (4)(a) (variations to) of the Goods Vehicles (Licensing of Operators) Act 1995.

¹ <https://www.gov.uk/government/publications/public-list-of-active-trade-unions-official-list-and-schedule>



4.4.2 The environmental factors that result from the use of land as an operating centre and which can be considered relevant to an objection may include:

- noise;
- fumes;
- pollution;
- vibration;
- visual intrusion.

Please see Part 3.4.4 for further details.

4.5 Non-environmental

4.5.1 Non-environmental objections may be made on one or more of the following grounds on the basis that the requirements of Section 13 of the Goods Vehicles (Licensing of Operators) Act 1995 cannot be met. They can relate to:

- a) the suitability of the applicant to hold an operator's licence on the grounds that he/she cannot meet the requirements to be:
 - of good repute (for standard licences only); or
 - fit to hold a licence (for restricted licences only); or
 - of appropriate financial standing (for standard licences only); or
 - professionally competent (for standard licences only).
- b) the suitability of the operating centre in relation to:
 - size for the number of vehicles and trailers proposed to be parked there;
 - the safety of the entrance and exit arrangements from the site onto the public highway; or
 - parking facilities in or around the site.

4.6 Making an objection

4.6.1 An objection to an application for or variation to an operator's licence must:

- be made in writing to the traffic commissioner at the Office of the Traffic Commissioner and should wherever possible quote the legislation under which the objection is being made;
- be signed by an authorised signatory from the organisation making the objection;
- be received at the Office of the Traffic Commissioner no later than 21 days after the date that notice of the application is published in 'Applications and Decisions';



- be copied to the applicant on the same day, or next working day, as the objection is made to the traffic commissioner;
- state specific grounds and give sufficient particulars so that the applicant knows the case he/she has to answer to.

4.6.2 If any of the above criteria are not met the traffic commissioner will not accept the objection as duly made unless there are exceptional circumstances.

4.6.3 **In order to assist you in lodging opposition to an application, a model template can be found at Annex 4 of this guide. Whilst there is no requirement for an objection to be submitted using this template, it is intended as a useful guide which sets out matters which the traffic commissioner may and may not take into consideration.**

4.7 What happens next?

4.7.1 In the case of a valid objection the Office of the Traffic Commissioner will usually write to the operator asking for further information about the proposed use of the operating centre and seeking comments on the matters contained in the objection. The applicant and the objector will also be encouraged to try to resolve any possible differences between them through direct liaison.

4.7.2 The traffic commissioner will then decide if he/she is able to make a decision on the application or whether it is necessary to hold a Public Inquiry to hear evidence from both parties before reaching a decision. Where the traffic commissioner considers that it may be possible to resolve matters without a Public Inquiry he/she will seek the comments of the relevant parties on any proposed way forward before deciding whether or not the application can be determined at that stage, or whether it is necessary to proceed to a hearing.

4.8 What range of decisions are available to the traffic commissioner?

4.8.1 There are a number of options available to the traffic commissioner, the more usual are:

- grant the application as applied for;
- grant the application but attach conditions or record undertakings regarding the use of the operating centre;
- grant the application for a reduced number of vehicles and/or trailers;
- refuse the application.

4.9 Is the traffic commissioner's decision final?

4.9.1 Any decision not to grant an application in full, to attach conditions or record undertakings regarding the use of an operating centre or not to meet the wishes of a statutory objector can be challenged by appeal to the Upper Tribunal - Administrative Appeal Chamber (Transport).



4.9.2 The Tribunal's website contains a [form](#) and details on the [process](#).



5. Complaints

5.1 What are complaints?

- 5.1.1 Unlike representations and objections which are made in response to applications, complaints can be made at any time by anyone.
- 5.1.2 In general, complaints can be about the use of an existing operating centre or about breaches of any of the terms, for example conditions, under which a licence was issued, including parking.
- 5.1.3 Where possible a traffic commissioner would encourage those parties involved to resolve any problems between themselves on a one to one basis. Quite often a direct approach to the operator can result in a satisfactory solution without substantial involvement by the commissioner, which may save time and money for all those involved.

5.2 On what grounds can complaints be made?

- 5.2.1 A complaint about an authorised operating centre can be on either environmental or road safety grounds.

5.3 How does someone make a complaint?

- 5.3.1 Complaints should be made in writing to the Office of the Traffic Commissioner at: Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF. It should clearly:
- state who the complaint is from;
 - state the grounds for complaint;
 - identify the operating centre concerned giving the full address of the operating centre and the name(s) of the operator(s) using the operating centre to which the complaint relates, and if possible, details of the vehicles, and movements giving cause for concern.

- 5.3.2 **In order to assist you in making a complaint about an existing operating centre, a model template (form GVenv05) can be found at Annex 5 of this guide.**

5.4 What happens when the complaint is made?

- 5.4.1 Complaints will be acknowledged and the person making the complaint will be sent further information about the complaints procedure. If they have not already done so they will be asked to fill in form GVenv05 which can be found at Annex 5 of this guide. This is needed in order to provide the traffic commissioner with the further information he/she will need to consider the views put forward.
- 5.4.2 The relevant part of the form may be copied to the operator(s) concerned. This will give him/her the opportunity to comment on the matters raised and to rectify any problems of which he/she may not have been aware.



5.5 What happens next?

- 5.5.1 Although a complaint may be made at any time against an operating centre specified on a licence, the traffic commissioner can only take immediate action if it is considered that the operator concerned is operating outside the terms of his/her licence. Otherwise, the time at which the traffic commissioner can act is determined by what is known as the 'Review Date' (see Part 6 for further information on the Review of Operating Centres).
- 5.5.2 Unless an operator applies to vary the use of his/her operating centre, the traffic commissioner has the opportunity to review the suitability of that centre only at five yearly intervals. Upon receipt, a complaint will be registered against the relevant operator's licence. If it is not a complaint that indicates an operator is operating outside the terms of his/her licence, the complaint will be brought forward and taken into consideration at the operator's licence review stage. If the complaint relates to operating outside of the licence terms, the details will be passed to the Driver and Vehicle Standards Agency for investigation.
- 5.5.3 Further complaints can be made by the same person at any time before the review date.
- 5.5.4 People who make complaints will be advised when the next review date is due and all reasonable steps will be taken to inform them of the traffic commissioner's decision at that time.
- 5.5.5 If in the meantime an operator applies to vary his/her licence in a way which would affect an operating centre the application will be published in As and Ds. Those who have made complaints can make representations or objections against the grant of the variation. The complaints already made will not be treated as representations or objections. Separate opposition will have to be made in accordance with Parts 3 and 4 of this guide.



6. Review of Operating Centres

6.1 What is a review?

6.1.1 The complaints procedure (as outlined in Part 5), is linked to the traffic commissioner's ability to review the suitability of the operating centre(s) on an operator's licence. The traffic commissioner may conduct such a review every five years commencing with the date when a goods vehicle operator's licence came into force.

6.1.2 The review is not however automatic and is at the traffic commissioner's discretion. In making his/her decision whether or not to review he/she will take into account any complaints received against an operating centre in the preceding five years.

6.2 How will people know if a review is to take place?

6.2.1 In most circumstances a person or organisation who has made a complaint against an operating centre will have been told when the operating centre(s) is due for review. Near to the review date the Office of the Traffic Commissioner may write to them again asking if the points made in the original letter are still relevant and if the writer still wishes them to be considered.

6.3 What happens next?

6.3.1 The traffic commissioner will consider all the evidence before him/her and decide if it justifies a review of the operating centre concerned. As soon as the decision whether or not to review the operating centre has been made, anyone who has complained will be notified.

6.3.2 This does not mean that the operator is free to do as he/she pleases for five years.

6.3.3 The review procedure does not affect the traffic commissioner's powers to act and take disciplinary action at any time if a licence holder is operating outside the terms of his/her licence, for example by breaking any condition of use that appears on the operator's licence.

6.4 What happens if a review is to take place?

6.4.1 The traffic commissioner will consider:

- whether the operating centre continues to be suitable for the purposes for which the operator's licence authorises it to be used;
- whether, if it is considered to be no longer suitable, conditions for environmental or road safety reasons could be attached or changed which would make it suitable; or
- whether it is incapable of being made suitable by the imposition or changing of conditions.

6.4.2 On a review the traffic commissioner has the power to remove an operating centre from the licence or to attach conditions or vary existing conditions.



6.4.3 The traffic commissioner can attach conditions for environmental reasons, such as the times vehicles use the operating centre, or for non-environmental reasons such as road safety.

6.4.4 The traffic commissioner can remove an operating centre from a licence for both environmental and non-environmental reasons; but in the case of environmental reasons the operating centre can be removed in only limited circumstances.

6.5 Is the traffic commissioner's decision final?

6.5.1 Only the operator has a right of appeal to the Upper Tribunal against any decision made on review and then only if conditions have been varied or placed on the licence or if an operating centre has been removed. Complainants can only challenge the traffic commissioner's decision by seeking a judicial review of that decision through the High Court.



ANNEX 1 - Traffic Areas

Please note that the below list acts as a guide only. When [applying](#) for a licence the correct traffic area will be automatically allocated. If you have any doubt as to which traffic area an [operating centre](#) falls into, you can contact the Office of the Traffic Commissioner for advice.

North Eastern Traffic Area - Responsible for

The metropolitan boroughs within:

- South Yorkshire
- Tyne and Wear
- West Yorkshire

The counties of:

- Durham
- East Riding of Yorkshire
- Northumberland
- North Yorkshire
- Nottinghamshire

The districts of:

- North East Lincolnshire
- North Lincolnshire

North Western Traffic Area - Responsible for

The metropolitan boroughs within:

- Greater Manchester
- Merseyside

The counties of:

- Cheshire
- Cumbria
- Derbyshire
- Lancashire

Eastern Traffic Area - Responsible for

The counties of:

- Bedfordshire
- Buckinghamshire
- Cambridgeshire
- Essex



Office of the Traffic Commissioner

- Hertfordshire
- Leicestershire
- Lincolnshire (except the Districts of North Lincolnshire and North East Lincolnshire)
- Norfolk
- Northamptonshire
- Rutland
- Suffolk

Ardal Traffig Cymru/Welsh Traffic Area - Cyfrifol am/Responsible for

- Cymru/Wales

West Midland Traffic Area - Responsible for

The metropolitan boroughs within the West Midlands.

The counties of:

- Herefordshire
- Shropshire
- Staffordshire
- Warwickshire
- Worcestershire

Western Traffic Area - Responsible for

The counties of:

- Berkshire
- Cornwall
- Devon
- Dorset
- Gloucestershire
- Hampshire
- Isle of Wight
- Oxfordshire
- Somerset
- Wiltshire

The districts of:

- Bath and North East Somerset
- Bristol
- North Somerset
- South Gloucestershire



Office of the
Traffic Commissioner

South Eastern and Metropolitan Traffic Area - Responsible for

- Greater London

The counties of:

- Kent
- Surrey
- East Sussex
- West Sussex

Scottish Traffic Area - Responsible for

- Scotland



Annex 2 – Relevant Legislation

The Goods Vehicles (Licensing of Operators) Act 1995

The Goods Vehicles (Licensing of Operators) Regulations 1995 (SI 1995/2869)

The Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995 (SI 1995/3000)

The Goods Vehicles (Licensing of Operators) Act 1995 (Commencement and Transitional Provisions) Order 1995

Regulation (EC) No 1071/2009 (Access to the occupation of road transport operator) – as retained in UK legislation

Regulation (EC) No 1072/2009 (common rules for access to the international road – as retained in UK legislation haulage market)



Office of the
Traffic Commissioner

Annex 3 – Template for making representations

Below is a suggested guide to assist lodging a representation against an application for, or to vary, an operator's licence. Please note that a representation does not need to be made using this template, however it is intended as a guide to raising relevant matters which fall within the traffic commissioner's jurisdiction.



Goods Vehicle Operator Licensing

REPRESENTATION AGAINST AN APPLICATION FOR / TO VARY AN OPERATOR'S LICENCE

Guidance:

Please read the attached guidance, 'A summary of matters a traffic commissioner may take into account', regarding the traffic commissioner's jurisdiction carefully before completing this form.

- This form **GVenv03** is for representations against applications for or to vary goods vehicle operator's licences only and should only be completed by owners or occupiers of land (including buildings) in the vicinity of the operating centre(s) detailed on the application.
 - ⇒ If you are a statutory objector as listed in Section 12 of The Goods Vehicles (Licensing of Operators) Act 1995, please complete form **GVenv04**.
 - ⇒ If you wish to make a complaint against an existing operating centre on a goods vehicle operator's licence, please complete form **GVenv05**.
 - ⇒ If you suspect non-compliance with the Operator Licensing system, for example parking at a site which is not an authorised operating centre, breach of licence conditions, unlicensed operators, etc, you may report this on 0800 030 4103 for DVSA to make enquiries.
- If you need any help with completing this form, please call the contact centre on 0300 123 9000* and ask to be put through to a member of the environmental team.
- Further guidance can be found in 'A Guide to Making Representations, Objections and Complaints', available from <https://www.gov.uk/government/publications/a-guide-to-making-representations-objections-and-complaints-goods-vehicle-operator-licensing>

Data Protection

The personal information you provide on this form will be used for the purposes of a traffic commissioner's statutory functions. This may include sharing the information you provide with other traffic commissioners, DfT, other government departments and enforcement agencies. Standard licence/application information will also be included in a national register which is available to other member states. Further information is available from the Office of the traffic commissioner.

PLEASE COMPLETE ALL SECTIONS FULLY IN BLACK INK



Your details

1 Your full name

2 Your address

Postcode

3 Your daytime telephone number

4 Your email address

Your representations

5 Address of the operating centre / proposed operating centre

Postcode

6 Name of operator(s) and licence number(s) (if known)

7 Do you own or occupy land or property within the vicinity of the operating centre?

Yes

No



8 If you answered 'Yes' to question 7, approximately how far (in metres) is your land or property from the operating centre?

9 Please draw a sketch in the space below showing the location of your land or property (with distances in metres) in relation to the operating centre. Alternatively, please enclose a map, plan or aerial photograph with the relevant properties clearly marked.



10 What usage will affect you

Please confirm which of the following you will be affected by if this application is granted. You may tick more than one box if more than one of the following applies to you.

- The use of my land or property will be affected by the applicant's heavy goods vehicles whilst they are operating within the confines of and/or at the entrance point to the operating centre.
- The use of my land or property will be affected by the applicant's heavy goods vehicles whilst they are travelling on any privately maintained road between the entrance point to the operating centre and the place where they first join the public highway;
- The use of my land or property will be affected by heavy goods vehicles travelling along a public highway

11 Your grounds for representation

Please state your grounds for representation in the space below using the advice provided. You must give full details which explain how the use or enjoyment of your property will be affected if the application is granted.

Please ensure that you have read through the last page of this form which gives matters which can be taken into account by traffic commissioners when considering an application. Your representation should relate to these matters only.

If there are any conditions which you feel could be put on to the licence which would address your concerns, please give details.

Please continue on a separate sheet if necessary



12 Copying correspondence

12a You are legally required to send a copy of your representation to the applicant on the same day or on the next working day after delivery to the traffic commissioner. If you do not, then the traffic commissioner can only accept your representation if there are exceptional circumstances which prevent you from sending a copy to the applicant. Please tick one of the boxes below to confirm whether you will be sending a copy to the applicant.

YES – I will send a copy my completed form to the applicant as required. I understand that as this box has been ticked, if the applicant claims not to have received a copy of my form, then the Office of the Traffic Commissioner may provide the applicant with a further copy.

NO – I am not prepared to send a copy of my representation to the applicant as I believe there are exceptional circumstances which prevent me from doing so, and I have provided details of those circumstances below. I understand that the traffic commissioner may not be able to accept my representation as evidence. If the traffic commissioner is unable to treat your representation as valid, the applicant will have no case and will not be required to answer to any of the issues you have raised.

If you have ticked 'NO' above, please give your detailed reasons below:

12b This question only applies if you have ticked 'no' above. Although the traffic commissioner may not be able to accept your representation, they would like to be able to send a copy of your response to Question 11 to the applicant. If you agree to this, the applicant may be able to comment to some extent on the matters raised and it is possible that they may attempt to rectify any problems. However as they will not know where the opposition has come from they may not be able to take all of your concerns into account or target improvements toward the right areas. Please tick one of the boxes below to confirm whether you agree to this.

YES – I am happy for the traffic commissioner to provide the applicant with a copy of my answer to question 11

NO – I am not prepared for the applicant to be provided with any part of this form.

12c The traffic commissioner may wish to provide the applicant with a copy of any further correspondence which you send in connection with the application, so that they may address the matters raised. The validity of your opposition will not be affected if you do not agree to this but it may prevent the applicant from taking appropriate steps to resolve your issues. If you agree at this time, then the traffic commissioner may provide the



applicant with a copy of any correspondence you provide in connection with this application, unless it explicitly states that you are not happy for that piece of correspondence to be copied to the applicant. Please tick one of the boxes below to confirm whether you agree to this.

YES – the traffic commissioner may provide the applicant with copies of any subsequent correspondence I send in connection with this application unless I state otherwise on any individual item of correspondence.

NO – I am not prepared for a copy of any correspondence I send in connection with this application to be provided to the applicant.

13 Public inquiry

The traffic commissioner may determine the application on the written evidence supplied, or to convene a Public Inquiry to decide the application. If a Public Inquiry is to be held this would be in an appropriate venue as close to the operating centre as possible. You should note however, that a Public Inquiry will not normally be convened unless at least one person opposing the application is prepared to attend.

Please state below whether you would wish to attend a Public Inquiry if the traffic commissioner decides to hold one to decide the application.

YES – I would like to attend a Public Inquiry if one is held.

NO – I do not wish to or would not be able to attend any Public Inquiry.

DECLARATION:

I would like the traffic commissioner to consider my representation. I confirm that all the information I have given you is true and accurate to the best of my knowledge.

Signed

Dated

Please return your completed form to the following address, so as to be received within 21 days of the date public notice of the application appeared in the newspaper :

Environmental Team,
Office of the Traffic Commissioner,
Hillcrest House,
386 Harehills Lane,
Leeds LS9 6NF



APPLICATIONS FOR / TO VARY A GOODS VEHICLE OPERATING CENTRE

A summary of matters a traffic commissioner may take into account

Environmental suitability

1. In considering the environmental suitability of an operating centre, the traffic commissioner may have regard only to the environmental effects of the use of the operating centre and any privately maintained approach roads used by the operator's vehicles, taking account of:
 - a) the nature and use of other land/property in the vicinity of the proposed operating centre and the effect that granting the application will have on the local environment;
 - b) if the site is an existing operating centre; whether the application will result in a material change (e.g. an increase in the numbers of vehicles or a change in the level or type of activity), which will have an adverse environmental impact;
 - c) information regarding planning permission, if the site has not been used as an operating centre before;
 - d) the number, type and size of vehicles to be authorised, together with parking arrangements;
 - e) the nature and time of use of the proposed operating centre by the authorised vehicles, including the use of special equipment relating to the operation of the vehicles;
 - f) how, and how often, authorised vehicles will enter and leave the operating centre.
2. The traffic commissioner can attach conditions, for environmental reasons, covering:
 - a) the number, type and size of vehicles which the operator may keep at his operating centre, and the hours of operation and/or maintenance;
 - b) the parking arrangements, including prohibiting parking on roads in the vicinity;
 - c) the means of entry and exit of the operator's vehicles.

Also, in considering environmental suitability, he/she can (in certain circumstances) refuse an application for/to vary an operators licence on the grounds of adverse environmental effects of the proposed operation.

General Suitability

3. When considering the suitability of an operating centre in non-environmental terms, the traffic commissioner may have regard to the safety of the means of access to and from the operating centre. He may attach conditions to, or refuse an application for or to vary a licence for road safety reasons. However, road safety considerations beyond the immediate point of access onto the public highway cannot be taken into account by the traffic commissioner. Only statutory objectors may oppose applications on grounds of general suitability. If such matters are raised by other parties, they will be looked into by the traffic commissioner, but only a statutory objector may comment further on the matter.

Matters which a traffic commissioner cannot consider

4. In considering the suitability of an operating centre, the traffic commissioner **cannot** take account of:
 - a) other operators' vehicles which are visiting the operating centre;
 - b) any vehicles outside the scope of the licensing system – generally those weighing 3.5 tonnes gross weight or less.
 - c) Any use of the site which is not related to the operation of goods vehicles
 - d) the physical suitability of the surrounding road network – this is a matter for the Highway Authority

The relevant statutory provisions containing the rules governing the application process are in the [Goods Vehicles \(Licensing of Operators\) Act 1995](#) and the [Goods Vehicles \(Licensing of Operators\) Regulations 1995](#)

Annex 4 – Template for making objections

Below is a suggested guide to assist lodging an objection against an application for, or to vary, an



operator's licence. Please note that an objection does not need to be made using this template, however it is intended as a guide to raising relevant matters which fall within the traffic commissioner's jurisdiction.



Goods Vehicle Operator Licensing

OBJECTION AGAINST AN APPLICATION FOR / TO VARY AN OPERATORS LICENCE

Guidance:

Please read the attached guidance, 'A summary of matters a traffic commissioner may take into account', regarding the traffic commissioner's jurisdiction carefully before completing this form.

- This form **GVenv04** is for objections against applications for or to vary goods vehicle operator's licences only and should only be completed by statutory objectors as listed in Section 12 of The Goods Vehicles (Licensing of Operators) Act 1995
 - ⇒ If you own or occupy land (including buildings) in the vicinity of the operating centre(s) detailed on the application and wish to make representations please complete form **GVenv03**.
 - ⇒ If you wish to make a complaint against an existing operating centre on a goods vehicle operator's licence, please complete form **GVenv05**.
 - ⇒ If you suspect non-compliance with the Operator Licensing system, for example parking at a site which is not an authorised operating centre, breach of licence conditions, unlicensed operators, etc, you may report this on 0800 030 4103 for DVSA to make enquiries.
- If you need any help with completing this form, please call the contact centre on 0300 123 9000* and ask to be put through to a member of the environmental team.
- Further guidance can be found in 'A Guide to Making Representations, Objections and Complaints', available from <https://www.gov.uk/government/publications/a-guide-to-making-representations-objections-and-complaints-goods-vehicle-operator-licensing>

Data Protection

The information you provide on this form will be used for the purposes of a traffic commissioner's statutory functions. This may include sharing the information you provide with other traffic commissioners, DfT, other government departments and enforcement agencies. Standard licence/application information will also be included in a national register which is available to other member states. Further information is available from the Office of the traffic commissioner.



Your details

1 Your full name

2 Full name of the body you represent

3 Your address

Postcode

4 Your daytime telephone number

5 Your email address

Your objection

6 Address of the operating centre / proposed operating centre

Postcode

7 Name of operator(s) and licence number(s) (if known)



8 Your grounds for objection

Please state your grounds for objection in the space below using the advice provided and give particulars of those grounds or any matters relevant to the issue to which the objection relates.

If your objection relates to the operating centre, please ensure that you have read through the last page of this form which gives matters which can be taken into account by traffic commissioners when considering an application.

If there are any conditions which you feel could be put on to the licence which would address your concerns, please give details.

Please continue on a separate sheet if necessary

9 Copying correspondence

9a You are legally required to send a copy of your objection to the applicant on the same day or on the next working day after delivery to the traffic commissioner. If you do not, then the traffic commissioner can only accept your representation if there are exceptional circumstances which prevent you from sending a copy to the applicant. Please tick one of the boxes below to confirm whether you will be sending a copy to the applicant.

YES – I will send a copy of our completed form to the applicant as required. I understand that as this box has been ticked, if the applicant claims not to have received a copy of our form, then the Office of the Traffic Commissioner may provide the applicant with a further copy.

NO – I am not prepared to send a copy of our objection to the applicant as I believe there are exceptional circumstances which prevent me from doing so, and I have provided details of those circumstances below. I understand that the traffic commissioner may not be able to accept our objection as evidence if he/she decides that there are no exceptional circumstances in this case. If the traffic commissioner is unable to treat your objection as valid, the applicant will have no case and will not be required to answer to any of the issues you have raised.



If you have ticked 'NO' above, please give your detailed reasons:

9b This question only applies if you have ticked 'no' above. Although the traffic commissioner may not be able to accept your objection, they would like to be able to send a copy of your response to Question 8 to the applicant. If you agree to this, the applicant may be able to comment to some extent on the matters raised and it is possible that they may attempt to rectify any problems. Please tick one of the boxes below to confirm whether you agree to this.

- YES** – I am happy for the traffic commissioner to provide the applicant with a copy of our answer to question 8
- NO** – I am not prepared for the applicant to be provided with any part of this form.

9c The traffic commissioner may wish to provide the applicant with a copy of any further correspondence which you send in connection with the application, so that they may address the matters raised. The validity of your opposition will not be affected if you do not agree to this but it may prevent the applicant from taking appropriate steps to resolve your issues. If you agree at this time, then the traffic commissioner may provide the applicant with a copy of any correspondence you provide in connection with this application, unless it explicitly states that you are not happy for that piece of correspondence to be copied to the applicant. Please tick one of the boxes below to confirm whether you agree to this.

- YES** – the traffic commissioner may provide the applicant with copies of any subsequent correspondence we send in connection with this application unless stated otherwise on any individual item of correspondence.
- NO** – We are not prepared for a copy of any correspondence we send in connection with this application to be provided to the applicant.



10 Public inquiry

The traffic commissioner may determine the application on the written evidence supplied, or to convene a Public Inquiry to decide the application. If a Public Inquiry is to be held this would be in an appropriate venue as close to the operating centre as possible. You should note however, that a Public Inquiry will not normally be convened unless at least one person opposing the application is prepared to attend.

Please state below whether you would wish to attend a Public Inquiry if the traffic commissioner decides to hold one to decide the application.

YES – a representative of our body would like to attend a Public Inquiry if one is held.

NO – we do not wish to be represented at or attend any Public Inquiry.

DECLARATION:

I would like the traffic commissioner to consider this objection. I confirm that all the information I have given you is true and accurate to the best of my knowledge. I confirm that I am authorised to sign this objection on behalf of the body or group I represent.

Signed

Dated

Please return your completed form to the following address, so as to be received within 21 days of the date notice of the application was published in the relevant 'Applications and Decisions' publication:

Environmental Team,
Office of the Traffic Commissioner,
Hillcrest House,
386 Harehills Lane,
Leeds LS9 6NF



APPLICATIONS FOR / TO VARY A GOODS VEHICLE OPERATING CENTRE

A summary of matters a traffic commissioner may take into account

Environmental suitability

1. In considering the environmental suitability of an operating centre, the traffic commissioner may have regard only to the environmental effects of the use of the operating centre and any privately maintained approach roads used by the operator's vehicles, taking account of:
 - a) the nature and use of other land/property in the vicinity of the proposed operating centre and the effect that granting the application will have on the local environment;
 - b) if the site is an existing operating centre; whether the application will result in a material change (e.g. an increase in the numbers of vehicles or a change in the level or type of activity), which will have an adverse environmental impact;
 - c) information regarding planning permission, if the site has not been used as an operating centre before;
 - d) the number, type and size of vehicles to be authorised, together with parking arrangements;
 - e) the nature and time of use of the proposed operating centre by the authorised vehicles, including the use of special equipment relating to the operation of the vehicles;
 - f) how, and how often, authorised vehicles will enter and leave the operating centre.
2. The traffic commissioner can attach conditions, for environmental reasons, covering:
 - a) the number, type and size of vehicles which the operator may keep at his operating centre, and the hours of operation and/or maintenance;
 - b) the parking arrangements, including prohibiting parking on roads in the vicinity;
 - c) the means of entry and exit of the operator's vehicles.

Also, in considering environmental suitability, he/she can (in certain circumstances) refuse an application for/to vary an operator's licence on the grounds of adverse environmental effects of the proposed operation.

General Suitability

3. When considering the suitability of an operating centre in non-environmental terms, the traffic commissioner may have regard to the safety of the means of access to and from the operating centre. He may attach conditions to, or refuse an application for or to vary a licence for road safety reasons. However, road safety considerations beyond the immediate point of access onto the public highway cannot be taken into account by the traffic commissioner.

Matters which a traffic commissioner cannot consider

4. In considering the suitability of an operating centre, the traffic commissioner **cannot** take account of:
 - a) other operators' vehicles which are visiting the operating centre;
 - b) any vehicles outside the scope of the licensing system – generally those weighing 3.5 tonnes gross weight or less.
 - c) Any use of the site which is not related to the operation of goods vehicles
 - d) the physical suitability of the surrounding road network – this is a matter for the Highway Authority

The relevant statutory provisions containing the rules governing the application process are in the Goods Vehicles (Licensing of Operators) Act 1995 and the Goods Vehicles (Licensing of Operators) Regulations 1995



Annex 5 – Template for making complaints

Below is a suggested guide to assist lodging a complaint against the continued use of an operating centre. Please note that a complaint does not need to be made using this template, however it is intended as a guide to raising relevant matters which fall within the traffic commissioner's jurisdiction.



Goods Vehicle Operator Licensing

COMPLAINT ABOUT AN OPERATING CENTRE

Guidance:

Please read the attached guidance, 'A summary of matters a traffic commissioner may take into account', regarding the traffic commissioner's jurisdiction, carefully before completing this form.

- This form **GVenv05** is for complaints about an operating centre **only**.
 - ⇒ If you suspect non-compliance with the Operator Licensing system, for example parking at a site which is not an authorised operating centre, breach of licence conditions, unlicensed operators, etc, you may report this on 0800 030 4103 for DVSA to make enquiries.
 - ⇒ If you wish to oppose an application for or to vary a goods vehicle operator's licence, please complete form **GVenv03** (if you own or occupy land (including buildings) in the vicinity of the operating centre(s) detailed on the application) or form **GVenv04** (if you are a statutory objector as listed in Section 12 of The Goods Vehicles (Licensing of Operators) Act 1995).
- If you need any help with completing this form, please call the contact centre on 0300 123 9000* and ask to be put through to a member of the environmental team.
- Further guidance can be found in 'A Guide to Making Representations, Objections and Complaints', available from <https://www.gov.uk/government/publications/a-guide-to-making-representations-objections-and-complaints-goods-vehicle-operator-licensing>

Data Protection

The personal information you provide on this form will be used for the purposes of a traffic commissioner's statutory functions. This may include sharing the information you provide with other traffic commissioners, DfT, other government departments and enforcement agencies. Standard licence/application information will also be included in a national register which is available to other member states. Further information is available from the Office of the traffic commissioner.

PLEASE COMPLETE ALL SECTIONS FULLY IN BLACK INK



Your details

1 Your full name

2 Full name of the body you represent (if applicable)

3 Your address

Postcode

4 Your daytime telephone number

5 Your email address

The complaint

6 Address of the operating centre

Postcode

7 Do you own or occupy land or property within the vicinity of the operating centre?

Yes No



8 If you answered 'Yes' to question 7, approximately how far (in metres) is your land or property from the operating centre?

9 Please draw a sketch in the space below showing the location of your land or property (with distances in metres) in relation to the operating centre. Alternatively please enclose a map, plan or aerial photograph with the relevant properties clearly marked.

10 Name of operator(s) you wish to complain about and operator licence number(s) (if



known)

Licence number	Operator name

Please continue on a separate sheet if necessary

11 If there are any particular vehicles which are giving cause for concern, please list the vehicle registrations below, if known

Please continue on a separate sheet if necessary

12 If there is a specific type of vehicle which is giving cause for concern, for example refrigerated vehicles, articulated vehicles, skip lorries, etc. please give details below

13 What usage affects you

Please confirm which of the following you are affected by. You may tick more than one box if more than one of the following applies to you.

- The use of my land or property is affected by the operator's heavy goods vehicles whilst they are within the confines of and/or at the entrance point to the operating centre.
- The use of my land or property is affected by the operator's heavy goods vehicles whilst they are travelling on any privately maintained road between the entrance point to the operating centre and the place where they first join the public highway;
- The use of my land or property is affected by heavy goods vehicles travelling along a public highway



14 Your grounds for complaint

Please state your grounds for complaint in the space below. This should state what is happening at the operating centre in question and how this is affecting you.

Please ensure that you have read through the last page of this form which gives matters which can be taken into account by traffic commissioners when reviewing an operating centre. Your complaint should relate to these matters only.

If your complaint is that the place in question is unsuitable on environmental grounds for continued use as an operating centre for any vehicles under any operator's licence you should make a clear statement to that effect and give your reasons.

If there are any conditions which you feel could be put on to the licence which would address your concerns, please give details.

Please continue on a separate sheet if necessary



15 What happens next

By law, the traffic commissioner can only consider complaints about an operating centre on each individual licence once every five years when it falls due for review. At that point the traffic commissioner will decide if there are grounds to conduct a review of the operating centre on that licence.

15a The traffic commissioner would like to be able to send a copy of this form, including your name and address, to the operator. This will give the operator the opportunity to rectify any problems before the next review date, and to comment on the matters raised. It would also, potentially, allow the operator to contact you to gain a better understanding of your complaint, and to discuss how they might be able to remove your concerns. If, on the other hand, the operator does not know where the complaint has come from then they may not be able to fully address all of your concerns or target their efforts towards resolving the specific matters that are the cause of your grievance.

You should also be aware that whilst there is no obligation on you to copy your complaint to operator, not doing so may ultimately mean that your concerns cannot be considered as evidence by the Traffic Commissioner in reaching his final decision. For example the Goods Vehicles (Licensing of Operators) Regulations 1995 specifically prevents a traffic commissioner from taking into account any written evidence at a Public Inquiry unless it can be disclosed. The Traffic Commissioner is also obliged to act in accordance with Article 6 of the Human Rights Act 1998 which prescribes that a person should be able to examine, and therefore be in a position to challenge the evidence in any hearing.

Please tick one of the boxes below to confirm whether you agree to the whole of this form being sent to the operator(s) concerned.

YES – the traffic commissioner can provide the operator(s) concerned with a copy of my complaint form.

NO – I am not prepared to allow the traffic commissioner to provide the operator(s) concerned with a copy of my complaint form.

15b This question only applies if you have ticked ‘no’ in answer to 15a.

As you are not prepared to allow a copy of the whole form to be sent to the operator, the traffic commissioner would like to send them a copy of your response to Question 14. If this can be sent to the operator then although they will not know who has made the complaint, they may be able to comment to some extent on the matters raised and it is possible that they may attempt to rectify any problems before the next review date. Please tick one of the boxes below to confirm whether you agree to this.

YES –the traffic commissioner can provide the operator(s) concerned with a copy of my answer to Question 14 (detailing my grounds for complaint).

NO – I am not prepared to allow the traffic commissioner to provide the operator(s) concerned with a copy of my answer to Question 14 (detailing my grounds for complaint).



15c This question only applies if you have ticked ‘no’ in answer to 15b.

As you are not prepared to allow a copy of your response to Question 14 to be sent to the operator, the traffic commissioner would like to inform the operator that a complaint has been received and provide them with a brief summary of the grounds on which the complaint has been made. The summary would not include any information which would identify you as the person who made the complaint. The action the traffic commissioner will be able to take will be limited if you are not prepared to reveal to the operator that a complaint has been received. Please tick one of the boxes below to confirm whether you agree to this.

- YES** –the traffic commissioner can inform the operator(s) concerned that a complaint has been received and provide them with a brief summary of the grounds of complaint.
- NO** – I do not wish the operator(s) concerned to be informed of my complaint. I understand that this may limit the action the traffic commissioner is able to take.

15d If you have ticked ‘NO’ in answer to 15a, 15b or 15c above, please give your detailed reasons below:

15e The traffic commissioner may wish to provide the operator(s) concerned with a copy of any further correspondence which you send in connection with your complaint, so that they may address the matters raised. If you agree at this time, then the traffic commissioner may provide the operator(s) concerned with a copy of any correspondence you provide in connection with your complaint, unless it explicitly states that you are not happy for that piece of correspondence to be copied to the operator(s) concerned, or you have written to advise us that you no longer agree to this. Please tick one of the boxes below to confirm whether you agree to this.

- YES** – the traffic commissioner may provide the operator(s) concerned with copies of any subsequent correspondence I send in connection with this complaint unless I either state in an individual item of correspondence that it must not be copied to the operator(s) concerned, or write to advise the traffic commissioner that I no longer agree to copies of my correspondence being copied to the relevant operator(s).
- NO** – I am not prepared for a copy of any future correspondence I send in connection with this application to be provided to the applicant.



DECLARATION:

I would like the traffic commissioner to consider my complaint when the relevant operator licence(s) is/are due for review. I confirm that all the information I have given you is true and accurate to the best of my knowledge.

Signed

Dated

Please return your completed form to the following address:

Environmental Team,
Office of the Traffic Commissioner,
Hillcrest House,
386 Harehills Lane,
Leeds LS9 6NF

REVIEW OF A GOODS VEHICLE OPERATING CENTRE

A summary of matters a traffic commissioner may take into account

Environmental suitability

1. In reviewing the environmental suitability of an operating centre, the traffic commissioner may have regard only to the environmental effects of the use of the operating centre and its approach roads by the operator's vehicles, taking account of:
 - a) the nature and use of other land/property in this vicinity;
 - b) the number, type and size of the operator's vehicles which use the operating centre and the parking arrangements for those vehicles;
 - c) the nature and times of use of the operating centre by the applicant's vehicles, including the use (if any) of special equipment relating to the operation of vehicles;
 - d) how, and how often the operator's vehicles may enter and leave the operating centre.
2. The traffic commissioner can attach conditions, for environmental reasons, covering:
 - a) the number, type and size of vehicles which the operator may keep at his operating centre, and the hours of operation and/or maintenance;
 - b) the parking arrangements, including prohibiting parking on roads in the vicinity;
 - c) the means of entry and exit of the operator's vehicles.

Also, in considering environmental suitability, he/she can (in certain circumstances) remove an operating centre from a licence on the grounds of adverse environmental effects of the parking of the operators vehicles either within the confines of the operating centre, or on the roads in the vicinity of the operating centre.

General Suitability

3. When reviewing the suitability of an operating centre in non-environmental terms, the traffic commissioner may have regard to the safety of the means of access to and from the operating centre. He may attach conditions to, or remove an operating centre from a licence for road safety reasons. However, road safety considerations beyond the immediate point of access cannot be taken into account by the traffic commissioner.

Matters which a traffic commissioner cannot consider

4. In considering the suitability of an operating centre, the traffic commissioner **cannot** take account of:
 - a) other operators' vehicles which are visiting the operating centre;
 - b) any vehicles outside the scope of the licensing system – generally those weighing 3.5 tonnes gross weight or less.
 - c) Any use of the site which is not related to the operation of goods vehicles
 - d) the physical suitability of the surrounding road network – this is a matter for the Highway Authority

The relevant statutory provisions containing the rules governing the application process are in the Goods Vehicles (Licensing of Operators) Act 1995 and the Goods Vehicles (Licensing of Operators) Regulations 1995