



# Traffic Commissioners for Great Britain

## Administrative Policy Guidance

### GOVERNANCE AND BOARD WORKING

This policy has no statutory basis and is issued with and is subject to the agreement of the Traffic Commissioner Board.

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## Introduction

1. Traffic commissioners (TCs) operate at arm's length from the [Department for Transport \(DfT\)](#) as independent regulators and a specialist tribunal.
2. TCs rely heavily on dedicated staff members who not only assist them but also carry out delegated functions on their behalf, understand the way that they work (so that important lines of communication remain open) and ensure that TCs remain sighted and engaged. TCs also rely on other staff employed by DfT and its Agencies in delivering their statutory functions. The legal position can present challenges for those supporting TCs. The relationship with the Secretary of State, officials and departmental agencies is therefore set out in the Traffic Commissioner legal [Framework Document](#). That Framework was published on 9 July 2012. Whilst the details of the support and accounting arrangements have changed, the legal principles remain the same and must continue to be applied by all parties.
3. Each TC is an appointee of the Secretary of State. The governance and delegations of functions, within the statutory and legal framework is therefore a matter for the TCs themselves.

## Senior Traffic Commissioner

4. The amendments made to the Public Passenger Vehicles Act 1981 by the Local Transport Act 2008 provide the Senior Traffic Commissioner (STC) with three statutory powers. The law requires TCs to act under general directions of the STC and to have regard to the STC's guidance. Whilst both provisions are directed at traffic commissioners, they are separate powers. The legislation provides an indication of what might be the subject of guidance, and general directions. Whilst these lists are not exhaustive there is a clear implication that Parliament intended that those matters covered by guidance, should not be the subject of directions and vice versa. Through guidance the STC can indicate the meaning and operation of any enactment or instrument.
5. The STC is therefore akin to a tribunal Chamber President who might exercise judicial and pastoral leadership. In addition to the three statutory powers the Secretary of State requests the STC to take 'an appropriate role' in business and budget planning so that decisions on overall budgets, fee levels and resourcing considerations can be made on an informed basis. The STC will, on behalf of TCs, advise the DfT and DVSA generally and on the following specific areas to enable funding to be provided:
  - Deputy Traffic Commissioner (DTC) resource
  - DTC fees and T&S
  - TC salaries and T&S
  - Publications
  - Training of TCs and DTCs
  - Continuing Professional Development (CPD)
  - Subscriptions
  - Information Governance
  - Any matters that affect or are capable of affecting the health, safety and wellbeing of TCs and DTCs
  - Legal contingencies

- Any other matter considered relevant including adherence to the Framework.
6. In addition, the TCs have delegated the following tasks to the STC recognising the need for a coordinated approach and that the STC is better supported to deliver the required outcomes:
- Publication of agreed Administrative Policy Guidance documents,
  - Welfare and pastoral care of TCs and DTCs and advise DfT on its statutory duties,
  - Co-ordination of the submission of the Annual Reports to the Secretary of State,
  - Delivery and management of the TC Appraisal Scheme,
  - Training and skills development of TCs and DTCs including delivery of the Annual Professional Development Seminar,
  - Dealing with complaints against TCs and DTCs in accordance with the TCs' Complaints Protocol,
  - Maintaining a TC risk register through delegation to the TC Audit and Risk Committee,
  - Dealing with PQs and Ministerial correspondence in consultation with TCs,
  - To be alive to and respect any devolved settlement,
  - Co-ordinate TC responses to external consultations,
  - Stakeholder engagement on behalf of TCs at a senior/national level (Ministers, DVSA director level, DfT and industry) to deliver the TCs' agreed messages,
  - Secure independent legal advice in respect of identified legal risk.

### **Traffic Commissioners**

7. TCs are responsible for the licensing and regulation of those who operate heavy goods vehicles, buses and coaches; the registration of local bus services and the regulation of vocational drivers in the commercial vehicle industries. Sections 4(3A) and (3B) of the Public Passenger Vehicles Act 1981 define the jurisdiction of TCs. TCs in England and Wales are granted full jurisdiction in respect of all their statutory functions throughout England and Wales, and also in relation to "reserved matters" (within the meaning of the Scotland Act 1998) in Scotland. The TC for the Scottish Traffic Area is granted full jurisdiction in respect of all devolved and reserved statutory functions in Scotland, and in relation to reserved matters in England and Wales.
8. TCs are deployed by the STC to the various traffic areas in England and Wales. The presiding TC for the area will be responsible for providing judicial leadership in that traffic area. In relation to the TC for the Welsh Traffic Area, a Memorandum of Understanding between the Secretary of State for Transport and the Welsh Ministers describes arrangements relating to the funding, appointment and focus of the role. The protocols with the devolved administrations suggest that the sitting TC for each respective area are expected to hold a legal qualification.
9. The TC Appraisal Scheme refers to the professional standards expected in relation to each of the core competencies and the performance measures by which those standards will be measured.

## Deputy Traffic Commissioners

10. TCs are assisted in their statutory functions by DTCs as per paragraph 2A of Schedule 2 of the Public Passenger Vehicles Act 1981. Whilst TCs are recognised as separate public bodies for the purposes of data handling, DTCs are not. The reason for this distinction is that DTCs are specifically appointed to deputise for TCs in the following areas of responsibility:
  - a) holding public inquiries pursuant to the Goods Vehicles (Licensing of Operators) Act 1995 and the Public Passenger Vehicles Act 1981 in respect of applications for goods vehicle and public service vehicle operator licences respectively and regulatory matters;
  - b) holding regulatory public inquiries pursuant to the Transport Act 1985 in respect of local bus service registration;
  - c) conducting hearings pursuant to the Road Traffic Act 1988 in respect of HGV and PCV driver licence applications and driver conduct;
  - d) considering submissions and other box work; and
  - e) for deputies appointed in Scotland, conducting hearings pursuant to the Civic Government (Scotland) Act 1982 in respect of taxi fare scale appeals.
11. Paragraph 2A of Schedule 2 of the Public Passenger Vehicles Act 1981 makes clear that a DTC for England and Wales shall carry out such of those functions as the STC may determine under section 4B at such places in England and Wales, or, in the case of Scotland, reserved functions which are exercisable in relation to Scotland. The Secretary of State has set out in writing the expectation that DTCs will:
  - undertake public inquiries and hearings in place of the TC;
  - prepare for public inquiries and hearings through the examination of case papers supplied by the Office of the Traffic Commissioner;
  - be familiar with all aspects of relevant legislation;
  - consider evidence and issue reasoned judgment on individual cases either orally or in writing.
12. The use of DTCs is subject to the demands of the licensing regime. This may include but is not limited to the availability of finance, the demands on full-time TCs, and the availability and competency of the individual DTC. As the letter of appointment issued on behalf of the Secretary of State indicates, a DTC may be engaged for a whole day or part day. This may be to conduct public inquiries and preliminary hearings or to deal with cases by way of electronic and paper submissions (box work). The STC has issued Statutory Guidance under section 4C, which a DTC is required to consider, indicating the need to manage cases by reference to the 'overriding objective' so as to deal with cases in a way which is proportionate to the issues involved. That Statutory Guidance notes that invariably cases can be dealt with expeditiously and efficiently within the usual time frame of half a day.

13. In deploying TCs under section 4B to a particular Traffic Area, the STC has directed the relevant DTCs to carry out any function as delegated by the presiding full-time TC and, whilst acting under the same statutory guidance and statutory directions as the traffic commissioner may be subject to general direction by the traffic commissioner deployed to that traffic area. For instance, a DTC may receive directions relating to the use of time and resources in application of the overriding principle. The presiding TC is also the data controller for that traffic area. In order to meet the above responsibilities, the DTC must therefore comply with the requirements of the data controller and engage with a framework for information governance and policies, failing which delegated access may be removed and the DTC will have to be redeployed.
14. As with TCs the DTCs are the subject of appraisal to ensure that they have the necessary competency in order to fulfil those responsibilities delegated to them. The TC Appraisal Scheme refers to the professional standards expected in relation to each of the core competencies and the performance measures by which those standards will be measured. A TC is entitled to expect that any DTC will meet those standards. If a DTC fails to adhere to the given standards, the STC may deploy the DTC to other areas of responsibility or not at all and/or refer the issue to the Secretary of State by reference to paragraph 1 of Schedule 2 of the Public Passenger Vehicles Act 1981.

## **Office of the Traffic Commissioner**

### *Licensing, Compliance and Quality, Training & Casework Delivery teams*

15. The OTC (comprising Licensing, Compliance, and Quality, Training & Casework Delivery teams), is staffed by civil servants who work to and on behalf of the TCs either with regard to administrative matters or with regard to the exercise of delegated functions. TCs do not actually manage any staff but delegate and oversee work undertaken on their behalf within the OTC. They allow those staff access to their data, subject to a duty of confidentiality and the TC Information Governance Framework.
16. The Head of the Office of the Traffic Commissioner (HOTC) is required to ensure the smooth running of the administrative support for TCs, the lawful use of delegations, staff compliance with the Statutory Guidance and Statutory Directions, implementation and compliance of the TC Information Governance Framework and policies, proper financial management of fee income, the provision of sufficient resources and the proper support of TCs in carrying out their functions. The strategic objectives for the OTC will be signed off by the TC Board.
17. HOTC will, with the support and oversight of the TC Audit and Risk Committee, also act as the nominated SIRO for TCs.
18. With these objectives in mind, HOTC will do the following:
  - a) Attend TC Board meetings,
  - b) Meet with the STC on a monthly basis,
  - c) Keep and maintain a Delegation Register (which is to be updated not more than every six months),

- d) Ensure that the necessary audits take place to deliver the desired quality and Service Level Agreement (SLA) targets,
- e) Produce a quarterly written highlight report dealing with the following matters, as they apply to each traffic area:
  - compliance with the current service level agreement,
  - statistics for the numbers of submissions prepared and completed by the staff to and from TCs, including average application times,
  - any issues relating to information and data security,
  - any staffing issues that may impact upon the work of the TCs and compliance with the service level agreement,
  - any matters regarding the delegation of authority to any member of staff that need to be referred to the TC,
  - any IT matters that may impact upon the work of the TCs,
  - any significant matters regarding the relevant licensing and compliance teams,
  - allocation of money spent against budgets including any matters that will have a significant impact upon either the budget or subsequent spend,
  - any proposed significant staff, procedure or process changes,
  - a copy of any OTC reports sent to the DVSA Board will be included,
  - Every quarter the monthly report will include the HOTC Audit report,
  - Any other relevant matters.

19. It is anticipated that the individual TC will deal with the matters in the monthly report direct with the HOTC and that fellow TCs will not be involved in this process. However, if an individual TC or the STC needs to raise a matter as a result of the report that will affect all TCs that they want to take to the TC Board, this must be notified to the chair of the TC Board meeting and the HOTC may be asked to provide further information or attend any given meeting. The HOTC should ideally be given 5 working days' notice of the issues to be raised in order to prepare.

#### *Traffic Commissioners' Corporate Office*

20. The Traffic Commissioners' Corporate Office has a number of separate responsibilities in addition to providing direct support to the STC and traffic commissioners. It is funded by fees generated through the work of all the traffic areas. The TCCO includes the TC Press Office and the TC Information Access Team.
21. The TCCO is expected to support TCs in their portfolio and other work. Its functions reflect some of the STC's non-statutory role but members of TCCO will be expected to deliver objectives in line with the priorities and strategy set by the TC Board. The support functions of the TCCO broadly fall within the following headings:

#### *Policy*

- Delivery e.g. assisting with the development of relevant service level agreements
- General policy in respect of PSV and Goods operation
- Liaison with DfT and DVSA equivalents
- The preparation of relevant Impact Assessments

- Portfolio support
- Project Support

### *Engagement*

- Coordinating responses to PQs
- MP Correspondence
- Complaints Management
- Consultations
- Miscellaneous correspondence
- Co-Ordinate stakeholder engagement
- Co-ordination of TC presentation

### *Communications*

- Supporting TC stakeholder engagement
- Administering the TC publication scheme
- Provision of the TC Press Office including media monitoring and the issue of press releases and dealing with press enquiries
- Coordinating publicity for the work of TCs including publication of the TCs' annual report and coordinating the TC web presence
- Media Monitoring
- TC Briefings for third party engagement
- Reputation management

### *Data*

- Providing information management to TCs including drafting responses to requests for information and subject access requests within statutory time limits
- Advising on data risks and control measures
- Coordinating data sharing agreements with third parties
- Data Training
- Support for Information Governance and Data Risk Management
- Oversee Records Management, SLA & MOUs

### *Business Support*

- STC Administrative Support
- Providing administrative support for the TC Complaints Process
- Providing administrative support for the TC/DTC annual professional development seminar
- Coordinating the issue and publication of the STC Statutory Documents including the consultation process and, where appropriate, obtaining access to legal advice
- TC Board Secretariat
- Administrative Assurance Support
- Maintaining the TC risk register and control measures
- Coordinating TC responses to external consultations

## **TC Board Principles**

22. The judiciary has adopted a [Statement of Expected Behaviours for Judicial Office Holders](#), TCs recognise that effective Board working relies on the interplay between three aspects of governance: structure, culture, and behaviours. TCs



are separate public bodies but much of the activity carried out in the name of TCs takes place under delegations. The governance and delegations of functions, within the current statutory and legal framework is a matter for the TCs, but they have recognised the need to operate efficiently and consistently and the advantages of joint decision making.

23. The Secretary of State is responsible for the appointment of individual TCs. Recruitment is undertaken under the oversight of the Public Appointments Commissioner, but without the benefits of the Judicial Appointments Commission. TCs aim to overcome a lack of clarity around their status<sup>1</sup> and differing terms of appointments by adopting the approach set out in paragraph 22 and through the development of Administrative Policy Guidance. To that end, it is helpful to identify useful characteristics for the TC Board function:

- *Strategic thinking*: a sound understanding of how the TC jurisdiction operates and its strategic opportunities and challenges. A forward-looking mindset and approach whilst recognising the past. Uses good judgement to challenge OTC management and DfT sponsorship in the interests of good decision-making;
- *A clear focus on results*: an understanding of the TCs' "direction of travel" and ability to challenge OTC management to focus on delivering the right issues;
- *A constructive influencing style*: being open-minded; a good listener; speaking only when it adds to debate; accountability; a clear communicator; and
- *Independence of thought*: judging each issue on its merits; not afraid to challenge; not afraid of being the "lone voice."

## Board Behaviours

24. In considering Board etiquette, TCs have extracted general words of wisdom that help board directors keep meetings productive and on-task, and in turn help them safely encourage different points of view or provide robust challenge. Generally, directors are expected to:

- Show respect for one another and others, including respect for expertise and viewpoints. Allow time to reflect. Respect diversity allowing different perspectives and problem framing.
- Listen actively, with an open mind.
- Be brave and honest, but constructive in questions directed to management or other officials.
- Promote discussion and debate, including through the exercise of self-control in the use of discussion time, respecting the interests of other directors to also participate.

25. Officials attending the TC Board may enjoy delegated functions and access to TC data and are therefore subject to a duty of confidentiality. All civil servants are subject to the [Civil Service Code](#) and must avoid conflicts of interest by not meeting the Standards of Behaviour:

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<sup>1</sup> Traffic Commissioner Function Review, by the Ministry of Justice specialist ALB team, April 2023



### *Integrity*

- fulfil duties and obligations responsibly,
  - always act in a way that is professional and that deserves and retains the confidence of all those with whom you have dealings,
  - carry out your fiduciary obligations responsibly (that is make sure public money and other resources are used properly and efficiently),
  - deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability,
  - ensure you have authorisation for any contact with the media,
  - keep accurate official records and handle information as openly as possible within the legal framework,
  - comply with the law and uphold the administration of justice.
- Must not:
- misuse official position, for example by using information acquired in the course of your official duties to further your private interests or those of others,
  - accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise your personal judgement or integrity,
  - disclose official information without authority (this duty continues to apply after you leave the Civil Service).

### *Honesty*

- set out the facts and relevant issues truthfully, and correct any errors as soon as possible,
  - use resources only for the authorised public purposes for which they are provided.
- Must not:
- deceive or knowingly mislead ministers, Parliament or others,
  - be influenced by improper pressures from others or the prospect of personal gain.

### *Objectivity*

- provide information and advice, including advice to ministers, on the basis of the evidence, and accurately present the options and facts,
  - take decisions on the merits of the case,
  - take due account of expert and professional advice.
- Must not:
- ignore inconvenient facts or relevant considerations when providing advice or making decisions,
  - frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from those decisions.

### *Impartiality*

- carry out your responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity.
- Must not:
- act in a way that unjustifiably favours or discriminates against particular individuals or interests.

## **TC Board Meetings**

26. Section 45 of the Goods Vehicles (Licensing of Operators) Act 1995 and section 52 of the Public Passenger Vehicles Act 1981 set out the TCs' powers to charge

fees, but the income and expenditure is administered by the [Driver and Vehicle Standards Agency \(DVSA\)](#). The Legal Framework refers to the responsibilities of the Accounting Officer. TCs are entitled to expect transparency in the way in which fees collected in their name are used. The SLA signed in March 2021 formalises the agreed level of service and the role of TCs in decisions around budgets and issues relating to the OTC. As a group of office holders there is no formal role for the TCs in financial management. TCs are not expected to be finance experts, but their expertise in carrying out complex and specific statutory and judicial duties should be taken into account.

27. In the absence of formalised health and safety arrangements, the TC Board continues to monitor whether the budget allocation for DTC use and subsequent T&S, subscriptions, training and CPD, is sufficient, and is entitled to be sighted on the allocation of resource funded by operator licence fees and other TC income.
28. The TCs have agreed to formalise those arrangements by working together as a TC Board. Pending statutory reform as recommended by the 2023 Functional Review, the meetings will be divided into distinct sections, with operational reporting from officials who are tasked with providing us with a service/sponsorship. They are expected to provide focused written reports. TC Board members are entitled to place questions and request assurance/action based on that written information. Those officials may be present for the following:

#### *OTC Management*

- To inform and subsequently agree annual priorities taking account of the agreed strategic and business priorities,
- To review the performance of services provided to operators and external stakeholders by and on behalf of TCs,
- To review the performance of services provided to TCs (including compliance with service level agreements),
- To review and consider the application of DfT policies insofar as they relate to TC functions,
- To ensure appropriate and practical risk management,
- To ensure that the agreed annual engagement and communications strategy is followed.

#### *Compliance and Risk*

- To support TCs in fulfilling their legal obligations arising from their role as specialist independent regulators,
- To monitor the arrangements for Information Governance.

#### *Strategy*

- To discuss and agree the strategic and business priorities for the current reporting year,
- To discuss and agree medium- and long-term strategic objectives,
- To approve an annual communication and engagement strategy, including priorities and indicative resources,
- To agree an approach to fee structures and rates and inform DfT and its executive agencies accordingly,

- To agree individual portfolios and where appropriate identify and agree which TC will lead that portfolio, the degree of delegated authority and support required.
29. For the reasons established in the legal Framework and the 2023 Functional Review, the presence of DVSA must be limited. Data on TC performance will not be made available to parties to proceedings or used in a way which risks a perception of bias. The following operational areas and management of associated Administrative Policies will be restricted to ensure the protection of the tribunal function, with additional attendance generally reserved to OTC managers only:
- to discuss and agree consistent approaches to case management and to inform the development of the STC's Statutory Documents,
  - to agree and implement the appraisal scheme and reporting for TCs and DTCs,
  - to monitor the collection of data and to establish a baseline for individual performance,
  - To agree and implement the arrangements for the delivery of CPD of TCs and where appropriate DTCs,
  - To agree and implement the format and content of the Annual Professional Development Seminar (APDS).
30. As per the commitment set out in the Administrative Policy document, all TCs will attend all meetings. save in exceptional circumstances. By agreement of all TCs the Board meetings will be chaired by the STC.
31. As the above structure indicates, whilst DfT and DVSA managers are invited to attend to report on performance and to contribute to high-level strategic discussions, the meetings belong to the TC Board. OTC staff members may be invited to attend in support of the TC Board and in doing so will maintain the discretion and confidentiality which applies to all TC discussions. There may be occasions which require the withdrawal of those staff from particular discussions, which will be determined by the Chair for the relevant meeting. The TCs may also invite others to attend as and when required including the HOTC.
32. The secretariat will prepare the agenda at least a week ahead of each meeting and accurate, action-orientated notes will be circulated within 14 days of the meeting for agreement by the TCs ideally 7 days thereafter.
33. In recognition of the legal position, more fully explained in the Legal Framework Document, the TC Board consists of all of the current TCs including the STC.
34. The TC Board will work by majority agreement unless legal obstacles (including the Memorandum of Understanding with Welsh Ministers) prevent this or the decision impacts on an individual's terms of appointment. Examples where majority decisions might apply include:
- Strategic Objectives and Priority Planning, including TCCO (Corporate Office) priorities, to be reviewed at each meeting,
  - Portfolio Management including the delegation of Portfolios and setting of TORs, and STC reporting,
  - Board Procedures,

- Risk Management,
- OTC management, including the format and content of OTC Management Reports,
- Advice on the allocation of fee income, including the budget formulae for DTC usage and staff allocation. Income and expenditure will be reviewed at each meeting,
- Legal compliance including the impact on SGSDs and agree lines to take such as on the format and content of OTC public inquiry correspondence,
- External engagement including Annual Report arrangements, Press, media and shareholder engagement (subject to statutory duties),
- Quarterly review TC/DTC training portfolio, including induction and continuing development.

If no majority agreement is reached by the Board then it is for individual TCs to address.

35. As indicated above, unanimous agreement is required for any decision which might impact on individual terms of appointment, for example:

- i. Complaints/professional conduct
- ii. Health, safety and security
- iii. Expenses
- iv. Leave
- v. Gifts and Hospitality

If no unanimous agreement is reached by the Board, then it is for individual TCs to address.

36. In addition, the TC Board meetings allow opportunity for TCs to partake in legal discussions. Time will be allocated within the meeting:

- To provide a forum for the discussion and examination of general approaches to legal issues and the sharing of judicial and procedural good practice,
- To ensure that TCs continue to adopt a consistent approach to their regulatory functions.

37. TCs will also be invited to take part in fortnightly business meetings and other forums as required so that TCs can remain sighted on relevant matters and so that any urgent matters can be brought to the attention of all TCs. It is understood that not all TCs will be able to join all video calls and so the STC will ensure that in those cases that TCs are made aware of anything urgent.

## **TC Portfolios**

38. TCs undertake work outside their judicial role that promotes the continuous improvement, development and smooth running of the operator and vocational driver licensing regimes. This work is consistent with obligations of the Regulators' Code. To ensure the efficient use of limited resources the TC Board may delegate work to one or two TC colleagues to take forward as a distinct portfolio.

39. The TC Board will agree the objectives and extent of delegated authority. In engaging with others on this work the TC portfolio holder will speak with the agreed authority of the TC Board and will be free to progress matters within the

terms of reference, reporting back at Board meetings or in between as priorities require.

## Reporting on other issues

40. *Low level or one-off incidents:* TCs often provide positive feedback and may provide comments to support continuous improvement. That feedback may also record exceptionally good performance which does not often require a formal response. A low level incident might be discussed at Team Leader (EO) level. Assurances that any underlying training issue will be dealt with or care taken to avoid a repeat in the future may be sufficient to allay the concerns of the individual TC. In the majority of minor cases, local management will be best placed to resolve a complaint the first time the issue is brought to their attention.
41. *Serious or recurring concerns:* It is, of course, important for OTC managers to monitor all feedback collectively, particularly to ensure that similar issues do not occur across the OTCs. It is unacceptable for individual TCs to be left with the impression that they are alone in raising issues when this may not be the case.
42. TCs may also have more serious concerns, which should be escalated up the management chain, where appropriate as an Exception Report. Those might include, for example, concerns about training or general resilience of a team, recurring issues with the time it takes to implement a decision, or a failure to act on a previous report.
43. Any action by a member of OTC staff which exceeds their delegated authority must be treated as a serious concern and investigated accordingly. Wherever a member of staff has been found to have acted in excess of their delegated powers, a report must be completed by the relevant STL or their line manager, if the STL was involved. The report will record where action was taken outside permitted parameters. The report will highlight the differences between the actual delegation and the action by that member of staff. The report should contain a recommendation as to whether it is necessary to remove the delegation, which must be signed off by the relevant TC. Any disciplinary action remains with DVSA. If the TC accepts that the incident does not reflect the usual standard of work or is a one-off incident the TC should be invited to sign-off an 'Exception Report' which records that there are no recurring concerns. However, all exception reports must be placed on the appropriate log and reported to the Audit and Risk Committee for further consideration. The Audit and Risk Committee will report to the TC Board meeting.
44. The Chief Executive of the DVSA is Accounting Officer for the related trading fund and is responsible under the Framework Document for ensuring that processes are in place and for reporting on the work carried out by staff acting on behalf of the TCs. An incident where a member of staff exceeds their delegated authority might leave DVSA vulnerable to complaint or more serious action. This may require the release of TC data so a suitable reporting process is set out below.
45. The DVSA's published Corporate Service Standard is to acknowledge receipt of any external correspondence within 5 working days and to provide a substantive response within 10 working days. There is no reason why a TC should not receive a similar standard; indeed, in serious cases a swifter response may be

necessary. If an issue requires more time for response, then the TC must be advised accordingly and given a date for the expected response. If upon receipt of a response the TC is still unhappy then the issue can be referred to the STC.

46. In the case of serious or recurring concerns raised by TCs, they should be included in the HOTC monthly Highlight Report. The STC can then discuss with TC colleagues whether they need to be raised at the Tripartite liaison meeting and/or added to the TC Risk Register. The STC is also required as part of the assurance process to report on DVSA's compliance as against principles explained in the Legal Framework Document.

## **External Engagement**

### *Tripartite Liaison Meeting*

47. The STC meets with representatives from the DfT and DVSA to discuss all relevant cross cutting issues and so that the principles of the Framework Document are complied with. This includes receiving reports and assurance on the performance of the support services deployed to the TCs. It is a useful mechanism to ensure TCs set strategic objectives and key priorities in alignment with those for DfT, DVSA and other Government agencies. It is also the ultimate forum for escalating matters of risk for the TCs to DfT and where appropriate DVSA.
48. The administration of the meeting is the responsibility of the DfT sponsorship team. Attendees will include a Deputy Director of the Motoring Services Agency Sponsorship, Motoring and Freight Directorate, the DVSA Enforcement Director and the STC or representative. Further attendees are by invitation. Any TC may attend.
49. The meetings are currently chaired by a Deputy Director of the Sponsorship Team. Secretariat support is provided by the Sponsorship Team.
50. The meetings will receive update reports from DfT, DVSA and STC. Attendees will be expected to be in a position to address queries raised in respect of items notified via the agenda. Where they are unable to do so they are expected to provide a written response and/or update within 14 days of the date of the meeting and to provide a substantive date for response.
51. The meetings will be held quarterly or at such intervals as are considered necessary. The usefulness and regularity of these meetings will be kept under review.

### *TC/DVSA Enforcement Liaison Meetings*

52. These meetings form part of the TC Enforcement Portfolio. TCs and DVSA share the aim of delivering safer roads and fairer competition. The meetings arise from recognition of the TCs' statutory independence from DVSA and DfT and TCs rely on the enforcement agency to carry out a number of enforcement and compliance functions.
53. The core members are DVSA Director of Enforcement (Chair), DVSA Head of Enforcement Policy, lead TCs for enforcement (supported by OTC as required)



and Head of OTC. Attendance may be delegated but not where this will reduce the decision-making capability of the group.

54. Additional members will be co-opted or invited as appropriate in line with the group's priorities and agreed by the group in advance.
55. Both DVSA and TCs act under resource constraints so they aim to focus their limited resources on those seriously and serially non-compliant operators and drivers who pose the greatest risk to road safety and/or fair competition. The terms of reference include:
  - to ensure coordination between DVSA's enforcement and TCs' regulatory work;
  - develop and deliver modernised practices that maximise the impact of both organisations on improving the compliance of the seriously and serially non-compliant and/or those posing the greatest risk or, alternatively, removing them;
  - to oversee the definition and delivery of a core agreed annual plan aligned with and formed to contribute significantly to DVSA and TC strategic and operational priorities.
56. The meetings provide a forum to raise relevant issues concerning existing and proposed practices and to promote consistent enforcement, education and compliance policies and processes pertaining to operator licensing, transport managers and drivers who hold a vocational qualification.

#### *National Stakeholder Engagement Meetings*

57. Each TC engages with stakeholders in their own traffic area, but the STC meets with representatives at a national level on behalf of all TCs. The purpose of these meetings is to provide a forum for the commercial vehicle industry and licensed operators to discuss cross cutting operator licensing issues with the STC on behalf of the TCs.
58. It is an aspiration that these shall take place twice a year with the following standing invitees: Logistics UK, Road Haulage Association (RHA), the Confederation of Passenger Transport (CPT), the Chartered Institute of Logistics and Transport (CILT) and the Association of Road Transport Lawyers (AORTL). Other parties will be invited to attend as and when necessary. Any TC may attend.
59. The meetings will be chaired by the STC and secretariat support will be provided by the TCCO. Agenda items and any accompanying papers will be sent to all attendees at least 5 working days prior to meetings. Minutes will be distributed within 2 weeks of the meetings and sufficiently detailed to convey the nature of the discussions.

## ANNEX A - BOARD PAPER PRO-FORMA



Traffic Commissioners  
for Great Britain

NONE or OFFICIAL or OFFICIAL SENSITIVE

Papers marked 'None' may be published externally

**Circulation:** TC Board

**Title:**

**Date of Board:**

**TC or Sponsor TC:**

**Recommendations:** (Insert clear, concise and unambiguous wording of proposed resolution that the Board is asked to approve or note.)

**Has a Privacy Impact Assessment been conducted?**

**Strategic Objective Alignment**

**Board Decision:**

The decision of the board is to be recorded here and kept on file along with the associated paper.

(Your paper and annexes should follow on page 2 so that only one complete document is forwarded to the TC Board Secretariat for inclusion in the Board papers 3 weeks prior to the TC Board meeting via [tcco@otc.gov.uk](mailto:tcco@otc.gov.uk))

The entire paper should be no more than **four** A4 sides plus appendices. Your paper must be agreed by a sponsoring TC before submission to the Board Secretariat. The following template is to guide the structure of Board papers. Please add or remove any applicable headings for your paper as required. (Please delete the information in brackets once you have entered the information for your paper)

- 1. Issue** (Explain the purpose of the paper. The paragraph should be clear and concise and should state whether the paper is being submitted for the Board's information or is seeking the Board's approval for to spend, action, etc.)
- 2. Recommendations** (Where there is a recommended option, outline the recommendation to the Board explaining why the preferred option has been presented. Also detail the outcomes of what is to be achieved from the proposal)

- 3. Background** (Outline the background to what is being proposed to the Board providing the information necessary. Identify any external advice/consultants/information that has been used in the development of the paper.)
- 4. Significant Wider Impacts**
  - 4.1. Financial Impact (including whether accounted for in Budget and the proposed timing of the expenditure)
  - 4.2. Resources (including whether this work will detract from other deliverables)
  - 4.3. Customers
  - 4.4. Stakeholders (e.g Trade, Operators, Public, Ministers, Government Depts)
  - 4.5. Legal (including data governance)
  - 4.6. Communications (Internal + External)
  - 4.7. Impact on TC Reputation
  - 4.8. Economic/ VFM implications
  - 4.9. Other Scrutiny (If your paper has already been presented through external boards/forums such as relevant DVSA boards or Compliance Forum, the outcome of the presentations should be highlighted here.)
- 5. Risks** (Analyse the major risks associated with the proposal and explain how these risks will be managed.)
- 6. Consideration of Benefits** (Analyse any major benefits associated with the matter or the recommended option)
- 7. Critical Success Factors/ Key Performance Indicators** (Explain how successful implementation will be measured)
- 8. Options** (Provide details of the options that were considered by management. Outline the benefits/opportunities and any disadvantages for each option.)
- 9. Next Steps** (Explain what will happen next, who will carry this out and in what timeframe)
- 10. Appendices (if any)**

## ANNEX B - BUDGETARY OVERSIGHT

### Traffic Commissioner expenditure

In 2014, a Management Instruction was set up between DfT and DVSA in respect of the “Transfer of payment of salaries and expenses for the Traffic Commissioners and Deputy Traffic Commissioners”. This identified the budgetary items which will be held by and paid by DfT. However, issues arose with budgetary visibility.

In addition to the expectation that DVSA will provide transparent accounts for all income, including merged fees, and expenditure collected and incurred on behalf of TCs, the TC Board has provided the following clarification to the Management Instruction between DfT and DVSA.

The following budget lines and the allocation of management responsibilities allow DVSA to comply with Government accounting rules but should also deliver effective accounting to the TC Board for the expenditure of income obtained using legal powers allocated to individual TCs. In that way the DVSA Chief Executive, TCs and OTC staff will be aware of the financial position.

Whilst the Local Transport Act 2008 amended the Public Passenger Vehicles Act 1981 so that DTCs no longer act under the immediate direction of the local TC, the deployment of DTCs needs to take into account local needs. A reduced pool of DTCs may result in competing demand for a given DTC between traffic areas. The listing of public inquiries and other hearings is a judicial function, but the administration is not. In practice individual TCs and STLs work together to balance the competing needs of ensuring financial prudence and timely and effective compliance.

It is for the TC Board to exercise oversight of the allocation of relevant fee income, such as the budget formulae for DTC usage. Funds may be allocated on the basis of a core number of DTC days being made available to each traffic area. Following agreement by the TC Board the Head of Compliance will be tasked with implementing the TC Board’s decision and to assist the DVSA accounting officer’s in meeting those additional legal responsibilities. OTC staff will be required to work closely with the TC Board and individual TCs, but will be responsible for keeping expenditure within the budget allocation. Income and expenditure will be reviewed at each TC Board meeting.

Areas of budget in scope of this document:

- TC travel and subsistence
- DTC budget allocation
- DTC travel and subsistence
- APDS and training budget
- Legal services