

Traffic Commissioners' Annual Reports

2005–06

Celebrating **75** *years*

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Traffic Commissioners' Annual Reports 2005-06

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Annual Reports
2005–06

Traffic Commissioners for Great Britain



The Traffic Commissioners' Annual Reports for 2005–06 again describe the activities of the seven British Traffic Commissioners during the year. The reports also refer to the challenges which continue to influence our approach to ensuring that we are able to be effective in our roles as regulators of the heavy goods vehicle and bus and coach industries.

In this, our 75th year it is essential reading for all those with an interest in the Traffic Commissioners' work.

Philip Brown
Senior Traffic Commissioner, Great Britain



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Driving forward

A history of the Traffic Commissioners

This year we celebrated 75 years of Traffic Commissioners. Over the last three quarters of a century many things have changed, not least the types of vehicle on the road, yet others have remained consistent, such as the independent role of the Commissioners, and our commitment to the task at hand.

The timeline overleaf indicates some of the key events and highlights of the past 75 years, and the Traffic Commissioners would like to take this opportunity to thank Geoffrey Jones, author of *75 years of Traffic Commissioners, a lawyer's personal view*, for being a valuable source of information on much that follows.



1930 → 1931 → 1933 → 1940 → 1947 → 1953 →

Three main types of public transport had become established: the single-decked bus, the double-decked bus and the coach. Competition between bus operators was intense and uncontrolled, giving rise to the name 'Bus Wars'. Buses were frequently unlicensed, would run only at peak hours and fare cutting was rife. The Road Traffic Act 1930 established Traffic Commissioners and introduced a regulatory regime for public service vehicles.

After some debate on what type of person could and should be a Commissioner (lawyers were at one point considered inappropriate!), the first Traffic Commissioners took office on 1 January 1931 with the power to grant and revoke licences, ensure fair conditions of trade (such as fare prices) and ensure that vehicles were fit for use.

By 30 April 1932 the Commissioners had licensed 6,434 operators, operating 46,320 public service vehicles. Between 1931 and 1932 they received 1,818 applications for road service licences and applications from 5,303 drivers.

The Road and Rail Traffic Act 1933 extended operator licensing to goods vehicles and the chairman of Traffic Commissioners in each area was appointed as the licensing authority. At this time people were still predominantly using horses to transport goods, and horses were not subject to the 1933 Act.

In 1933 the licensing authority for the East Midlands Traffic Area noted the following road safety issue: "A trailer containing three lions was found to have no brakes, although pseudo brake connections were shown between the tractor and the trailer..."

During the Second World War, Traffic Commissioners took on an extended role in national security as part of the Regional Emergency Planning Committees (this continued until after 2000). Their principal purpose was to plan what should happen after a nuclear attack or civil emergency, and involved taking responsibility for controlling fuel supplies and requisitioning vehicles.

Under the Transport Act 1947, a programme of nationalisation began, and the British Transport Commission was created to acquire a number of transport companies. Only six years later this process of nationalisation was reversed.

The Transport Act 1953 denationalised 90 per cent of the holdings of the British Transport Commission.



1956 → 1960 → 1968 → 1978 → 1980 → 1982 →

The Commissioners gained increased disciplinary powers as a result of the Road Traffic Act 1956.

In the 1960s the North Western Traffic Area granted the application for sightseeing excursions along the new M6 motorway.

The Transport Act 1968 brings in a stricter system of quality control for licensing goods vehicles.

County councils, instead of the Traffic Commissioners, were tasked with producing five-year public transport plans, as a result of the Transport Act 1978. But the Commissioners were still kept busy with the short-term increase in new applications and variations of existing licences, as the new road licensing criteria placed greater emphasis on the needs of the public, particularly disabled people.

Commissioners were often involved in disputes over bus stops, as residents did not want buses stopping in front of their houses, yet did not want the stops to be very far away.

The Traffic Commissioners' jurisdiction was changed again in the Transport Act 1980. Certain responsibilities were removed, such as the licensing of conductors, but other new ones were added, such as public service vehicle operator licensing and granting road service licences for stage carriages.

Environmental considerations were pushed up the agenda in the Transport Act 1982, which required operating centres to be environmentally suitable.



1985 → 1995 → 2000 → 2001 → 2006

The road service licensing system, which had been in place since 1930, came to an end and was replaced by a system of registration for local services. The Traffic Commissioners were given further disciplinary powers for dealing with public service vehicle operators.

The Goods Vehicles (Licensing of Operators) Act 1995 introduced a regime of continuous operator licensing, which would involve reviewing road safety and environmental matters every five years.

The 1999–2000 Traffic Commissioner's report recorded the first appointment of a woman as Traffic Commissioner: Mrs Beverley Bell, a solicitor.

The Transport Act 2000 gave further regulatory powers to Traffic Commissioners regarding registered bus services. This enabled Commissioners to levy significant fines against major bus operators if they failed to operate local services in accordance with their timetables.

An impounding regime was introduced for unlicensed goods vehicles as part of the Goods Vehicles (Enforcement Power) Regulations 2001.

2006 marked the 75th anniversary of the appointment of the first Traffic Commissioners. Back in 1931 there were 13 traffic areas and 13 chairmen; now there are eight areas and seven Traffic Commissioners, two of whom are female.

As you can see, it's been a rich and varied history for us to look back on. With any luck the next 75 years will be filled with many more achievements and changes for the better.

Philip Brown
Senior Traffic Commissioner
for Great Britain



Chapter 1

The Traffic Commissioners

Traffic Area Offices and boundaries



The Traffic Commissioners

The seven Traffic Commissioners are appointed by the Secretary of State for Transport and have responsibility in their Area for the licensing of the operators of heavy goods vehicles (HGVs) and of buses and coaches (public service vehicles or PSVs); the registration of local bus services; and disciplinary action against drivers of HGVs and PSVs. Details of these activities are on pages 20 to 81. The Traffic Commissioner for Scotland also has statutory powers to consider appeals by taxi operators against fare scales fixed or reviewed by Scottish licensing authorities. She is also empowered under the Road Traffic Act 1991 to appoint adjudicators to consider appeals against penalty charge notices issued in respect of improperly parked vehicles in Scottish local authority areas where parking offences have been decriminalised. Commissioners are statutorily independent in their licensing and judicial functions. A key part of these is to hold Public Inquiries, in particular to consider the environmental suitability of HGV operating centres and the possibility of taking action against operators who have not complied with the conditions of their licences.

One Traffic Commissioner (currently the Commissioner for the Western Traffic Area, Philip Brown) is the Senior Traffic Commissioner, an administrative appointment which gives him the role of encouraging a consistency of approach in licensing decisions and procedures and liaising on behalf of all Traffic Commissioners at a national level with other stakeholders in the HGV and bus and coach industries. The Traffic Commissioners are assisted by Deputy Traffic Commissioners, who hold some of the Public Inquiries.

The Traffic Area Offices

Each Traffic Commissioner is supported by a Traffic Area Office, whose staff are employed by the Vehicle and Operator Services Agency. Staff in the Traffic Area Offices can in certain routine cases act on the Traffic Commissioners' behalf under delegated powers, on the specific direction of an individual Traffic Commissioner. The costs of the Traffic Area Offices are met through the fees that operators pay for their licences and for the registration of local bus services.

The Traffic Areas

Each Traffic Commissioner is appointed to cover a specified Traffic Area. The Traffic Commissioner based in Birmingham is responsible for both West Midland and the Welsh Traffic Areas. A map of the Areas is on page 12, and details of the Traffic Commissioners and Deputy Traffic Commissioners are on page 11.

Aims

The overall aims of the Traffic Commissioners are to ensure:

- licences are only issued to competent and reputable operators who run roadworthy vehicles;
- goods vehicles are operated from environmentally suitable sites;
- bus services are reliable; and
- drivers of buses, coaches and lorries behave responsibly.

Traffic Commissioners and Traffic Area Offices on 31 March 2006

| Traffic Area | Traffic Commissioner | Deputy Traffic Commissioner | Address |
|--------------------------------|-----------------------------------|---|---|
| Eastern | Geoffrey Simms FCIT, FRSA | Mary Kane Fiona Richards Roger Seymour Timothy Swan | City House 126-130 Hills Road Cambridge CB2 1NP Tel: 01223 531028 |
| North Eastern | Tom Macartney | Beverley Bell LLB Mark Hinchliffe BA, AdvDipCrim Patrick Mulvenna LLB, DMA Liz Perrett LLB | Hillcrest House 386 Harehills Lane Leeds LS9 6NF Tel: 0113 254 3224 |
| North Western | Beverley Bell LLB | Tom Macartney Mark Hinchliffe BA, AdvDipCrim Patrick Mulvenna LLB, DMA Liz Perrett LLB | Suite 4-6 Stone Cross Place Stone Cross Lane Golborne Warrington WA3 2SH Tel: 01942 295021 |
| South Eastern and Metropolitan | Christopher Heaps LLB, FILT, FCIT | Jonathan Black Mary Kane Timothy Swan | Ivy House 3 Ivy Terrace Eastbourne East Sussex BN21 4QT Tel: 01323 452403 |
| West Midland | David Dixon FILT, FCIT | Alan Jenkins Lester Maddrell Roger Seymour | 38 George Road Edgbaston Birmingham B15 1PL Tel: 0121 609 6807 |
| Western | Philip Brown MA, LLB, FILT, FCIT | Jonathan Black Tim Hayden Alan Jenkins Lester Maddrell | 2 Rivergate Temple Quay Bristol BS1 6EH Tel: 0117 900 8516 |
| Scottish | Joan Aitken SSC | Richard McFarlane | J Floor Argyle House 3 Lady Lawson Street Edinburgh EH3 9SE Tel: 0131 200 3231 |
| Welsh | David Dixon FILT, FCIT | Alan Jenkins Lester Maddrell Roger Seymour | 38 George Road Edgbaston Birmingham B15 1PL Tel: 0121 609 6823 |



Traffic Area Offices and boundaries

Chapter 2

Traffic Commissioners' Annual Reports to the Secretary of State for 2005–06



| Eastern | North Eastern | North Western | South Eastern and Metropolitan | West Midland | Western | Scottish | Welsh |
|--|---|---|---|--|--|---|--|
| City House 126–130 Hills Road Cambridge CB2 1NP | Hillcrest House 386 Harehills Lane Leeds LS9 6NF | Suite 4–6 Stone Cross Place Stone Cross Lane Golborne Warrington WA3 2SH | Ivy House 3 Ivy Terrace Eastbourne East Sussex BN21 4QT | 38 George Road Edgbaston Birmingham B15 1PL | 2 Rivergate Temple Quay Bristol BS1 6EH | J Floor Argyle House 3 Lady Lawson Street Edinburgh EH3 9SE | Administered from: 38 George Road Edgbaston Birmingham B15 1PL |



Introduction by the Senior Traffic Commissioner



I began my Annual Report for 2004–05 by referring to the phrase ‘we live in interesting times’. During 2005–06, those times arrived with a vengeance. Wholesale changes to

the administrative processes and the administrative support given to Traffic Commissioners by the Vehicle and Operator Services Agency (VOSA) were either completed or commenced. Traffic Commissioners have embraced the changes with goodwill. As my colleagues relate in their individual reports, however, the evidential basis of our collective experience as at 31 March 2006 leaves room for reservations that VOSA’s promise, to provide an improved and more professional service to operators and Traffic Commissioners alike, awaits fulfilment.

In the year that marks the 75th anniversary of the appointment of the first Traffic Commissioners, Commissioners have taken the opportunity to modernise their own approach to the role of modern regulators, an initiative to which I refer later.

Compliance issues

The major organisational change which took place during 2005–06 saw the decision by VOSA to introduce a Regional Intelligence Unit (RIU) for each Traffic Commissioner by 31 March 2006. In short, the vast majority of intelligence and evidence relating to operator compliance is processed through such units, and case submissions are relayed by RIU staff to the Traffic Commissioner. This project followed a pilot which was set up in the South Eastern and Metropolitan Traffic Area in 2004–05. Roll-out was achieved by the due date of 31 March 2006 and Traffic Commissioners are pleased to report that they were represented on the RIU Project Board. Experience has shown that it is too early to judge the effectiveness of the new arrangements and an early review of their workings will be welcome.

The number of Public Inquiries held in 2005–06 for non-compliant operators showed a modest increase for goods operators and a significant decrease for bus and coach operators. This may be as a result of better targeting by VOSA enforcement staff, although the full effect of the creation of RIUs will not be clear until next year.

In fulfilling their role as regulators, Traffic Commissioners have been given legal guidance by the Court of Appeal in *Muck-It Limited v. Secretary of State for Transport* [2005] EWCA Civ 1124: [2006] RTR 9. It was held that when a Traffic Commissioner is considering making a Direction such as revocation of an operator licence, using discretionary powers

under section 26 of the Goods Vehicles (Licensing of Operators) Act 1995, or under the mandatory requirements set out in section 27, it was the Traffic Commissioner who had to be satisfied of the existence of a ground for a Direction, and not the licence holder who had to satisfy the Traffic Commissioner to the contrary.

This decision does not alter the obligation placed upon applicants, who must satisfy the Traffic Commissioner that they fulfil the relevant requirements set out in section 13 of the 1995 Act.

Licensing

A significant development during the year has been the establishment of a pilot project designed to centralise the administration of licensing applications by VOSA staff on behalf of the Traffic Commissioners. The plan is to assess the effectiveness of basing a centralised licensing unit in Leeds. The North Western and Western Traffic Area Offices were the designated pilot areas in 2005–06. Colleagues have expressed concerns at both operational and management levels which I will not repeat here, except to state that, while I am generally satisfied at the level of service provided to me from Leeds, there are concerns about the legal basis for the new arrangements and the level and quality of support staff should it be decided that the project should be rolled out in respect of all Traffic Areas.

Any new arrangements that are put in place for licensing must reflect the statutory basis upon which applications are considered. Applications are granted or refused by Traffic Commissioners, who, as regulators, may only direct that certain nominated staff may deal with applications on their behalf through the use of non-statutory delegated powers.

Whether dealing remotely with applications impacts upon a Traffic Commissioner’s statutory independence is a matter for resolution during 2006–07. The initiative has been recognised by Traffic Commissioners as a method of balancing the need to modernise processes with a requirement to preserve their independence as regulators and licensing authorities.

The process of modernisation

Modernising operator licensing

Traffic Commissioners made a positive contribution to the Department for Transport’s proposals for the reform of operator licensing as set out in its consultation document of 19 December 2005. The proposals in so far as they relate to the role of Traffic Commissioners were formulated as a result of the Traffic Commissioners’ introduction of the concept of the ‘lead’ Traffic Commissioner. The proposals are being taken forward and are designed to simplify and modernise the licensing process for holders of operator licences in more than one Traffic Area.

The Traffic Commissioners’ Modernising Agenda

Mention of this project appeared in my report for 2004–05. Traffic Commissioners have now completed their series of internal discussions which commenced in 2004. They have redefined their role with regard to the principles of good regulation and their collective relationship with the various stakeholders with whom they work while carrying out their statutory function. The result is the publication of the Traffic Commissioners’ Modernising Agenda which accompanies this year’s Annual Report.



Education and professional development

During the year the centralised administrative arrangements for operator seminars came into effect. The general impression is that they were successful, although as with any new initiative there are always lessons to be learnt from initial experiences. Guest speakers at the seminars were from the Driving Standards Agency who gave presentations on the introduction of the Certificate of Professional Competence for drivers within the haulage and bus industry. Implementation of the relevant European Directive will take place on a phased basis over the next few years.

The 2005 training seminar for Traffic Commissioners and their Deputy Traffic Commissioners was held once again in Edinburgh. Presentations and workshops covered legal, practical and policy issues, including contributions from VOSA enforcement policy staff and the Driver and Vehicle Licensing Agency (DVLA).

In terms of their own effectiveness, Traffic Commissioners will be developing a judicial appraisal scheme which will enable them to ensure that they are better equipped to exercise their judicial functions in an effective manner. They will benefit from the guidance of the Judicial Studies Board. The scheme will be based on the experience of tribunals in other jurisdictions and should be up and running by 31 March 2007.

Communication, relationships, common output and service levels

In times of significant change, an air of uncertainty concerning the future is a natural consequence. Traffic Commissioners are sometimes consulted about new developments; at other times they are not. When they are consulted, the combined experience of the work that they do at an operational level leads to a degree of practical expertise which can only be helpful to those who are plotting changes to the way in which the operator licensing system functions. That is why it is essential that those who support Traffic Commissioners in the exercise of their administrative, regulatory and judicial functions demonstrate that they have taken account of our views when making fundamental decisions which impact upon our role.

To this end, we have been actively engaged with VOSA in the development of Service Level Agreements. As at March 2006, progress had been made with those which relate to RIUs, centralised licensing and operator seminars. Discussions continue in the area of reaching a common understanding on the level of support staff required by Traffic Commissioners to enable them to discharge their functions both efficiently and effectively.



What next?

No predictions are made as to the outcome of the changes that form VOSA's current agenda. All I will state here is that Traffic Commissioners are committed to ensuring that the operator licensing system remains as effective as possible. They are concerned to ensure that they embrace those reforms that enhance their ability to make balanced, reasoned, informed and timely decisions in the interests of road safety and the preservation of the principles of fair competition.

In pursuit of the achievement of these objectives, Traffic Commissioners promise positive engagement with the Department for Transport and government agencies. They will maintain their liaison role with the industries through constructive dialogue.

And finally...

I cannot conclude my report as Senior Traffic Commissioner without acknowledging the unstinting support I continue to receive from my Traffic Commissioner colleagues. They have been instrumental in ensuring that the voice of the regulator is heard loud and clear when reforms are proposed. I simply express the hope that our own voice is acknowledged as an effective contribution to the creation of some certainty and stability in an increasingly uncertain and unstable world which is the operating licensing system.

I also thank Lindsay Rich, who stood in for six months for my Higher Executive Officer Helen Evans while she was on maternity leave, and to Helen herself, to whom I am indebted for all her hard work since her return in ensuring that my colleagues and I are able to progress our initiatives.

As a last observation, I merely quote from the forewords to two early Annual Reports of Traffic Commissioners. The first is a reference to the *First Annual Reports of the Traffic Commissioners 1931–32* which dealt with the introduction of the PSV operator licensing system:

“The reports will suffice to show the very heavy volume of work which has fallen upon the Commissioners and their staff... It is an essential feature of the scheme of the Road Traffic Act 1930 that the point of view and needs of the various localities should receive the fullest consideration.”

The second piece is from the report of the Traffic Commissioner for the Eastern Traffic Area covering 1934–35 which was the first year in which operator licensing for goods vehicles was introduced by the Road and Rail Traffic Act 1933:

“... operators... realised that the system of licensing afforded a measure of security and stability hitherto not enjoyed in the haulage trade.”

It is as well that all those who are involved in the operator licensing system remember those sentiments; a heavy workload needs sufficient numbers of competent staff, and stability for the industry requires a stable organisation to administer and regulate it.



Eastern Traffic Area

Report of Geoffrey Simms, Traffic Commissioner





Introduction



The submission of my final report as Traffic Commissioner for the Eastern Traffic Area affords me an opportunity for an introspective assessment of my own effectiveness,

or otherwise, as the licensing authority and regulator of the road transport industries since June 1998. I am fortunate that through my experience as a goods vehicle operator I am keenly aware that damage caused by a minority of incompetent or unscrupulous operators is adversely disproportionate to their actual number in its effects upon the conscientious operators and those who use the road network.

Goods vehicle operators

Licensing

The actual number of licensed operators has fallen across all three categories, consistent with a national trend showing a reduction in the number of operators by approximately 20 per cent over the past ten years. This is perhaps due to rationalisation, in response to commercial pressures on businesses to spread burdensome overheads over evermore individual assets. The real surprise is the significant fall in the number of specified vehicles, which in my Traffic Area is slightly in excess of 4 per cent, but when expressed nationally amounts to a 7 per cent reduction. This is less easily explained without a closer examination of vehicle type and weight. However, it may well reflect the increase in maximum permitted weight to 44 tonnes for the largest articulated combinations gradually manifesting itself. An alternative reason may be the introduction of Operator Self-Service, which allows licence holders to add and remove specific vehicles online, thus diminishing the risk of vehicles being specified on more than one licence simultaneously. The answer may lie in a combination of both. I make no further comment other than to remark that the Department for Transport's *Transport Statistics Great Britain 2004* records that 433,000 goods vehicles (over 3.5 tonnes and subject to operator licensing) were registered with the Driver and Vehicle Licensing Agency (DVLA), leaving a considerable discrepancy between that total and the number actually specified: the purpose for which those vehicles were most likely purchased and registered. There is no obvious alternative use of a goods vehicle that occurs to me.

Proposals formulated, without consultation, by the Vehicle and Operator Services Agency (VOSA) for the centralised processing and administration of operator licensing were launched upon colleagues and myself in the summer of 2005. The intention is to transfer all licensing activities to the Leeds office, which has, hitherto, supported the North Eastern and North Western Traffic Areas, in anticipation of cost savings being pressed upon the Civil Service by central government.

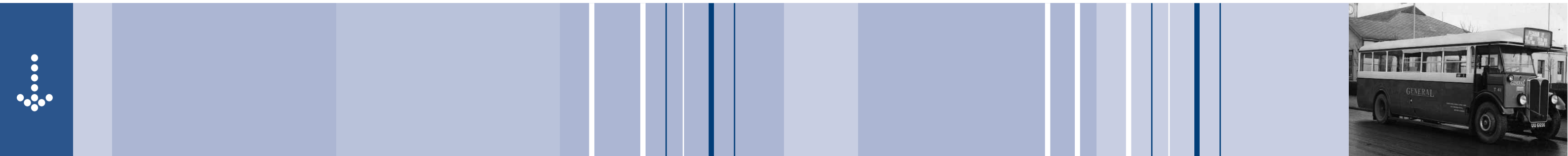
VOSA was created in 2003 by merging the enforcement and vehicle testing agency, the Vehicle Inspectorate (VI), with the administrative functions of operator licensing and compliance, the Traffic Area Network (TAN) – a unit functioning within the Department for Transport. The licensing and regulation of operators, as prescribed by the Goods Vehicles (Licensing of Operators) Act 1995, falls to the independent Traffic Commissioner for the relevant geographical region; this supposes that these are the Commissioner's 'operators' and not VOSA's 'customers'. I concede that the economic case may favour a centralised system but, of course, operator licensing is not a centralised, but a well-developed and respected devolved regional, system for the licensing and regulation of goods vehicles and buses and coaches. That was, and remains, Parliament's clear intention. It is probably fair to say that most operators deal only with the licensing section of their Traffic Area Office. Those who bring documents and payment personally to the Traffic Area Office counter express confidence in their ability to deal promptly and effectively with urgent matters affecting their own licence. They will clearly be put to an inconvenience should this facility be withdrawn. The tiny proportion of operators who find themselves facing a Public Inquiry do, nonetheless, communicate with the Cambridge staff on licensing matters.

From the projections I have seen, the full effects of these proposals are most likely to fall upon my successor.

In response to concerns raised, the Department has given assurances for the future of Traffic Commissioners. It is, though, quite apparent that our influence has been in decline for a number of years with the transfer of vocational licensing matters to DVLA, the transfer of traffic examiners to VI, and the abolition of the post of clerk to the Traffic Commissioner and the succeeding post of administrative director. We have gained the role of arbitrator for impounded vehicles and responsibility for the regulation of local bus services. The latter has been of little consequence, as will become apparent from what follows later in this report.

Enforcement of safety standards

In general terms, I welcome the introduction of a Regional Intelligence Unit (RIU), replacing, as it does, the Licensing Review Board, provided that it is at least as effective as the tried and tested system that it supersedes. So far, though, I am experiencing a marked decrease in case referrals while the new procedures take effect. Consequently, I shall be closely monitoring the volume and quality of the material I receive. Appointing staff of an inquisitorial disposition will enhance the efficacy of the new system.



A register of individuals disqualified from holding or obtaining an operator licence would be a most useful tool for detecting unscrupulous operators who, having been active in a particular Traffic Area, may seek to overcome a disqualification order by making a new licence application in an adjoining Area. This is just one of many reasons why RIUs should pool their knowledge.

The targeted approach to enforcement adopted by VOSA is based upon sound reasoning. The point is well made that a 10 per cent fall in actual inspections was matched by a 3 per cent increase in the prohibition rate for the past 12 months. What it does not explain is how its resources were otherwise utilised as a consequence of 8,000 fewer roadside maintenance inspections being conducted.

Other matters

I do express my concerns for the potential road safety risks arising from the use of unsafe operating centres. With the notable exception of Norfolk County Council, very few local authorities are currently exercising their statutory powers to object to licence applications. Even in cases where local residents (whose right to make representations is limited to considerations of adverse environmental effects) claim to have alerted their council to a potential road safety hazard, there is often an apparent reluctance to enter a formal objection. The poor quality of objections, by frequently failing to use the term 'object', as well as omitting the statutory provisions, has been a significant reason why local authorities have failed their taxpayers.

Last year I commented on cabotage; and, in particular, on allegations of unlawful activities masquerading as cabotage. There has been a significant development. Information presented by a traffic examiner led to a Public Inquiry at which I found one of my operators indulging in domestic haulage on a regular basis under

Community Authorisations issued in The Netherlands to a company in which my operator held an interest. My decision to find against the operator's good repute, leading to the revocation of his licence, has been upheld on appeal. The decision of the Transport Tribunal 2006/73 *Anthony George Everett* should now equip VOSA and the police with the necessary authority to take a more active role in dealing with unlawful operations within Great Britain by hauliers licensed in other European Union (EU) Member States, notwithstanding that several of them are themselves resident in this country, and in certain instances have been disqualified from holding an operator licence in Great Britain – a marked example of unfair competition. Furthermore, there is a loss to the public purse by failure to pay Vehicle Excise Duty (VED) applicable to vehicles that are not brought temporarily into Great Britain by persons resident outside of this country.

Action taken against licence holders

The tables that accompany this report speak for themselves. However, I am frequently left to speculate upon the actual consequences of my decisions. In particular, what checks are made to monitor the orders for revocation and suspension? In the past year I have requested from VOSA a record of odometer readings taken of vehicles subject to a suspension order, at the beginning and end of any such suspension period. In most cases, the vehicles, although not prohibited from using the public highway, provided that no goods are carried, are subject to a supplementary order under section 26 by which they may not be specified on any other operator licence during the period of suspension. I would like to see odometer readings recorded on goods and passenger vehicle annual test certificates in the same manner as they appear on motor-car MOT certificates.

The justification for appointing Traffic Commissioners is to secure road safety, fair competition between operators, and environmentally suitable operating centres. However, I leave my post next spring unaware of my own effectiveness, or otherwise, as a transport industry regulator, because there is no system in place to measure the consequences of my actions over my nine years in office. I would have been grateful for the opportunity to acknowledge my own perceived success or failure as a Traffic Commissioner before signing off. Annual test performance statistics, by themselves, do not speak particularly well for vehicle maintenance improvement. How many of those whose licences were revoked actually left the industry? What proportion of those, against whom statutory action was taken, ultimately developed into good, competent operators? I do hold a suspicion that I may have simply been maintaining the status quo. Perhaps keeping the majority (the good operators) in check, while constantly harrying the incompetent and unscrupulous, resulting in a limited number of departures from the industry. Others, it has become quite apparent, take precautions to keep themselves one step ahead of the enforcement agencies by taking out licences in another guise ahead of a Public Inquiry appearance. For those reasons it may be necessary for the enforcement agencies to constantly track the movement of vehicles between licences to establish precisely who is using them at any particular time.

Bus and coach operators

Registered local services

Repetition, I recognise, may be tedious. I make no excuse, however, for again drawing attention to the absence of any significant contribution from the VOSA bus compliance officer allocated to my Traffic Area. Because this omission is likely to bring the regulatory functions into disrepute, I propose to

take this matter directly to a senior level within the VOSA management structure.

Action taken against licence holders

Licence revocation has followed in 37 per cent of cases heard at Public Inquiry: a considerably higher proportion than in recent years, suggesting that VOSA's examiners are indeed targeting those operators most likely to be operating poorly maintained vehicles. This is entirely compatible with my expectations as expressed in last year's report. This approach should also meet public expectation, evident from recent publicity generated by a television programme investigating the quality of school buses.

Adverse conduct of vocational licence holders and applicants

I welcome the EU proposals for the introduction of a driver Certificate of Professional Competence, which somewhat confusingly bears an identical description to the qualification required of transport managers for standard licences. I have been invited by the Driving Standards Agency to participate in framing the examination paper for this qualification. I do anticipate some resistance from the industries on account of current driver shortages.

Certain large goods vehicle licence holders, domiciled in my Traffic Area, whose entitlement I have revoked, and who have been disqualified from obtaining large goods vehicle entitlement, have obtained similar entitlement from another EU Member State, Belgium, in the mistaken belief that they are entitled to drive goods vehicles in Great Britain under that authority. Section 115A(1) Road Traffic Act 1988 (as amended) treats a driving licence issued by Member States (which includes the United Kingdom) as a 'Community licence' whereby:



“Where, on any reference under subsection 116(1)(b), the Traffic Commissioner determines that a Community licence holder is no longer fit to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a large goods vehicle... he shall also determine whether the Community licence holder – (a) should be disqualified under section 117A(2)(a) of this Act (and, if so, for what period).”

Section 116(4):

“If the holder of the licence fails without reasonable excuse to furnish information to or to attend before or answer questions properly put by a commissioner when required to do so under subsection (3) above, the commissioner may notify the failure to the Secretary of State, and if the commissioner does so, (a) in a case where the licence in question is a LGV [Large Goods Vehicle] Community licence, the holder shall cease to be authorised by virtue of section 99A(1) of this Act to drive in Great Britain a large goods vehicle from such time as is specified in a notice served on the holder by the Secretary of State.”

In addition, it is unlawful, according to Article 7(1)(b) – Council Directive 91/439/EEC, to hold a Community driving licence issued in a Member State other than that in which the holder normally resides. In my view, the place where a person normally resides is a matter of fact, based upon the place where council tax is paid and where the person appears on the electoral roll, rather than an accommodation address used exclusively for the purpose of persuading a Member State to issue a driver’s licence. I am asking the chief officers of the police forces within whose jurisdiction such drivers operate to consider whether an offence of driving a goods vehicle while disqualified is being committed.

Other issues

Press officers

The fulfilment of my statutory duties is most obviously evident from the decisions I make. In the minority of cases (no more than 20 annually), fully reasoned versions are published in formal fashion. These will eventually appear online. Currently, circulation from my office is limited to the trade press, which means that unless they are committed readers of specialist transport magazines and journals, the general public is unlikely to be aware that a local bus operator has had its fleet reduced for operating poorly maintained vehicles, or that a local haulage contractor’s licence has been suspended for breaches of the Goods Vehicle (Licensing of Operators) Act 1995, for example parking vehicles at an unauthorised operating centre or outside a driver’s home. The task of circulating these decisions falls to a press officer holding specialist knowledge of his or her vocation. Press cuttings sent to me by a VOSA press officer, relating to diverse general interest items reported by newspapers and journals, would be better directed to the RIU rather than to me. It is outgoing rather than incoming information that requires prompt attention in its distribution to the relevant news medium.

Education and training

I express my appreciation for the support received from the Department in presenting my operator seminars in a more attractive and professional manner, following the appointment of a team led by Chris Cooper to achieve these higher standards, consistent with my own expectations. The seminar held in Lincoln in June 2005 produced a record attendance of 130 operators.

Early in my term of office I was frequently invited to accept, by advocates representing operators appearing at a Public Inquiry, that the educational benefit of appearing in front of the Traffic Commissioner to justify the retention of their licences, was sufficient by itself to achieve the objectives of the system. I was never particularly seized by that argument. Besides which, the Transport Tribunal has observed that it is not for the Traffic Commissioner to intervene to cause an operator to comply with undertakings freely given to obtain the licence. Over the intervening eight years, this particular line of advocacy has greatly diminished. Moreover, the operation of passenger and goods vehicles is a very important matter – viz the requirements to be met to obtain a licence. Operators really cannot be treated as students or apprentices, embarking on the operation of goods and passenger vehicles with only limited knowledge and application.

Observations

My early Public Inquiries were largely spent hearing maintenance-related cases. Many of those shortcomings were attributable to incompetence or a shortage of funds; frequently a combination of both. This ultimately led my colleagues and me to take a particularly keen interest in operators’ financial standing.

Reviewing our commitment to upholding safety standards, breaches of the drivers’ hours rules appeared to present at least as great, if not a greater threat to road safety as poorly maintained vehicles. Driver behaviour rather than vehicle condition is the cause of the majority of road traffic incidents. The persuasive evidence disclosed by Professor Horne’s research into the causes and effects of driver fatigue

reinforced my own convictions that I should be giving more attention to these particular shortcomings to be an effective regulator. Prominent among those operators against whom appropriate action was taken by colleagues and myself for failing to fulfil the drivers’ hours and tachograph undertaking were such large operators as Dukes Transport, Olivers, Norbert Dentressangle and Fieldings, marking a distinct cultural shift by the Commissioners. I acknowledge the assistance that I have received from the appointment of additional traffic examiners. I have, however, throughout my term of office, observed and commented upon the obvious disparity between the contributions forthcoming from traffic examiners in the four VOSA areas contained within the boundaries of my Traffic Area.

A comprehensive reassessment of professional competence has been achieved from a closer scrutiny of those individuals nominated to act as the statutory transport manager for standard licence holders, as a result of flagrant abuse of the system, whereby certain individuals (some even holding unrelated full-time employment elsewhere) had been nominated for a multitude of licences. As a result of a consultation exercise conducted with both goods and passenger industries, guidelines set out in a Practice Direction allow my licensing staff to bring to my attention cases where it might be necessary for me to determine the continuous and effective responsibility required of individual transport managers. This marks a quantifiable improvement in the regulatory process. It also discourages the cheats. It has though brought me into direct conflict with organisations acting as ‘marriage brokers’, matching a retained panel of qualified transport managers to new licence applicants who are themselves not professionally qualified.



The most significant legislative event during my term of office has been the introduction of powers to impound unlicensed goods vehicles, for which the Commissioners and the trade associations campaigned for many years.

These progressive features have unfortunately been offset by the loss of such facilities as the direct link to DVLA. Very rarely, either, do I now receive persistent offender (VED non-payment) reports, which featured quite regularly at the time of my appointment. Many police forces have either disbanded or reduced the scale of their operational road traffic units, whose vigilance was responsible for the receipt of regular information about poorly performing goods and passenger vehicle operators and their drivers. Most local authorities appear to have abandoned their vehicle weighing checks, the results of which were used in evidence at Public Inquiry. Neither do these local authorities report bus drivers' (passenger-carrying vehicle vocational licence holders') convictions to me as they once did.

The robustness and efficacy of the licensing system, for which my colleagues and I are responsible, will be adequately demonstrated provided that we are able to respond swiftly against incompetents and rogues without over-burdening ourselves with ultra-cautious procedures advantageous to those determined characters who are practised in the manipulation of the system, who move quickly to assume another licence identity once VOSA's examiners, the police or my staff begin to take an interest in their activities. That is our challenge for the future. I have always tried to avoid being tracked into an over-legalistic approach against my preference for a commonsense appraisal based on the obvious facts. In addition to the longstanding 'fronting' and 'phoenix' cases, false bank statements and Certificates of Professional Competence have been used extensively to obtain licences. There has also been the trading of licences scandal. Another ruse is

the creation of a 'vacant' licence; that is, a licence upon which no vehicles are specified, which offers a valuable sanctuary for vehicles removed from the road by a licence revocation elsewhere.

Appeals

For the second successive year, an appeal against my decision to revoke a goods vehicle operator licence, upheld by the Transport Tribunal, was lodged with the Court of Appeal. In dismissing the appeal in *Muck-It Limited v. Secretary of State for Transport* [2005] EWCA Civ 1124: [2006] RTR9, the Court of Appeal suggested supplementary grounds might be applicable to those in *Crompton*¹ when considering an operator's good repute. Also made plain was the requirement for a Traffic Commissioner to set out clearly the grounds to justify challenges brought under section 27 of the Goods Vehicle (Licensing of Operators) Act 1995.

Acknowledgements

My forthcoming retirement presents the very pleasant opportunity to acknowledge the support and assistance provided by those who have served me so well in Cambridge. In particular, I mention Michael Molyneaux, who served and guided me most dutifully in his capacity as Administrative Director until his post was summarily abolished on the creation of VOSA. To Geoff Cowan, the Executive Officer responsible for arranging the Public Inquiry programme, with all its attendant frustrations, I express my sincere gratitude for his diligence, patience and unfailing courtesy. Likewise, my secretary, Carol Reeve, who has cheerfully and competently coped most admirably with the sometimes unreasonable demands I have placed upon her.

To my Deputies, Mary Kane, Roger Seymour and Tim Swan, I express my gratitude for their continuing support.

My final words are to record my sincere thanks to those who placed their confidence in me to act as Traffic Commissioner for the Eastern Traffic Area: an honour, indeed.

¹ *Crompton t/a David Crompton Haulage v. Department of Transport North Western Area* [2003] EWCA Civ 64



North Eastern Traffic Area

Report of Tom Macartney, Traffic Commissioner





Introduction



This report is being written shortly after the Traffic Commissioners celebrated the 75th anniversary of their formation. On 6 May 1930, the Minister of Transport of the

day stated about the Traffic Commissioners, "... In their handling of applications for licences they shall be perfectly free and independent to grant or refuse licenses and to attach conditions and do all their duties on their own responsibility, using their own judgement fairly... I want them to feel that they are really free, independent men, acting judicially according to the evidence of each case put before them..."

There have been a number of concerns about the changes imposed upon Traffic Commissioners by the Vehicle and Operator Services Agency (VOSA), which have been expressed in the trade press, by Trade Associations and their members, and also by individual operators. There is clear anxiety about the possibility of the independence of Traffic Commissioners and their staff being eroded. I make no comment on these views, but I believe that it is my duty to report to you, the Secretary of State for Transport, that this feeling of concern is widespread among those who have working contact with Traffic Commissioners. Your personal affirmation that the views expressed by your counterpart in 1930 still apply would be apposite and most welcome.

Goods vehicle operators

Licensing

The total number of licence holders has remained fairly stable at 15,536, although the number of specified vehicles on those licences has fallen by almost 10 per cent from 63,767 to 57,647. The number of specified vehicles on Restricted licences has remained stable while the number on Standard licences has decreased.

The number of new applications and major variations processed in the North East fell by 13 per cent to 2,582, mirroring a downward trend experienced in all Traffic Areas. It is interesting to note that the total number of new and major variations processed has fallen by 21 per cent in the last two years, which may suggest an increasing degree of stability within the industry.

The number of licences continued in force fell from 2,269 to 2,087, but this may merely be representative of the number of licences scheduled for continuation, rather than operators choosing to leave the industry. It is surprising that 49 per cent of goods vehicle operators choose to pay for vehicles specified on their licences on an annual basis rather than the much simpler, less risky and also cheaper (over five years) option of five-yearly payment. The proposals on operator licensing reform will influence this, if operator licensing vehicle fees are abolished.

Operators are continuing to use the self-service system for making variation applications and keeping their licences up to date and is something they undertake to do when applying for a licence. I encourage operators to continue to use self-service to keep records up to date and to facilitate the removal and addition of vehicles from their licence.

Education

It is unfortunately the view of some operators that my colleagues and I are only there to penalise them when things go wrong. My role is to improve road safety and I will do this through encouragement and education of operators where possible, only resorting to regulatory action where necessary.

I continue my programme of education to assist operators to raise standards and once again have held seminars in Wakefield, Nottingham, Hull and Durham. These seminars are free. They offer operators the opportunity to meet with and gain advice from experts, not only from VOSA, but also representatives from the other organisations that attend including the Road Haulage Association (RHA), the Freight Transport Association (FTA), Transport Energy and the Driving Standards Agency (DSA).

Opposition to applications and licence holders

This year, the number of applications considered at Public Inquiry was 84, of which 53 were new applications and 31 were variation applications to existing licences. The number of unopposed applications, both new and variation, dealt with at Public Inquiry increased to 79 from 73 last year, although 25 of these were considered at the same time as regulatory matters.

The number of opposed applications considered at Public Inquiry for new goods vehicle operator licences was five; four of these were granted in full – one of which included road safety conditions – and one was refused. The number of opposed variation applications considered at a Public Inquiry was 11; nine of these were granted in full, four were granted with restrictions to minimise road safety and/or environmental concerns, and two were refused.

Complaints received about the continued use of an operating centre led to five Public Inquiries to review the site's suitability under section 30 of the Goods Vehicles (Licensing of Operators) Act 1995, an increase of only one case from the previous year. All five operators were allowed to continue using their sites and two of these agreed to restrictions to minimise any adverse environmental effects on local residents.



Road safety

Action against licence holders

This year saw an increase of 6 per cent on the number of goods vehicle Public Inquiries, from 220 cases last year to 234 this year. This figure is derived from Inquiries relating to regulatory matters, new and variation applications (both opposed and unopposed) and review cases. A total of 168 operators were called to Public Inquiry for consideration of regulatory action, showing very little change on the 164 cases last year.

The number of revocations this year was 47, an increase of 12 per cent on last year's figure of 42; of these 47 revocations, 17 disqualification orders were made, an increase of 54 per cent on the 11 disqualifications last year. There was a decrease in the number of licence suspensions to ten from 14 cases last year, a drop of 28 per cent.

Curtailments to licences were made in 18 cases compared to 31 cases last year, a decrease of 41 per cent. The number of formal warnings issued increased by 16 per cent from 69 last year to 80 this year.

VOSA continues to provide much of the evidence in respect of maintenance and other non-compliant related cases. The police and other organisations such as local authorities and Traffic Area Office staff, have also contributed, which has assisted me in dealing with such non-compliant operators.

Transport manager repute

For the second year running there has been a significant increase in the number of transport managers being called to Public Inquiry for consideration of their personal good repute. Last year saw 56 transport managers called to an Inquiry, nine of whom lost their repute, whereas this year 107 transport managers were called to an Inquiry, with 18 of those deemed to have lost their good repute.

It is important that transport managers take their role and obligations to their employer seriously and are committed to ensuring an operator complies with the licensing requirements. It is apparent in many cases that come before me that transport managers do not fulfil their duties. This is reflected in the increasing number of transport managers who lose their repute following a Public Inquiry.

Impounding applications

Over the last year, 46 vehicles have been impounded. Of those, 33 applications were received for the return of vehicles, compared with 15 applications received last year, and five applications were received for the return of trailers connected to impounded vehicles. There were two instances in which applications had been submitted by more than one individual for the return of the same vehicle.

During the year 2005–06, five vehicles were returned and 23 applications were refused, resulting in five appeals to the Transport Tribunal.

Bus and coach operators

Licensing

The North East remains the area with the greatest number of coach and bus operators in the country, with 1,498 licences in issue, up slightly from 1,444 last year. The number of vehicle discs in issue has remained stable at 13,324, with the bulk of these (9,398 discs) being issued to holders of Standard International licences.

The number of new licence applications processed has increased slightly from 231 to 240 and the number of major variations has increased by 23 per cent from 154 to 190, reversing the 25 per cent drop in applications experienced in 2004–05.

Bus registrations

The number of local bus services remained virtually unchanged from last year at 4,371. The total number of applications to register, change or cancel a local bus service, however, fell by 9.5 per cent, from 3,381 in 2004–05 to 3,059 in 2005/06. This was mainly due to a 31 per cent fall in the number of applications to register new services in 2005–06 compared with 2004–05.

Road safety

Action against licence holders

This year a total of 24 operators were called to Public Inquiry; 20 of these were called for consideration of regulatory matters, a significant decrease of 65 per cent from 58 cases last year, and the remaining four Public Inquiries related to new applications.

The number of revocations also dropped, from 22 last year to four during this year, which resulted in a drop in disqualification orders from 14 last year to one this year. Only one case resulted in a licence suspension (the same as last year) and three cases resulted in a reduction in the number of vehicles authorised, compared to one case last year.

More than half of the cases scheduled for Public Inquiry this year resulted in the issue of a formal warning (12 out of 20 cases), compared to last year when 39 per cent of regulatory cases were dealt with by way of a formal warning (23 out of 58 cases). I continue to give the benefit of the doubt to those operators who seek to improve standards by offering appropriate undertakings, which allows me to issue a warning in respect of future compliance.

Transport manager repute

One fifth of the transport managers called to Public Inquiry to consider their personal good repute were deemed to have lost their repute (three out of 15 cases), compared to last year where one third of transport managers had lost their repute (ten out of 31 cases).

Local bus services

No Public Inquiries were scheduled during this year to consider failures by PSV operators to operate services in accordance with their registrations. The lack of Public Inquiries to consider the reliability of local services is not related to the quality of services being experienced by the general public in the North Eastern Traffic Area. Instead, it is directly attributable to limited resources in the Regional Intelligence Unit (RIU) and the poor availability of bus compliance officers. This latter difficulty was mentioned specifically in my Annual Report last year, yet my concern has resulted in no apparent action. I am unable to exercise my function as your regulator if I am not supported in my role by staff producing evidence. The comparison with Scotland in terms of numbers of bus compliance officers was specifically addressed by me last year, but has gone unremarked upon. I can only record my frustration, which is mirrored by those good operators who feel that there is little control over those who offer unfair competition to them at low cost and poor quality. It does the industry long-term damage and gives the impression that the Department for Transport (DfT) places a low priority on the need for local bus services to be reliable.

Adverse conduct of vocational licence holders and applicants

This year, 107 more cases than last year (2,142 compared to 2,035) were referred to me for consideration of applications received from drivers applying for provisional light goods vehicle (LGV) or passenger-carrying vehicle (PCV) licences or the return of a vocational licence as a result of driving-related convictions or other serious offences having been recorded against them.

Despite an increase in the number of cases referred to me, there was a drop in the number of those applications considered at a hearing from 259 last year to 188 this year, a decrease of 71 cases.

This year, 66 new applications were granted and 197 applications were refused or the driver disqualified for up to 90 days. Of those drivers already in possession of a vocational licence, 16 licences were suspended for specified periods of time and four drivers lost their vocational entitlement.

Other issues

Impounding – public service vehicles (PSVs)

I mentioned the need to extend impounding legislation to PSVs in my report last year. It would appear that this report has passed without notice, despite the emphasis placed upon it concerning safety. The majority of goods vehicles that have been impounded were found to be unroadworthy, to the point of being dangerously unsafe. It is not uncommon for a catalogue of problems to be recorded at the time of impounding. These include no road tax, no MOT, bald tyres, defective brakes, defective steering, no insurance and no driving licence.

Sadly, the impounding legislation does not extend to PSVs yet. Unlicensed buses and coaches are thought to be in operation, with a similar disregard for the expensive luxuries of tread on tyres, functioning brakes and a driver with a current licence. VOSA enforcement staff are keen to protect those vulnerable passengers carried in unlicensed PSVs, who are often school children or elderly people, but they lack the authority of PSV impounding powers. Unlicensed PSVs should be subject to impounding now, as such vehicles present the potential for a mass casualty incident.

Restricted licence holders – lack of transport managers

I reiterate my concern expressed last year about the number of operators holding Restricted licences appearing at Public Inquiry for possible regulatory action, which is a cause for concern. My experience of the last 12 months has increased my belief that this is a growing problem and I make no apology for repeating my concern of last year, which has gone unremarked upon and about which no action appears to have been taken.

“The number of operators holding Restricted licences appearing at Public Inquiry for possible regulatory action continues to be a concern. These are often reputable people carrying out a commercial business which does not have transport as its core activity, and does not involve the carriage of goods for hire and reward. Yet it is invariably the case that these operators, when faced with the possibility of revocation of their licence because of significant deficiencies and flaws in their operation, describe the calamitous and dire financial effects should the operating licence be lost.



The key difficulty appears to be the loophole which allows Restricted operators to function without any professional transport qualification or employing a transport manager, yet there is no upper limit on the size of the fleet. It is not unknown for a Restricted operator to be licensed for 12 vehicles or more. Indeed, there are examples of Restricted licences for fleets of more than 20 vehicles. Such operators are sometimes ignorant of the requirements of a professional industry, which has demanding standards of expertise and maintenance systems, designed to ensure the safety of the public at all times.

I am concerned that Restricted licences are available relatively easily to operators who have no expertise and are often ignorant of the best practice within the industry. I would be in favour of a change in legislation which required all holders of an operator's licence to have a qualified transport manager. Alternatively, the holders of Restricted licences should be confined to a maximum of two small vehicles.”

Appeals to the Transport Tribunal

There has been a significant drop in the number of appeals made to the Transport Tribunal in respect of North Eastern cases. There were 16 appeals this year compared to last year which saw 22 appeals, a decrease of 27 per cent. Of the appeals heard during this year, three were successful.

Pursuing legal costs

Summonses have been issued against Traffic Commissioners and their staff on a number of occasions in recent years. In many cases, these are bullying tactics intended to intimidate staff or prevent Traffic Commissioners from hearing planned Public Inquiries, as it forces them to excuse themselves due to a potential conflict of interest. During this reporting year, a Deputy Traffic Commissioner was presented with a summons for £1.8 million. In every case these attempts to take legal action against Traffic Commissioners and their staff have failed, but the DfT has never attempted to pursue costs that have been awarded against the litigants, who are often in the frivolous or vexatious category. The effect of this is to indicate to staff a lack of support against such litigants, and a loss of revenue to the public purse.

It is suggested that the Secretary of State for Transport demonstrate his support for staff and his concern for preserving the public purse by issuing a directive. Such a directive could state that in instances of litigation against Traffic Commissioners and their staff, when costs are awarded against the litigants, such costs should be pursued to their natural conclusion (unless the Secretary of State or one of his ministers personally decides that there are exceptional circumstances that make this unnecessary).

Computer system

This has been a year of much turbulence, particularly in terms of organisational change and staff changes. The computerised system is now much more effective. There is no doubt that Operator Self-Service is a welcome innovation in the days of ready access to the internet by almost every household in the land, and certainly every commercial operator.



However, the computerised system has taken longer to introduce than anticipated and has proved to be rather more costly than was envisaged. The result is a reduced system that does not offer a number of the features that were originally intended. This has had the unfortunate effect of allowing the few criminals and rogues, who seek to exploit loopholes in any system, to develop those weaknesses to their advantage.

There is a list of enhancements and improvements to the computer system to plug those loopholes (that I will not publicise for obvious reasons) which do need addressing if the system is to offer all of the benefits which were originally anticipated. This would be very much welcomed by Traffic Commissioners and their staff alike.

Loss of Public Inquiry transcripts

A computer failure led to the loss of the transcripts of several hundred Public Inquiries. Sadly, the backup system designed at the inception of the computer project also failed. Despite efforts to recover the missing data, the transcripts of all of these Public Inquiries have been lost forever. This did cause some difficulty on appeal, generating extra work for Deputy Traffic Commissioners, Traffic Commissioners and the Transport Tribunal. I have been assured that such an event is extremely unlikely to happen in the future. However, a further extra backup copy of all recordings of all Public Inquiries in the North Eastern Traffic Area is now generated as a matter of course, to avoid such difficulties occurring on any future occasion.

Regional Intelligence Unit

This year has seen many changes, including the establishment of a Regional Intelligence Unit (RIU) in the North East. This innovation was intended to increase significantly the quality and completeness of casework submitted to Traffic Commissioners, by combining compliance and intelligence teams. The RIU targets the non-compliant, and the intention was to ease the burden on the legal operator.

It is sad to record that the introduction of the RIU has resulted in a dearth of regulatory work. A lack of funding and a paucity of staff have resulted in a marked reduction in the number of cases referred to the Traffic Commissioner for regulatory action and Public Inquiry. The reduction in output from the RIU in the first six months of 2006 was exactly 54 per cent of the output generated by the old Licensing Review Board in 2005 and 2004 for the same period. It is a shame that such a sound concept should be allowed to flounder in the initial stages due to a lack of resources.

Section 19 permits

I have been concerned for some time about the number of section 19 permits on issue, of which many relate to holders of PSV licences who are largely unregulated. There have been complaints expressed that some local authorities may be using section 19 permits, issued by them, to carry out commercial journeys. This places local authorities in direct competition with commercial operators who are obliged to comply fully with all regulations and their attendant costs. It is suggested by a number of operators that this is unfair, and in some cases, unsafe. A recent crash involved a section 19 operator carrying a special needs group of more than 15 people

and their carers (one man died, four people were seriously injured and 11 had minor injuries). This highlights the need to ensure that normal standards are being maintained among section 19 permit holders. It is my intention to conduct a review of section 19 permits during the course of this year and I will report on the findings of this review in the next Annual Report.

Foreign operators

There have been a number of complaints expressed by individuals and through trade associations about unfair competition caused by foreign operators, both goods and PSV, competing with domestic operators for domestic work. I am pleased to report that VOSA enforcement staff have used the threat of possible impounding of operators who are blatantly in breach of cabotage regulations to stop some of this activity. In one case, a large domestic operator's loss of revenue was in excess of £500,000 per annum and had the potential to force them out of business.

Some foreign operators may be found to be running unsatisfactory vehicles or breaching aspects of operator licensing legislation in some way, or they are gaining an extra advantage by employing cheap European labour, or even illegal immigrants. The outrage and colourful language of UK operators when complaining about such activities are understood and deserve sympathy, support and a swift response.

Some foreign operators breaching regulations are not restricted to the goods industry. It is also a difficulty within the PSV industry, yet the absence of PSV impounding legislation inhibits the action that can be taken by the enforcement authorities. There is one known operator who blatantly functions in the North East of England under a foreign licence, having had his UK licence revoked. This PSV operator carries

out domestic football journeys on a frequent basis and has rail replacement contracts, in addition to conventional domestic work in the UK. This affront to his understandably aggrieved competitors within the North Eastern Traffic Area is hard to explain and deserves close scrutiny.

Legal representation on appeal

Appeal bodies such as the Transport Tribunal, the Court of Appeal and the Court of Session all find it helpful to be provided with a balanced argument upon which to base their decision. When an appellant is the only person represented before any of the appeal bodies, they are obliged to try to look behind the only argument that has been put to them, to ascertain the full story behind the decision that is the subject of appeal. The president of the Transport Tribunal has encouraged the DfT to provide representation at the Transport Tribunal more frequently in selected cases where it is deemed appropriate. The Court of Session and the Court of Appeal have also, in the past, stated that they would welcome representation by the DfT.

There have been instances recently in which I have made a written recommendation to the DfT for representation. This has been supported in writing by the Senior Traffic Commissioner and, on one occasion, in writing, by the president of the Transport Tribunal. When the DfT disagreed with these suggestions, personal oral representations were made, but to no avail. It is a sad matter of record that the North Eastern Traffic Area has never been legally represented at any appeal as far as I am aware. It is unfortunate that the views of the Traffic Commissioner, the Senior Traffic Commissioner and the president of the Transport Tribunal weigh so lightly in the balance, when your officials are making their decisions on your behalf.

Acknowledgements

I would like to record my thanks to my Deputies: Mark Hinchliffe, Patrick Mulvenna and Elizabeth Perrett, and also to the staff of the North Eastern Traffic Area Office who have worked diligently to assist me in these uncertain times.

Bus industry innovations

Firstly, I must applaud the initiative by First Group in York to introduce a new type of bus known as 'ftr' which is pictured below. This new-look service is sleek and stylish. It looks modern, provides a frequent service and appears to be popular with passengers. It seems to represent the bus industry moving into the next century and is attracting passengers from sectors of the community who might not previously have used public transport.

I have used this service myself, as a mystery traveller, as an ordinary fare-paying passenger. This gave me an overview which might have been different to that presented to VIPs on the specially arranged launch day. I applaud First Group for their initiative, forward thinking and investment in the future. Such innovations deserve to succeed.



Finally, out with the new and in with the old

I conclude my report on a high note, with my sincere congratulations to the operator of Elizabeth, the only steam bus in the world. I was privileged to be at the launch of Elizabeth in Whitby in the spring of this year. It is a 75-year-old steam bus, which has successfully passed the Certificate of Initial Fitness procedure necessary for all public service vehicles and jumped through innumerable bureaucratic hoops to get to the point of carrying fare-paying passengers. This included an amendment to the Road Traffic Act, as the regulations for PSVs in the modern era did not envisage a steam bus.

Elizabeth is a sight to behold as she steams through the streets of Whitby carrying passengers. Pedestrians and shoppers stop, stare and then wave as she goes by. This is the type of bus operation which should be encouraged and which, I hope, will be a commercial success. I understand that DfT staff are investigating the ways in which fuel duty rebate can be granted to a vehicle consuming sacks of coal. It is an interesting conundrum, should Elizabeth run registered local services.



Elizabeth is a welcome addition to the delights of a well-known Yorkshire tourist town on the seaside. I wish her well and all those who steam in her through Whitby.

North Western Traffic Area Report of Beverley Bell, Traffic Commissioner





Introduction



The submission of my Annual Report always gives me the opportunity to thank all the staff at Hillcrest House who assist me in my regulation of the North Western Traffic Area. I am

delighted that this year it also gives me an opportunity to thank all the staff who now work with me in my newly opened Office of the Traffic Commissioner at Golborne near Warrington.

In some respects, 2005–06 has not been a happy year for Traffic Commissioner and staff alike but it is good to know that I am now located where I have always felt that I firmly belong – in the area that I am entrusted with regulating.

Goods vehicle operators

Licensing

The total number of goods vehicle operator licences in the North West has fallen very slightly from 14,883 in 2004–05 to 14,554 at present. This continues a downward trend over the last six years, with only a slight increase in licence holders in 2002–03 bucking that trend, which may have been influenced by the implementation and subsequent deterrent effect of impounding powers brought in from January 2002. The downward trend in the 2005–06 period is, on the whole, mirrored throughout the Traffic Area Offices.

The number of vehicles specified on North West operator licences has fallen by 7 per cent from 56,981 to 52,894, having peaked in 2002–03 at 60,761. This drop in specified vehicles is relevant to Restricted, Standard National and Standard International licences.

The number of applications for new licences has fallen by 11.4 per cent from 1,399 last year to 1,239 this year. The number of major variations to existing licences has fallen from 1,299 to 1,250, which is consistent with other Traffic Area Offices. The administrative task of handling these applications has changed during the period with North West documentation now being scanned and stored electronically, negating the need for paper-based files.

The number of new applications attracting opposition has remained stable during the period although the number of variation applications attracting opposition

has increased by 65 per cent from 32 to 53, although I am pleased to report that the higher figure represents only 4 per cent of all variations received by the North West Traffic Area Office.

On numerous occasions I have encountered operators, often at a Public Inquiry, who have not kept the details of their licence up to date, including matters such as correspondence address and director details. There is no acceptable reason for this, particularly with the availability of Operator Self-Service, and I take this opportunity to remind operators of their obligations in this respect. I am, however, very encouraged by those operators who do use self-service to keep their details up to date and I feel that this availability is a useful tool for the industry, particularly when adding and removing vehicles from the licence.

As I reported last year, the licensing team processing applications on my behalf and under my delegated authority has exceeded its target in respect of the time taken handling those applications. This year has seen a huge change in the way I work with the licensing teams at Leeds as I have dealt with much of the work electronically. This has brought its own challenges but it has also afforded us an excellent opportunity to raise the standard of the casework even higher thereby improving the standards and levels of service to Commissioner and operator alike.

During the forthcoming year, the licensing team will face further challenges should the Vehicle and Operator Services Agency's (VOSA's) decision to centralise operator licensing administration in Leeds proceed. I am aware that this decision

may provoke a mixed response from different parties and, as I work on the project board that has piloted this change, I am able to see both the benefits and the risks of such a large-scale change. There is not sufficient space within this report to rehearse the debate but suffice to say that I shall have no hesitation in making my views known to all interested parties should the decision to centralise be taken. In this report I only urge one note of caution for the North West. The pace of change is relentless and I only hope that this does not result in losing sight of the very real issues that may arise as a result of the decision to centralise.

Road safety

Action taken against licence holders

A total of 179 Public Inquiries were held this year as a result of non-compliance by goods vehicle operators. While this represents a significant drop of 22 per cent when compared with last year, when 229 Public Inquiries were held, there has been no corresponding drop in the workload for my Deputies and I. As stated elsewhere, the Inquiries become ever more complex and lengthy. Of the operators that had their licences considered, 41 (23 per cent) had their licences revoked with six of these operators being disqualified from holding or obtaining a licence in the future. A further 12 operators had their licences suspended.

Transport manager repute

While considering non-compliant operators at Public Inquiry, the repute of 79 nominated transport managers was considered. In 16 of these cases it was determined that their good repute was lost.



Impounded vehicles

This year, as always, I received a number of applications for the return of impounded vehicles. However, these numbers are falling each year proving, in my view, that the number of hauliers prepared to operate without a licence is continuing to fall as they realise the very expensive cost of loss of their vehicle. In the limited number of cases where I did return the vehicle I did so because I was satisfied that they had no knowledge of the illegal activity. Thankfully, the number of these cases is falling and should continue to do so.

Bus and coach operators

Public service vehicle operator licensing

The number of licence holders increased slightly from 1,320 to 1,336. While applications for new public service vehicle (PSV) operator licences fell by 15 per cent, those wishing to vary their licence increased by 10 per cent. This may be indicative of the fact that established operators are developing and expanding their operations.

I continue to hold new operator roadshows, and these were well attended by the industry. It is my intention to hold roadshows aimed specifically at PSV operators during the coming year in order to maximise the benefit of these events.

Local bus services

The number of local bus services registered in the North West remained stable at 4,240, as did the number of changes of existing local services. Cancellations reduced significantly from 652 in 2004–05 to 546 this year. The number of applications to register new services fell dramatically to 652, a drop of 39 per cent. This could suggest that the number of

operators who are entering the local bus service arena is diminishing, or that those engaged in the operation of local bus services are concentrating on improving the service provided on the routes already operated.

Road safety

Action taken against licence holders

There has been a significant drop of over 50 per cent this year in the number of bus and coach operators taken to Public Inquiry due to non-compliance. However, of the 24 operators whose licences were considered, a third (eight) had their licences revoked with three of these resulting in disqualification of the licence holder from holding or obtaining a licence in the future. A further nine operators had conditions placed on their licences to reduce the number of vehicles they could operate. I have said in previous reports that I intended to look closely at the calibre of operation undertaken involving buses and coaches in the North West due to the poor standard of maintenance apparent from some vehicles encountered by VOSA at roadside checks and following complaints from the public. While the figures for one year in isolation cannot be considered to show the full picture of ongoing trends in the standard of PSV operation, I was pleased to see such a large drop in operators coming to Public Inquiry and will continue to monitor the situation.

Transport manager repute

The repute of ten transport managers was under scrutiny at Public Inquiry this year and four were found to have lost their repute.

Local bus services

Monitoring carried out by VOSA bus compliance officers led to five operators coming to Public Inquiry due to failures to comply with their local service registrations.

Adverse conduct of vocational licence holders and applicants

There was a 10 per cent increase in the number of vocational drivers who were referred to me this year for consideration of their fitness to hold their vocational driving entitlement. Of these, 11 per cent (208) were called to a hearing where 30 drivers had their licences suspended and 12 had them revoked. A further 146 either had their applications for vocational entitlement refused or were disqualified from using their entitlement to drive passenger-carrying vehicles and/or large goods vehicles.

As mentioned in my report last year, the inappropriate use of mobile phones while driving is a pressing concern for Traffic Commissioners and I have had a number of cases referred to me this year either by their employers or by the police. I wish it to be known that, as a starting point, I will consider suspending the licence of any driver committing a mobile phone offence for one week and I hope that this will serve as a deterrent to other drivers.

Other issues

Appeals

The number of appeals lodged with the Transport Tribunal against decisions made by myself and my Deputies fell significantly from 19 last year to eight this year. Of the seven appeals heard by the Transport Tribunal, only one was successful and two were referred back to me for further consideration.

Operator seminars

I have continued with my programme of educational seminars for PSV and goods vehicle operators in the North West, holding seminars in Chester, Penrith, Stockport and Preston. These seminars are free and provide a wealth of information to operators as well as an opportunity to speak with staff from the Office of the Traffic Commissioner and the trade associations.

Once again, I offer my thanks to the Road Haulage Association, Freight Transport Association and the Confederation of Passenger Transport for their attendance and continued support at the seminars. My thanks also go out to the team of dedicated staff that organises and facilitates the seminars and to the representatives from the Transport Energy Best Practice Team who provide free training aids and money-saving advice. Next year, I intend to move away from general seminars which provide for both goods vehicle and PSV operators and hold seminars that are more tailored to operators' individual needs, focusing on separate seminars for operators of PSVs and Restricted goods licence holders.

North West Regional Intelligence Unit

The North West Regional Intelligence Unit (RIU) was set up in March 2006 so it is too early for me to report on how this will impact on my work. Similarly, it is too early to say how it will impact on North West operators as the unit seeks to target the non-compliant easing the burden on the compliant operator. I am told that the purpose of the RIUs (which are set up in each Traffic Area) is to create a clear separation of function between the Traffic Commissioners' decision making and VOSA's enforcement and investigative processes, to preserve



VOSA's duty of care to intelligence sources and customer service to the Traffic Commissioners and, most importantly, to increase significantly the quality and completeness of casework submitted to the Traffic Commissioners by combining Compliance and Intelligence teams. While I was delighted to be a member of the project board that was tasked with establishing the terms of reference for the RIUs, it is too early to say if this project has been a success. I will report on the success or otherwise of the North West RIU in my next report.

Public Inquiries

A total of 267 Public Inquiries were held this year involving North Western passenger-carrying vehicle and goods vehicle operators. My Deputies assisted me by presiding over 143 of the Public Inquiries held this year and I dealt with the remaining 124 myself. Many of these Inquiries have been very complex, resulting in lengthy hearings that are resource intensive for the Public Inquiry clerks as well as for my Deputies and me.

Acknowledgements

As always my thanks go out to my Deputies, Mark Hinchliffe, Patrick Mulvenna and Elizabeth Perrett. Their constant support in easing my heavy workload is invaluable and I simply could not function effectively without them. I also remain indebted to my colleague Tom Macartney, Traffic Commissioner for the North East, who not only acts as a Deputy in the North West but is always there to offer advice and assistance.

As always I extend my thanks generally to the Road Haulage Association, Freight Transport Association, Confederation of Passenger Transport and Institute of Logistics and Transport for their continued support of my work. I have always been a keen supporter of the work they do and the part they play in ensuring operator licence compliance.

And finally, no annual report would be complete without me taking this opportunity to thank all the staff based at Golborne and Leeds who enable me to undertake my statutory duties. In this age of digital technology, it is easy to become ever more reliant on computer technology to deal with our workloads. However, we must never lose sight of the enormous value of the extent of knowledge, expertise and common sense that the staff who work with the technology have. While some of the staff may be located in a different building from me, my reliance upon them is as great as it ever was. Similarly, my gratitude and appreciation for them is as great as it ever was. They are a vital resource for me as Traffic Commissioner and for the operators alike. This report affords me the opportunity to formally acknowledge my debt of gratitude to them and I know that this view is shared by many operators in my Traffic Area. I hope that those who place such reliance upon new technology will never forget the value of the staff of the Traffic Area Office and the staff of the Office of the Traffic Commissioner, staff who make the North Western Traffic Area what it is.



South Eastern and Metropolitan Traffic Area Report of Chris Heaps, Traffic Commissioner





Introduction



“The Traffic Commissioner system is wildly better than anything else in Europe and that’s reflected in the level of regulation where everyone is assessed without fear or favour.”

These words by a leading transport lawyer were welcomed by Traffic Commissioners in 2006, the 75th anniversary of the appointment of the first Traffic Commissioners as licensing authorities and regulators of the bus and coach industries in 1931 (and two years later also of the heavy goods vehicle (HGV) industry). They are particularly welcome at a time when the future of Traffic Commissioners is in doubt.

Similarly, in an introduction to his recently published (116 pp) book, *75 years of Traffic Commissioners – a lawyer’s personal view*, produced for the Roads & Road Transport History Association with the support of the Department for Transport (DfT) and the Freight Transport Association (FTA), the author, Geoffrey Jones, states that “within the industry, almost without exception, Traffic Commissioners have been regarded with respect and frequently with affection. That can be said of very few regulators and it says a lot about the Commissioners themselves and the industries as a whole.”

The future role of Traffic Commissioners

In the light of the above comments, it is particularly ironic, and indeed sad, that steps are being taken by or on behalf of the Government that may diminish, if not destroy, Traffic Commissioners’ ability properly to control the grant of new licences. As I mentioned in my 2004–05 Annual Report, publication of which was delayed by the DfT for over six months, I believe that the proposals then under consideration to transfer support for Traffic Commissioners’ licensing functions to a central office in Leeds may well be incompatible with Traffic Commissioners’ statutory duty to be ‘satisfied’ about an applicant before a new licence is granted.

Various pilot schemes, including scanning of documents and the transfer of licensing applications from Bristol to Leeds, were trialled during 2005–06, but at the end of the day not one of the Traffic Commissioners has approved the proposal to centralise licensing in Leeds. As I mentioned last year, Traffic Commissioners are the “customers” of the licensing teams, even if the team members are employed by the Vehicle and Operator Services Agency (VOSA). I have no doubt but that applications for new licences will receive less careful consideration by staff and Traffic Commissioners under the proposed new regime. A monitoring exercise in 2004 showed that over 40 per cent of applications were referred to me by my staff in Eastbourne for decision or help: I am sure that fewer files will be referred to me from Leeds. Nor (as heretofore) will I have access to all documents, but only to those which someone in Leeds has decided that I should see by scanned image.

It is, of course, open to Parliament to change our duties and responsibilities by amending the Public Passenger Vehicles Act 1981 under which we currently operate. However, these major changes are being made not by Parliament or even by the DfT, but by an agency – VOSA. The Traffic Commissioners were astonished to discover that the decision to proceed with the centralisation proposals, despite the absence of support from Traffic Commissioners, is not to be made by the main VOSA Directing Board, on which non-executive members sit. The decision is to be taken by a management board whose members are appointed by the chief executive, who is on record as saying that centralisation would take place!

Mention of the employment of the staff helping Traffic Commissioners reminds me that, despite my requests in my 2003–04 and 2004–05 Annual Reports and comments in my submission to VOSA relating to the centralisation plans, neither the DfT nor VOSA has explained why they have ignored the recommendations of the Better Regulation Task Force “that Government should allow *all* independent regulators sufficient flexibility to ensure that they are able to appoint the staff *they* require for the regulator to operate effectively” (my italics). These recommendations were accepted in principle by the Government early in 2004. In my 2004–05 Annual Report, I “expressly” invited the DfT to comment: I repeat my request, this year to the Secretary of State.

The independence of Traffic Commissioners will be further compromised if VOSA continues to maintain that all the operator files belong to VOSA rather than Traffic Commissioners, in respect of which it claims to have received unequivocal advice. As the staff are working as Traffic Commissioners’ “officers and servants” under paragraph 7 of schedule 2 to the Public Passenger Vehicles Act 1981, I do not accept VOSA’s view of the law, and this is an important matter of principle that will need to be resolved quickly. It may be necessary for Traffic Commissioners to take independent legal advice in respect of the centralisation proposals, the status of our staff and the ownership of files.



If the Traffic Commissioners have not approved the centralising proposals, are there other major benefits to the industries which justify such major changes? If all the proposed savings (particularly in staff numbers) identified by VOSA are made, if the necessary IT works and if all the savings are passed on to the industries, what will be the gain? On the basis of the figures that I have seen, the saving to the industries will be the princely sum of £3 per vehicle per annum, a sum equivalent to the costs of running a 41-tonne articulated vehicle for fewer than 2.25 miles! I rest my case.

One consequence of the proposed changes will be that the majority of my loyal, efficient and highly regarded (by me and the industries) staff in Eastbourne will be redundant, and with little opportunity for alternative employment.

As I mentioned last year, I doubt that reputable and law-abiding operators within the industry will welcome the de facto transfer of decision-making powers from Traffic Commissioners to VOSA, but it will no doubt be welcomed by applicants who might fail to overcome the current hurdles.

It appears to me that VOSA is choosing to give process precedence over objectives, despite the fact that the scanning process – an essential element of the new proposals – has not yet been shown to be fit for purpose.

The changes proposed by VOSA are not ones which I am prepared to accept, and I will be giving notice to the Secretary of State that I will retire before the end of my term (which would normally expire on my 65th birthday).

Goods vehicle licensing

Throughout the seven Traffic Areas, the number of HGV licences in issue has dropped during 2005–06. In my Traffic Area, the number of licences has reduced by 2.2 per cent to 11,867, and the number of authorised vehicles has gone down from 49,838 to 46,108.

Not surprisingly, therefore, the numbers of new applications and variations have also gone down, from 1,286 to 1,146 and from 1,225 to 1,104 respectively. Consideration of Table 3 will show that over 31 per cent of applications (net of withdrawals) were granted by me subject to restrictions, or refused. This figure is significant in the context of my earlier comments about centralisation, as almost certainly all or the vast majority of these applications will have been considered by me personally. In addition, other applications eventually granted in full will have received consideration. It is perhaps significant that in this Traffic Area many more licences were issued subject to restrictions (268) or refused (76) than in any other Traffic Area, possibly because of the environmentally sensitive nature of much of the Home Counties and because of the proactive approach adopted by Surrey County Council which I commended last year. It also demonstrates the care with which applications are handled by my staff. Indeed, in my Traffic Area the number of licences issued subject to conditions exceeds the total in six other Traffic Areas (excluding the Western Traffic Area).

Fourteen applications for new licences and six applications for variations to existing licences were considered at Public Inquiry. Where objections or representations have been lodged, it is always my policy to inspect the proposed operating centre before the Public Inquiry and, on a number of occasions, it has proved invaluable also to attend a site visit at which the actual tracking of vehicles and/or visibility from vehicles can be assessed.

Visits to existing operating centres subject to five-yearly review are also important. During the year, six operating centres were considered at Public Inquiry, resulting in the imposition of conditions in five cases. In one case, I decided that the operating centre should continue without change: no operating centre was removed from a licence on review.

Road safety

Roadside enforcement

The annual statistics showing how many HGVs have been checked by VOSA are published in its Annual Report, but they are relevant to me and my colleagues insofar as they give a good indication of the general health (or otherwise) not only of the industry but also of VOSA's contribution. Year on year, I am depressed by these figures.

During 2005–06, the average number of vehicles attracting prohibitions rose nationally from 22.2 per cent to 24.6 per cent, although in this Traffic Area the position improved from 26.7 per cent to 23.5 per cent. How far this improvement is attributable to increased activity by VOSA in this Traffic Area is impossible to tell, but I would like to commend the

VOSA staff within this Traffic Area for increasing the number of roadworthiness spot checks from 8,632 to 10,551. This is in contrast to the whole of the rest of Great Britain (except the North Western Traffic Area), where the number of spot checks has decreased. Nationally – and I find this very surprising and depressing – the number of spot checks has dropped since 2003–04 from 66,751 to 57,685 (–15 per cent) for vehicles, and from 21,485 to 18,208 for trailers (–18 per cent). The average prohibition rate for trailers has, during the same period, risen from 25.4 per cent to 30 per cent, although again the average in this Traffic Area is lower than the national average.

I have expressed the view in previous Annual Reports that the regulatory and maintenance regime in respect of trailers is in need of reform, with many trailer owners taking little (if any) interest in their maintenance while happily permitting operators to receive prohibition notices for trailers in respect of which such operators have little ability to check maintenance standards. Another worry for UK road users must be the poor maintenance standards of foreign HGVs, checks of which have increased by almost 10 per cent. An average prohibition rate of 30.5 per cent for foreign vehicles and no less than 42.7 per cent for foreign trailers is wholly unacceptable, but VOSA in this Traffic Area is again to be commended for carrying out 38 per cent of all such checks within Great Britain. These figures demonstrate that an increased number of both foreign and UK-registered vehicles can be checked with good management and adequate staff: they are not mutually exclusive.



However, while commending VOSA's activity in this regard in this Traffic Area, I must question whether it is being given the resources to carry out all such work and to respond to urgent requests from my Regional Intelligence Unit (RIU). Too many such requests are not being dealt with in a timely fashion (if at all), and I remind myself and the Secretary of State that my support for the RIU trial was conditional upon the RIU being able to acquire urgent reports in appropriate cases. This is not happening. I am told that this is because of a shortage of front-line traffic examiners and vehicle examiners, although appointments almost too numerous to mention appear to be being made in management posts.

Action taken against licence holders

The problems associated with the trial and implementation of the RIU having been overcome, the number of Public Inquiries held in this Traffic Area rose, as anticipated, during 2005–06. The conduct of 163 operators was considered at Public Inquiry, an increase of 40 per cent, as a result of which 49 licences were revoked (30 per cent), 14 were suspended (8.5 per cent) and 67 (41 per cent) were curtailed (i.e. the number of authorised vehicles was reduced). In a limited number of cases, licences were both suspended and curtailed. Twenty-nine operators (17.7 per cent) received a formal warning, and in only nine cases (5.5 per cent) was no action taken. Sixteen operators were disqualified from holding or being involved with a licence.

Some of these Public Inquiries, and some Public Inquiries held in respect of applications, result from an alarming development that has been identified by my staff during the year. An astute member of staff had a 'gut feeling' that a bank statement accompanying an application seemed familiar. A subsequent detailed and forensic study of a number of files organised by my Senior Team Leader, Ricky Holloway, has revealed a

large number of (high-quality) suspicious bank statements and Certificates of Professional Competence which, on investigation, have been shown to be forgeries. As a result, a number of applications for new licences have been refused, a number of existing licences have been revoked, and further files remain to be investigated.

The Transport Tribunal in Appeal No. 41/200 (Hi Kube Transport Ltd) has stressed that the honest and truthful completion of an application is fundamental to the system of licensing. The operator licensing system has historically been based on trust, but these false papers lead me to the conclusion that further checking of applications is now needed. I have suggested to my colleagues that, in appropriate circumstances, operators attending Public Inquiries should be required to produce evidence of identification, and that the application form GV79 needs amending to require details of (say) an applicant's/director's passport, driving licence or National Insurance number so that cross checks can be made. Even more rigorous checks have been suggested by the Metropolitan Police in its submission to the DfT. I understand that at least one applicant and a transport consultant have been arrested in relation to some of the false applications.

In carrying out his forensic investigation and in providing evidence to the police, my Senior Team Leader has consulted files relating to licences granted some years ago, thus demonstrating the foolishness of VOSA in proposing – and instructing my staff – that bank statements should be destroyed after six or 12 months. As a result, in at least one other Traffic Area, the evidence no longer exists for the Traffic Commissioner to take action on a number of files in which (false) documents have already been destroyed. VOSA is proposing the destruction of documents on the basis that it owns the licensing files. This I do not accept and I am taking independent legal advice in this regard.

It is appropriate that I should pay a special tribute to Ricky Holloway and to many other members of staff who have been diligent in identifying suspicious documents.

The false bank statements have been drawn to the attention of the clearing banks. I am disappointed that they are taking little interest, because they have not lost any money, and I am seeking to arrange a meeting with a director of one of the clearing banks to see if they can be persuaded to adopt a more responsible attitude.

Impounding

Last year, I commended the proactive approach adopted by VOSA area managers in this Traffic Area to the impounding of unauthorised vehicles, and I am pleased to report that this enthusiasm has been maintained. This is clearly demonstrated in Table 21. In this Traffic Area in 2005–06, no fewer than 71 vehicles were impounded, and 43 applications were made for the return of vehicles by owners (22 per cent of all such applications in Great Britain) under the Goods Vehicles (Enforcement Powers) Regulations 2001. Not all applications were heard at a Public Inquiry, and some were considered by me without a hearing. In the event, I ordered that 23 vehicles should not be returned, but that grounds had been demonstrated for the return of 20 vehicles, mainly to vehicle leasing companies. Two owners appealed to the Transport Tribunal, but they were unsuccessful.

I expressed surprise in a number of appeal decisions that accompanying trailers have already been released by VOSA. I take this opportunity to remind VOSA employees that their powers to return vehicles (including trailers) under paragraph 4 of the Regulations are very limited, and that they do not have the same power to consider the question of knowledge of unauthorised use as is given to Traffic Commissioners by paragraph 10(4)(c) of the Regulations.

After five years' experience of the Regulations, I repeat my comment made last year that it would be appropriate for the wording of the Regulations to be reviewed, and I hope that Traffic Commissioners will be actively involved in any such review.

Bus and coach operators

Licensing

As last year, there has been a small increase in the number of bus and coach operators, both nationally and in this Traffic Area. This is matched by a national increase in the number of discs in issue, although in my Area the number of discs has reduced, but only by 20 or 0.1 per cent!

By contrast, there was an increase in the number of applications received in this Traffic Area (but not nationally), and Table 11 shows an increase in the number of applications, from 137 to 153. Of these, 75 per cent were granted as applied for, 21 were granted by me for fewer vehicles than requested, nine were refused and eight were withdrawn.



Road safety

Roadside enforcement

In contrast to the maintenance record for HGVs to which I referred earlier, the percentage of prohibitions issued nationally at spot checks during 2005–06 dropped marginally to 15.9 per cent, and almost as many vehicles were checked as in the previous year. Interestingly, as in previous years, foreign public service vehicles (PSVs) have demonstrated a better prohibition record than vehicles registered in Great Britain.

Action taken against licence holders

Table 16 shows that I held 22 Public Inquiries in 2005–06, five fewer than in the previous year. However, I revoked 11 licences (ten in 2004–05), suspended two licences and curtailed five licences.

Local bus services

Bus services are run for the benefit of passengers, and it is important that buses run to schedule most of the time. If they do not, they will not be attractive to passengers and prospective passengers. The guidelines laid down by Traffic Commissioners that 95 per cent of local services should operate not more than five minutes late or one minute early (other than in exceptional circumstances) are intended to remind operators of their responsibilities.

It says much for operators in this Traffic Area, outside the boundaries of the Greater London Authority, that I have not had to consider action against any operator for materially breaching the guidelines during 2005–06, although following an earlier Public Inquiry I made one determination during the year requiring an operator to pay a penalty of £450 per vehicle (£20,700 in total). Within Greater London, the regulation of bus services is the responsibility of Transport for London (TfL).

An alternative explanation for the limited number of Public Inquiries may be that I am not receiving sufficient reports from the bus monitors employed by VOSA. Passengers will be surprised that only two bus monitors are employed in this Traffic Area, and I have had to question why I have been receiving so few reports this year. An undertaking by VOSA to let me have a monthly report of bus monitoring activities has not been fulfilled, and this is being investigated.

Adverse conduct of vocational licence holders and applicants

Under the Road Traffic Act 1988 (as amended), I am required to consider whether vocational driving licences for PSV and large goods vehicles (LGV) drivers should be granted, suspended or even revoked (as the case may be).

Action is often required when evidence of breaches of drivers' hours rules and tachograph rules are discovered, particularly as tired drivers can be as dangerous to other road users as drunk drivers. Drivers who drive for excessive periods may find that I suspend or revoke their licences, and drivers disqualified by the courts (often after alcohol-linked convictions) may find the restoration of their vocational licences delayed or refused altogether. Traffic Commissioners are now giving greater consideration to the offence of using a mobile telephone while driving, and my office is piloting a scheme under which evidence of such offences is being provided by the Metropolitan Police to this Traffic Area for action.

As I am required to consider all licences held by members of Her Majesty's Armed Forces in addition to drivers resident within the most densely populated area within Great Britain, no fewer than 4,206 drivers (9 per cent more than last year and 21.5 per cent more than in 2003–04) were referred to my office. Although most are dealt with by warning letters, 279 drivers were required to attend before me; 231 were refused or disqualified, 13 were suspended and 11 revoked.

Appeals

Appeals against Traffic Commissioners' operator licensing decisions are made to the Transport Tribunal and appeals by drivers to magistrates' courts.

During 2005–06, no fewer than 29 appeals from this Traffic Area were lodged with the Transport Tribunal, of which 24 were heard and five were withdrawn. I am pleased to report that only five appeals were successful or partially successful. Four were referred back for further consideration.

Education and training activities

All Traffic Commissioners welcome the opportunity to contribute to road safety, not only by exercising our disciplinary powers but also by helping with the education of the industries and by commending the reputable and law-abiding operators.

Accordingly, we welcome invitations to attend and contribute to seminars and activities organised by the trade associations. I was happy to attend events organised by the Confederation of Passenger Transport, the Road Haulage Association, the Freight Transport Association, the Institute of Road Transport Engineers and the Institute of Transport

Administration. In addition, successful seminars were organised for me at Dartford and Heathrow.

Ever since my appointment as a Traffic Commissioner in 1997, I have been pleased to balance my regulatory duties by helping the industries celebrate the good, and there is much to celebrate. Every year, and 2005 was no exception, I am delighted to attend and present awards at the UK Coach Rally in Brighton, and to attend and help with the organisation of the competition in Blackpool run by UK Bus Driver of the Year Association Ltd, of which I am a director. Another annual pleasure is to present – jointly with the managing director of the Go-Ahead Group plc – road safety and long service awards to staff of the Brighton and Hove Bus and Coach Company Ltd, whose Managing Director, Roger French, received a well-deserved OBE during the year. I also accepted invitations to visit Epsom Coaches, Travel London and Stagecoach South Coast (to mark the 90th anniversary of Southdown in Portsmouth), and to launch a new service between Cobham and Heathrow operated by Hallmark Coaches.

I attended the launch of the extension to the Fastway partially-guided bus service in the Crawley/Gatwick area, and inspected the construction works for the Kent Fastlink, which opened earlier this year. I was particularly pleased to attend the annual symposium of the Roads & Road Transport History Association and to listen to the presentation about the history of Traffic Commissioners by Geoffrey Jones (which has subsequently been published). Attendance at the Coach and Bus Exhibition (and dinner) at the NEC in Birmingham and meetings with the Metropolitan Police were duties, albeit enjoyable and constructive; I also acknowledge the enjoyment associated with my visit to the Cobham Bus Museum and (if also tinged with sadness) my ride as a guest of TfL on the last Routemaster in ordinary service in London.

In medieval times, goods vehicle licensing in the City of London was under the control of the Worshipful Company of Carmen. In the summer of 2005, as the current licensing authority for the City, I was privileged to be invited to take part in the cart-marking ceremony in Guildhall yard. The mark I made with a red-hot branding iron on a carman's coach is the historical equivalent of the operator's disc issued by my office in the 21st century.

I was able to refer to these events when I addressed the Southdown Enthusiasts' Club.

Acknowledgements

Throughout the year, the black cloud of probable re-organisation and redundancy has hovered over the office, and it would have been reasonable to assume that staff morale and enthusiasm for work would have waned. It says much for the loyalty and personality of the staff at Eastbourne that, without exception, they have continued to work to their full ability throughout the period, just as they did ten years ago – as mentioned by Brigadier Turner in his 1994–95 Annual Report – when they again faced a threat to their long-term position. The quality of the work and the way in which the staff deal with queries regularly receive compliments from applicants, operators, legal representatives and transport consultants, and are the envy of many of my colleagues. It is very sad that the skills and deep knowledge of my staff in the licensing section and their ability to discuss files with me are to be lost under the centralisation proposals.

It would be invidious to name names, but I am indebted to all the staff without whom I would not have been able to carry out my statutory duties.

I also express my thanks to my Deputy Traffic Commissioners, Mr Timothy Swan and Mrs Mary Kane, who have provided support throughout the year.



West Midland Traffic Area

Report of David Dixon, Traffic Commissioner





Introduction



There are no great changes to report this year in the number or nature of operators or drivers being licensed or taken to task for non-compliance with the law and their obligations as

licence holders. With the support of my staff, I have continued my efforts to maintain standards in the West Midlands.

However, I have to report mixed relations with the Vehicle and Operator Services Agency (VOSA). While contacts with their local staff remain cordial, my report last year that "initial problems... have been resolved" in respect of our administrative support provided by the agency regrettably proved premature; details follow below.

Goods vehicle operators

The concentration of more vehicles into fewer licences continues, though the reduction in vehicles specified may reflect increasing use of short-term hire using the 'margin' concession as well as more efficient use of vehicles. The reduction in the number of Standard International licences and in the number of vehicles specified on them may also reflect greater use of foreign-based vehicles in international trade.

Noteworthy among those attending Public Inquiry were an owner-driver sub-contracting to a large North Western haulier who for many months falsified tachograph charts in order to earn more money each week by doing and concealing work not possible within the legal limits for drivers' hours; his wife, nominated as transport manager on his licence, failed to stop his law breaking. A farmer was found to have used untaxed 'red' diesel more than once; alleging he had done it to avoid a long drive for 'white' diesel, he hadn't offered to repay the tax to the authorities. Both licences were revoked.

Among those who comply with the law and the rules of operator licensing, there is an understandable frustration that operators from some places outside Great Britain are less regulated; many of their vehicles pass through the West Midlands. Steps taken by VOSA and others to enforce the law on foreigners are thus most welcome, since the acceptance of a

regulatory framework depends on its being seen as fair; as Traffic Commissioner, my jurisdiction covers British hauliers alone. Trials in my area of new WIMS (weigh in motion) equipment found an unexpectedly high percentage of lorries to be overweight, with many (British and foreign) exceeding their legal limits by large percentages. I have agreed to consider reports of multiple overloadings by individual operators at Public Inquiry, but so far no cases have been forthcoming.

My criticism last year of 'tailgating' and slow overtaking of one heavy goods vehicle (HGV) by another on motorways and other main roads itself drew some criticism, but I am unrepentant. Both road safety and the public image of hauliers would benefit from a determination by operators to outlaw these practices. It would also reduce the need for overtaking bans on two-lane roads.

An issue of increasing concern is the shortage of parking space for lorries away from home. Roadside parking of large vehicles is less acceptable than it once was, and lorry parks are being closed so that the owners can earn more from another use (often for building). Closure is popular with neighbours, but a lack of suitable places to stop can make it more difficult for drivers to plan where to take their statutory rest. In the interest of road safety, the industry and highway authorities need to address this issue more energetically.

Bus and coach operators

The number of operators and vehicle discs were little changed. Some of the smaller operators show no sign of improving their operations, despite every effort by VOSA to educate as well as enforce.

The purchase by one of the big groups of two medium-sized operators in the Black Country, one of whom had only recently been at Public Inquiry, may help set an improving trend.

The inability of a bus driver to speak English was an issue at one Public Inquiry. The person concerned was one of a considerable number of Eastern Europeans recruited to fill vacancies after failure to attract sufficient drivers locally. While pleased that service reliability may benefit, and recognising the merits of free movement of labour, I am concerned at potential safety issues which may arise with non-English speakers regardless of nationality. Operators should have a policy on what level of knowledge of our language is needed before a driver can be in sole control of a public service vehicle (PSV); the trade association (Confederation of Passenger Transport) might consider drafting a code of best practice on this subject.

The sole bus compliance officer employed by VOSA continues his meagre output, so I am no nearer being able to enforce punctuality on West Midlands local services. I can only conclude that this is not of importance to ministers.

I have maintained contacts with local authorities through the Association of Transport Co-ordinating Officers, and with the West Midlands Passenger Transport Executive (Centro). Some local authorities have suggested that they, rather than Traffic Commissioners, should register contracted local services. This has merit: they already have to monitor compliance with their contracts, and it would be a modest step to add compliance with timetables. The interface with commercial services would have to be addressed.



It is good news that a mostly favourable reception was given by consultees to a proposal that individual PSVs should be specified on operator licences as HGVs have long been. As well as eliminating vehicle discs, it would enable the apparently increasing number of vehicles being run without a licence of any sort to be impounded, which would be warmly welcomed by legitimate operators. As this will need primary legislation, it is hoped that other anomalies will be sorted out at the same time: modification or abolition of the 14-day rule (Regulation 22), reassessing the permit system (sections 19 and 22 of the 1985 Act) and passenger-carrying vehicle (PCV) driving licences come to mind.

Too many PSV operators still seek to hide the age of their (often ancient) vehicles from their customers by using Northern Irish registration plates which, when transferred from one vehicle to another, can confuse VOSA examiners and others. I see no good reason for commercial vehicles to carry such plates, and invite the Driver and Vehicle Licensing Agency to restrict their use to private cars.

Bus, coach and lorry drivers

The important task of seeing holders of large goods vehicle (LGV) and PCV driving licences continued throughout the year. As previously, we have focused on speeding and drivers' hours offences as being particularly dangerous, along with drink driving which has long been unacceptable. Drivers can be caught unawares by the increasing alcoholic strength of many beers and wines; in truth, the safe alcohol intake for professional drivers during the working week is zero. The value of alcohol awareness courses for those convicted of drink driving is often praised by those we see; I hope for great things from the new speed awareness courses. I have encouraged operators to introduce random alcohol (and drugs) tests for drivers reporting for duty.

Drivers dismissed for misconduct in respect of excess hours etc too often move to a job with another operator who may be ignorant of previous behaviour. Unless they have been prosecuted, I will usually be unaware of what they have done. I encourage operators to report such misconduct to me through VOSA, so that action against the drivers' licences can be considered. Any operator seeing this as a chore once they have parted company with the culprit should reflect on the implication of not reporting: that those rogue drivers remain free to work for other operators who may be less committed to road safety.

I have been pleased to represent Traffic Commissioners on the stakeholder group advising the Driving Standards Agency on implementation of driver Certificates of Professional Competence. This raising of standards is welcome and indeed long overdue, and I am concerned that some of my fellow group members seek only minimum improvements for fear of discouraging recruits. In fact, higher qualifications should lead to better drivers being employed, with beneficial effects on road safety, not to mention higher status in the community.

Centralisation of licensing

Since April 2003, VOSA has provided, on behalf of the Secretary of State, the "officers and servants" to support Traffic Commissioners under paragraph 7 of schedule 2 of the Public Passenger Vehicles Act 1981. I commented last year on the "continuous revolution" affecting this managerial and clerical support. This year I have, regrettably, to report that this led to proposals which would not have been out of place in *Alice in Wonderland*.

The majority of Traffic Area Office staff support Traffic Commissioners in vetting applications for new or varied licences, many of which are referred to us for decision (others are concluded under delegations). In August 2005 VOSA announced, without any prior discussion, a decision in principle that its work was to be transferred to Leeds. Our views (though not those of licence holders) were sought belatedly, then largely ignored. Despite modern technology (which is not yet as good as it should be), it is hard to see how this work will be done as well by staff located 100 miles away from my office in Birmingham as now when they are upstairs. If there is logic behind spending large sums of money in recruiting and training new people to do a job while displacing those who are already experienced in doing it, it has not been explained to us. The suggestion that the job can be done by fewer people because of centralisation does not stand up to scrutiny. The only mitigation in sight is that better staff training, which we have sought for some years, may now happen.

It is ironic that one reason suggested for centralisation, to enable holders of licences in more than one Traffic Area to deal with one office, was already on the brink of resolution by the appointment of 'lead' Traffic Commissioners.

At the end of the day, government will get what it pays for. If a cheaper and less rigorous licensing regime is wanted, so be it. But let no-one assume that these changes will have no impact on our effectiveness or on road safety.

Fears when our staff were transferred to VOSA in 2003 – that this would result in greater confusion between their role and ours – have regrettably been justified. VOSA often talks about how *it* grants licences, whereas it is the Traffic Commissioners who

are required by Parliament to do so. Their motive for saying this is unclear, and it is not helpful to understanding among operators as to who they are responsible to.

Transformation of part of our compliance team into a Regional Intelligence Unit (RIU) was completed during the year. After a gap while training took place and new procedures were introduced, this began to produce better Public Inquiry submissions. However, the RIU was inadequately staffed, in regard both to management and clerical resources. I am told this will be reviewed.

Much of my life has been spent managing necessary change in transport businesses. It is a new experience to be affected by changes which appear to be unnecessary and undesirable. However, I will, as always, do my best with the resources at my disposal.

Road safety

Some transport consultants are pressing for vetting of maintenance contractors, citing cases where operators have been let down by them. I am opposed to this: responsibility divided is responsibility confused. Operators are free to choose who inspects and maintains their vehicles, and must ensure that those doing it, whether employed in house or by contractors, are up to the job.

I have attended, on behalf of the Traffic Commissioners, meetings of the Health and Safety Executive's (HSE's) Road Haulage Liaison Group. They do good work, but have up to now continued to distance themselves from involvement with at-work casualties on the public highway.



The problem with this is that, while the police can and do consider whether criminal acts have been committed and if so propose prosecution, they rarely investigate the safety systems (risk assessments, etc) of operators of large vehicles, even when involved in fatal crashes. VOSA staff are not trained for this sort of general investigation, and Traffic Commissioners have no resources.

But such investigations need to be done: more deaths and injuries at work occur on roads than on employers' premises. The HSE has the powers and expertise to do this; in my view, it would be proportionate for it to devote resources to investigating the underlying reasons for this. In the 30 or so years since the Health and Safety Act became law, the HSE has done an excellent job in making fixed workplaces safer. Let it now do this for the moving workplace.

I have been pleased to attend, with the Senior Traffic Commissioner, twice-yearly meetings with officials of the road safety division and other parts of the Department for Transport. It has long seemed to me curious that Traffic Commissioners do not come under that division, given that the main reason for our existence is the same as theirs. At least we now have a forum for dialogue, which I hope will develop into their giving us guidance on how best we can support their overall task.

Other issues

Operator seminars were held near Worcester, on separate nights for goods and passenger operators. These were the first arranged by the dedicated VOSA team, who have efficiently relieved my staff of this laborious work. I have also spoken at a Belt Up School Kids conference in Aston and to the Institute of Road Transport Engineers in Erdington, both in Birmingham.

I am delighted that two of my staff, in their own time, studied for and obtained Certificates of Professional Competence. Operator licensing and compliance is a specialised activity which benefits from knowledgeable and experienced staff; I hope that other staff will be encouraged and supported in such initiatives in future.

More operators every year are setting up companies through which to trade, often because 'my accountant told me to', apparently for tax reasons. (Most have no idea of company law or the duties of directors or company secretaries; perhaps the Department of Trade and Industry should introduce a basic qualification for those seeking such a role, akin to our CPCs.) When such companies fail financially, suppliers and other creditors suffer by not being paid, yet some directors see nothing wrong with seeking to start up again with a new company and a clean slate. Many do not tell me (as required by a condition on the licence) of the previous company's failure and some carry on operating with the vehicle discs of the company no longer trading. I am seeking to curb this process by addressing the fitness or good repute of those concerned.

There was in the past a 'broad church' of Traffic Commissioners being appointed from different disciplines but all with some background in transport. (Some of the ex-military Traffic Commissioners were particularly well respected.) This variety of experience has contributed strongly to Traffic Commissioners' deliberations. Recent appointees as Traffic Commissioner or Deputy are qualified and experienced in the law rather than transport; I hope that the next round of appointments will restore the balance.

As a Traffic Commissioner, I am proud to be in office over the 75th anniversary of our creation by Parliament. I hope that my work is of value to society. But by contrast with the commercial world I came from, there is no way of quantifying success. How many deaths and injuries have I prevented by decisions taken at Public Inquiries? How many by making bus services more reliable and hence more attractive to motorists, who thus use their cars less? In reality, we are but one of a number of groups of people working to the same end. Our success is in crashes that don't happen – of their nature immeasurable. Like many others, we can only hope the world is a better place because of what we do.

Acknowledgements

As always, grateful thanks to my Deputy Traffic Commissioners who have provided valuable support with my fluctuating workload; our occasional gatherings have been stimulating and, I hope, beneficial. Alan Jenkins reaches retirement age in September 2006. He has been a great support to me, and his inimitable style will be much missed. I welcome Fiona Richards and Tim Hayden as extra support.

At most Public Inquiries, evidence of bad practice by operators is given by one or more vehicle examiners or traffic examiners. They are hard-working professionals, out on our highways and byways in all weathers to catch miscreants. Without them, I would have less opportunity to reduce bad practice: I thank them all.

This year, special thanks are due to my staff in the Birmingham office who have continued to beaver away cheerfully to support me despite the threat to many of their jobs from the changes referred to above. Well done! I hope those displaced will be found appropriate jobs elsewhere in the Civil Service or be given acceptable severance terms.



Western Traffic Area

Report of Philip Brown, Traffic Commissioner





Introduction



The compilation of the Annual Report for the year ending 31 March 2006 has been a difficult task. This has not been the case because of the statistical information that the

report contains, but rather because the pace of change within the support services provided to me as Traffic Commissioner for the Western Traffic Area by the Vehicle and Operator Services Agency (VOSA) has been so quick that it is difficult to conclude that the changes which were in train at the end of the year were the result of the implementation of a well thought out strategy.

The impression gained insofar as my support staff at Bristol were concerned is that a substantial number of posts were in the process of being sacrificed on the altar of centralisation.

Among all the changes to both the systems and the structures within VOSA, it has been a challenge for me to remain positive. Workload has again remained stable, but uncertainties persist on how Traffic Commissioners will be empowered to sustain an acceptable level of performance without adequate support staff who have the relevant expertise, training and experience to provide us with the service that we, and operators, can reasonably expect.

Goods vehicle operators

Tables 1–8 provide the statistical information concerning the number of operator licences and specified vehicles on goods vehicle operator licences in 2005–06. Numbers of licences and vehicles have declined, as has the number of applications made to the Traffic Commissioner. One interesting statistic relates to an increase in the number of opposed applications that were withdrawn without coming to a Public Inquiry. Most of these decisions would have been the result of an agreement to the imposition of environmental conditions between operators and objectors and/or representors. This emphasises the attempts made to deal with such cases without a formal hearing when a measure of agreement and/or compromise can be achieved.

Also worthy of note is the fact that the number of operator licences where continuation was not sought increased slightly during the year. A number of operators, particularly those who pay their licence fees annually, have failed to pay their fees within the prescribed period. As a result the licence has lapsed. Operators are reminded that in the absence of

exceptional circumstances, Traffic Commissioners are unable to reactivate an operator licence once it has lapsed.

It is interesting to note that there has been a significant increase in the number of applications for the return of impounded vehicles which are determined by the Traffic Commissioner.

Bus and coach operators

The total number of public service vehicle (PSV) operator licences remains similar to that of 2004–05.

The issue of stretch limousines refuses to disappear. Although I understand that moves are afoot to enable those vehicles that satisfy certain conditions to be granted Certificates of Initial Fitness, the fact remains that other vehicles are now within the private hire or PSV industry but remain unlicensed because they do not fit either category of licensing regime. During the year I refused an application by the owner of a fire engine (which, incidentally, was registered and taxed at the Driver and Vehicle Licensing Agency (DVLA) as a heavy goods vehicle) for a PSV operator licence. Once again, I urge the Department for Transport (DfT) to give urgent consideration to the matter, since regulators, enforcement agencies and the reputable arm of the stretch limousine industry require some certainty in this area of the law.

With regard to the registration of local bus services, there are still far too many applications to vary or cancel bus registrations at short notice. It is essential that the full statutory 56 days' notice should be given in all but the most exceptional circumstances.

It is difficult to draw any conclusions about the reliability of bus services in the Western Traffic Area in 2005–06. With only two bus compliance

officers, there remains a resource issue (which neither VOSA nor the DfT has addressed in a positive fashion). Without this support, I for one have been unable to provide the industry or the public with the service that they both deserve.

The number of flexible bus registrations in the Western Traffic Area exceeded the sum total of such registrations in all other Traffic Areas during the year.

Compliance

Although the number of Public Inquiries for non-compliant goods vehicle operators remains similar to the previous year, the number of licence revocations fell. This statistic does not necessarily mean that cases called to a Public Inquiry were less serious than in previous years, but may be an indication that the decision to revoke a licence is seen by a Traffic Commissioner as very much a last resort. Operators are given ample opportunity to demonstrate compliance before a Traffic Commissioner concludes that the ultimate sanction should be applied.

Non-compliance by bus operators resulted in a significantly higher proportion of PSV operator licences being revoked during the year. Significantly, a number of bus and coach operators have failed to comply with the drivers' hours and tachograph rules. It is often difficult to assess whether such breaches occur deliberately or through ignorance, but whatever the reason, breaches of this nature have the potential to strike at the very heart of road safety. I remain disappointed by the number of bus and coach operators whose management and maintenance systems and administrative procedures do not meet the demands of a modern passenger transport undertaking.



Towards the end of the year the flow of non-compliance cases being submitted to me slowed considerably due to the establishment of a VOSA Regional Intelligence Unit (RIU) in the Western Traffic Area. It is to be hoped that once properly established, cases will not be delayed, although given the role of the RIU, there are initial fears that its effectiveness will be impeded by over-bureaucratic procedures and a lack of effective management.

Two general observations with regard to compliance are also worth a mention. The first deals with the practical issue of case management, which is not aided if those who list cases for a Public Inquiry are not informed of changes in VOSA witness availability once a hearing is fixed. In future, in the absence of a reasonable explanation, I may take the view that it is not appropriate for me to adjourn a case or to proceed to a Public Inquiry at all where a VOSA witness, having been notified of the date of a Public Inquiry, is sent on a course, or books annual leave without notifying the Traffic Area Office. Unnecessary adjournments cause service standards to slip and provide an unacceptable delay in the administration of justice.

On the legal side, it is important to note that since the Court of Appeal decision in *Muck-It Limited v. Secretary of State for Transport* [2005] EWCA Civ 1124; [2006] RTR 9, the Traffic Commissioner must now establish, on evidence available, that an operator has been in breach of their undertakings or conditions of an operator licence. The effect of this decision is that Traffic Commissioners must state the grounds for calling a Public Inquiry for non-compliance and the evidence upon which those grounds are based.

Vocational licence holders and applications for vocational driver's licences

The number of vocational drivers called to a hearing in 2005–06 increased from 292 to 444 when compared with the previous year. This statistic demonstrates the increased awareness of DVLA in referring cases for consideration in line with the latest Traffic Commissioners' Practice Direction which deals with driver conduct issues. The forthcoming year is likely to see an increase in the number of cases referred to the Traffic Commissioner which do not arise from road traffic offences. There were plans to introduce a formal notification scheme relating to convictions against bus and coach drivers, while DVLA commenced the consultation process on the implementation of Criminal Records Bureau checks against the holders of applicants for passenger-carrying vehicle driver's licences.

Other issues

Public Inquiries

The number of Public Inquiries held during the year in the Western Traffic Area showed an increase on the previous year. I am once again indebted to my Deputy Traffic Commissioners for making a significant contribution to sharing my workload to enable me to dedicate a high proportion of my time to my role as Senior Traffic Commissioner.

Transport Tribunal

Of the ten appeals lodged with the Transport Tribunal during 2005–06 from the Western Traffic Area, five cases were heard and one was successful.

Liaising with the industry and enforcement authorities

Operator seminars were held during the year in Reading, Exeter, Portsmouth and Blandford Forum for both goods vehicle and PSV operators. I opened a new bus depot in Swindon in October 2005 and the re-built Bristol bus station in January 2006.

I have continued to meet with VOSA enforcement area managers on a regular basis.

I continue to liaise with the industries both formally and informally. I am always willing to discuss issues in order to clarify any queries or misunderstandings which may arise over my role as Traffic Commissioner.

VOSA – the agency develops

The "new agency" received a mention from me last year. The "new leadership and organisational change" did indeed result in a period of uncertainty among Western Traffic Area Office staff. The pace of change referred to at the beginning of this report has posed difficulties. Although designed to improve the service provided to the Traffic Commissioner and operators, the "remedial action" which I urged last year is taking time to emerge to a significant extent. The result at 31 March 2006 – apart from the ongoing implementation of a pilot project to centralise licensing applications from Bristol to the Leeds Office – has not been an unqualified success.

Acknowledgements

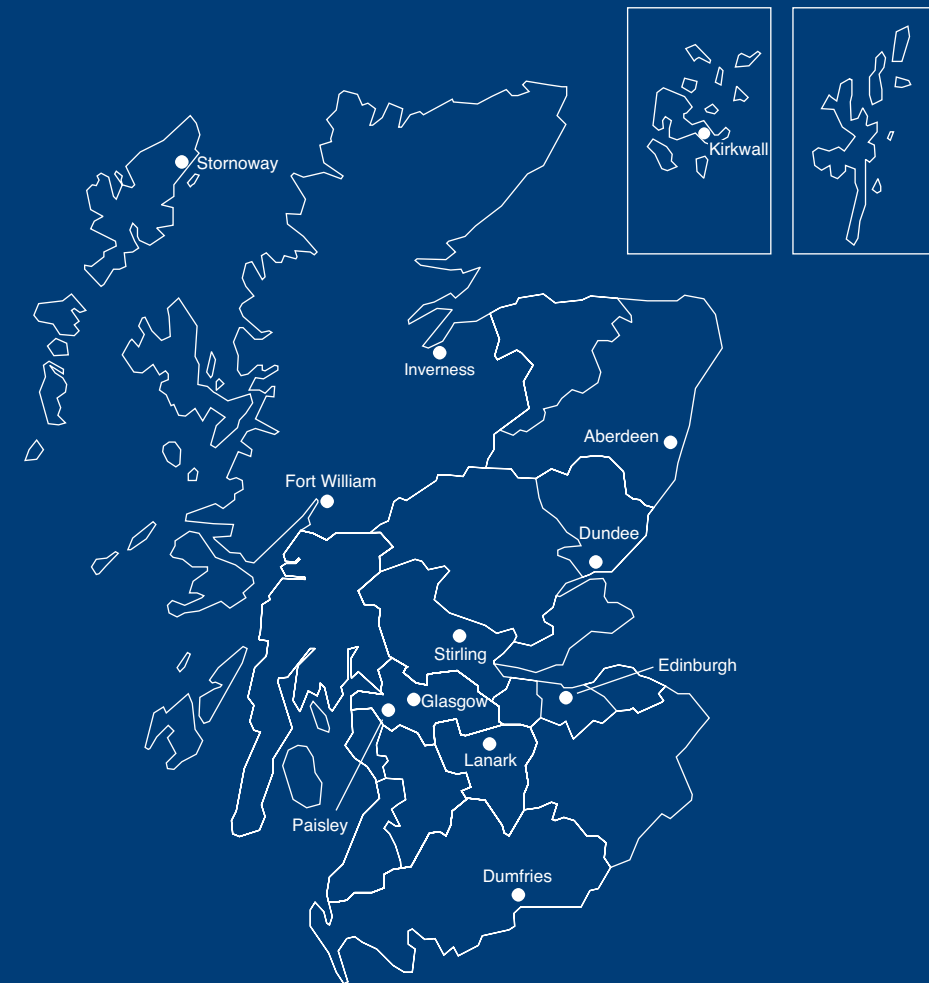
I cannot end my report this year without making reference to my dedicated team of support staff in Bristol. They have had to fulfil their roles with increasing uncertainty over their future careers. I thank them all unreservedly for their efforts in difficult times. For those who have left or will leave the Bristol office as a result of the organisational changes, I wish you the very best for the future; for those who will remain, I express the fervent hope that VOSA will provide sufficient resources to enable the Western Traffic Area to increase its effectiveness in the future.

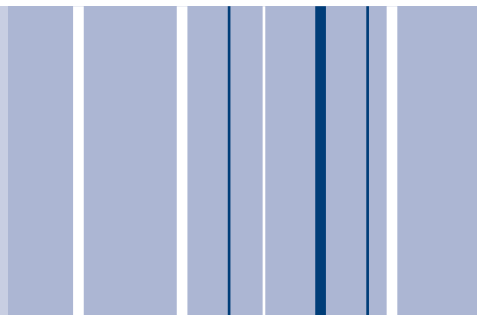
Thanks are also due to my Deputy Traffic Commissioners for their continued commitment and support.



Scottish Traffic Area

Report of Joan Aitken, Traffic Commissioner





Introduction



One of the most hazardous occupations today is driving for a living. The chances of fatality or serious injury are greater for someone who earns their living by driving than for most other

occupations. This is the conclusion of the Health and Safety Executive and has been highlighted for many years by organisations such as the road safety charity Brake. It is a background which is of singular importance in operator licensing and driver conduct. This year I held my first Traffic Commissioner seminars. I had delayed holding such seminars as I wanted to familiarise myself with the industries, to listen before I presented myself as having any sort of expertise to offer back. This year I held three – at Dyce, Lanark and Falkirk. I introduced them with a comment made to me by one of the trade associations – that I was important to them because I understood the industries and I could speak up for them. That is not an obvious description of a regulator, and any regulator has to guard against becoming a ‘captive’ of the industries. What I can convey is that I see myself as unequivocally on the side of the industries in one very important respect – I want to play my part with them in securing a safe, successful Scotland.

I do not want operators to fail. I want operators to run their businesses successfully and safely and, as an ingredient in that, to be licence compliant. From that perspective I used the seminars to indicate what I expect from operators and drivers and to emphasise road safety and fair competition.

Goods vehicle operators

Restricted goods vehicle operators, who by statute do not require a professionally competent transport manager, can fall foul of the licence undertakings by failing to appreciate their responsibilities as operators of goods vehicles. It is my practice to call such operators to Public Inquiry at the first sign that something is amiss, with a view to them appreciating the significance of their obligations and my ultimate powers. The outcome of many such Public Inquiries has been the operator undertaking training in goods vehicle operating. Anecdotal feedback is that this is effective. Standard licence holders require transport managers, and the quality of such individuals and their engagement with their obligations vary greatly. Too many do not keep up to date.

I have become concerned at the high fail rate at annual test. Operators undertake to make proper arrangements such that vehicles and trailers are roadworthy. Failing at annual test is an indicator that all may not be well with an operator’s systems. It astonishes me that on the day when an operator knows the vehicle will be scrutinised, it is not put in sufficient order to pass the test. At seminars and meetings with operators I have expressed my view that the high fail rate is not acceptable. I am grateful to those vehicle examiners and their superiors who share my concerns and who strive to give me good information as to an operator’s test history such that

I can distinguish those failures which are for genuinely minor matters. Conversely, a good annual test pass rate gives me a positive context against which to weigh evidence of an isolated but serious prohibition. Woe betides any operator who presents the vehicle in defective condition for the purposes of a ‘diagnostic’ test. ‘S’ marked prohibitions at annual test are reported to my office.

A common theme in drivers’ hours cases is the paucity of training for drivers and the lack of understanding of the details. Professional drivers have a personal professional responsibility to be compliant. However, the operator has a greater duty, for it is the operator who sets the route and timings. Too many drivers tell me that they receive no training from their employer, and too many transport managers and operators admit that they do not check that their drivers understand the various regulations. Given the complexities of drivers’ hours and working time provisions, it is not reasonable to expect employed drivers to be self-monitoring of their knowledge. That said, there are limits beyond which I can let drivers hide behind employers, and indeed employers behind pressures from customers. I was concerned at the frequency with which one particular customer of haulage services from Scotland (delivered to points in England and thence to France) was mentioned in Public Inquiries. Accordingly, my decisions against the operators were copied to the customer company, senior officers of which came to Edinburgh to meet me. They had disliked the adverse publicity.

Public service vehicle operators

Many of the comments I make about goods vehicle operators apply to public service vehicle operators and vice versa. On maintenance I take a serious view of wheel-loss incidents which should not happen and which, invariably in my experience to date, can be traced to a failing in the maintenance arrangements. It is very likely that an operator will be called to Public Inquiry to account for a wheel-loss incident given the real danger this presents. Vehicle maintenance is of particular importance, as lost mileage from breakdowns impacts on the reliability of services to the general public. By use of my power under section 26 of the Transport Act 1985 to limit the number of registered services if vehicle maintenance systems are deficient, I am seeking to protect the travelling public from the inconvenience of unreliability caused by breakdowns.

Local service reliability is critical to building confidence in bus travel. I reiterate my appreciation that the Scottish Executive has provided funds to the Vehicle and Operator Services Agency (VOSA) to allow for the employment of additional bus compliance officers in Scotland. These officers are working to improve bus reliability through advisory visits and monitoring exercises. It is incredible that an operator could think to register a service without testing whether its timings are achievable, but this happens. On the positive side we have enjoyed working with operators and local authorities in facilitating the registration of demand-responsive services, many initiated through the Scottish Executive’s Bus Route Development Fund.

Public Inquiries and driver conduct hearings

Last year either I or my Deputy held Public Inquiries and drivers' hearings in Aberdeen, Dumfries, Edinburgh, Glasgow, Inverness, Kirkwall and Stornoway. It remains the practice to call drivers to hearings as close as practicable to the area in which they live. For operator Public Inquiries there is continuing convenience in holding most in Edinburgh given the purpose-built hearing room and proximity of staff and files. In cases of urgency, early hearings will be given to drivers willing to travel to Edinburgh or any other scheduled location.

In assessing driver conduct I remain grateful to those Sheriff Clerks, Procurators Fiscal and the Scottish Criminal Record Office for providing further information on offences. Thus I can be more fully informed of the nature of the acts perpetrated, which serves to influence my decision, including on length of disqualification. In practice it is likely that any holder of a passenger-carrying vehicle driving licence will be disqualified for a very long time, if not indefinitely, for a sex offence conviction. I take such a serious view given that a bus or coach driver not only controls the means of access to and egress from the vehicle, but will also be in charge of the welfare of potentially vulnerable passengers. I take this chance to commend one small west of Scotland bus operator to whom female passengers complained of inappropriate sexual behaviour by a driver. The information from this responsible operator was sufficient for me to call the driver to a hearing and deprive him of the entitlement. I commend First Group in Glasgow for reporting to my office those dismissals or resignations which follow from failed drugs tests. This gives me the chance to

consider the fitness of the driver to hold the licence and whether it should be suspended. I do urge operators to report to my office misconduct dismissals where the misconduct is relevant to fitness to hold the licence and therefore to public protection.

I am concerned by the number of professional drivers who do not intimate changes of address to the Driver and Vehicle Licensing Agency, an offence which is rarely prosecuted but which can frustrate calls to hearings and interviews with VOSA examiners. The entitlement can be suspended in the absence of the driver, so those who do not comply with the law on notification run the risk of committing consequent offences. I am also keen to avoid the risk that co-operative drivers are disadvantaged compared with those who disappear and thus are not brought to account for drivers' hours offences. A practice had developed of recommending driver conduct hearings only in cases where the driver had been interviewed. That practice will not prevail. If a driver does not avail himself of the opportunity of interview then it is likely that I will not be sympathetic to 'can't remember' answers when alleged offences are put to him at a later hearing.

Last year I commented on the number of young male drivers with speeding convictions. I continue to pay close attention to the fitness of such individuals to hold the vocational entitlements. I remain concerned about the incidence of drink-driving offences and so have made arrangements during the year such that future Traffic Commissioner seminars will include a session on the dangers of stronger alcohol.



Environmental cases

I held two environmental Public Inquiries this year – at Inverness in respect of Tore and at Craigellachie. My Deputy heard cases at Kilmarnock and Lennoxtown. I am pleased to report that operators appear more sensitive to their neighbours' concerns, and I have been impressed that the attitude of the vast majority of operators is to locate in industrial environments and, where that is not possible, to be mindful of those living and driving in their area. It is my practice to call for traffic examiner reports in cases where there are objections or representations and to copy these reports to all sides. Much can be resolved by this process and the use of conditions. I attribute the steady decline in environmental cases in Scotland to these factors. In my time as Commissioner I have been at pains to make it clear to the industry that I expect operators to be good neighbours and that I will take a dim view of unauthorised parking or aggravation.

The profile is raised

It is one of the principles of better regulation that a regulator should be transparent in their dealings. I continue to work on raising the profile of the office and to engaging with stakeholders. This has been successful. There is unprecedented press coverage of the work of the Traffic Commissioner in Scotland, not only in the trade press but also in the general and local media. Trade press reports, many accompanied by excellent commentaries, are especially welcome as they serve to highlight to others the consequences of falling foul of licence conditions.

Contact with officials of the Road Haulage Association (RHA), Freight Transport Association (FTA), Confederation of Passenger Transport (CPT) and Institute of Transport and Logistics remains mutually beneficial. The Scottish officers of the RHA

and FTA presented a seminar for staff in my office on the operation and benefits of trade associations. I was pleased to speak at a conference for FTA vehicle audit staff, particularly given that many operators use trade association services to audit their in-house performance. In March I spoke at the RHA conference at Limavady. Annual attendance at CPT's Scottish conference is a valuable occasion for dialogue.

It is all too easy for a regulator to view the world in terms of failings and so I welcome opportunities to see and hear of best practice and to join in the celebration of success. Thus attendance at events such as the Scottish Transport Awards, Scottish Business Achievement Awards and particular anniversary events such as the marking of 25 years of the Stagecoach Group fortify an optimistic view of the industries. I value evenings such as that held by First Aberdeen, where exemplary drivers were honoured with safe driving awards. In a testing world, I seize opportunities to acknowledge the worth of individuals without whom there could not be operator success.

Links with business and with policy makers continue through attendance at the Scottish Council for Development and Industry, the Scottish Council Foundation and the Scottish Parliament Futures' seminars, among others. I contributed to Glasgow Health Board's conference on Fares for All, which made important connections between health, transport and tackling social exclusion.

Accountability is another principle of better regulation. In my adjudicating role I am subject to the supervision of the Council on Tribunals and its Scottish Committee. During the year I contributed to the Scottish Committee's training conference, and one of my Public Inquiries was visited by the newly appointed Scottish Committee Chairman, Professor Alistair MacLeary.

Taxis, parking and the Bus User Complaints Tribunal

In Scotland, the Traffic Commissioner has the additional jurisdiction of hearing appeals against reviews of local authority taxi fares scales. During the course of the year I heard appeals by operators against decisions of Stirling and Western Isles Councils, and my Deputy heard one against North Ayrshire Council. I dismissed appeals against Glasgow and West Lothian Councils without a hearing. An appeal against Argyll and Bute Council was withdrawn prior to the hearing date. I am concerned by the high incidence of councils failing to adhere to the statutory timetable prescribed by the Civic Government (Scotland) Act 1982. The Act provides that reviews of fares scales must be at a maximum of 18-month intervals. Many councils fail to meet this, which is serious given their responsibility for setting the limits on the livelihoods of those within the trade. Another thread in these appeals is the paucity of data provided to councils by taxi operators and the poor formulation of claims for an increase or adjustment of tariffs.

It is my duty to appoint parking adjudicators for those areas in Scotland for which there is decriminalised parking. There are now six such areas in Scotland (Edinburgh, Glasgow, Aberdeen, Dundee, Perth and South Lanarkshire). A very low incidence of appeals in areas other than Glasgow and Edinburgh and a reduction in cases from those two cities (the councils now being better at exercising discretion in 'hardship' cases) have led to a reduction in the number of appeals. It has not been necessary to appoint any new adjudicators this year. I meet formally with the adjudicators at twice-yearly seminars and informally on other occasions. The current adjudicators perform their duties with great enthusiasm.

The Bus User Complaints Tribunal has a statutory duty in terms of section 41 of the Transport (Scotland) Act 2001 to report to me on a quarterly basis, including identifying any trends – none as yet.

Acknowledgements

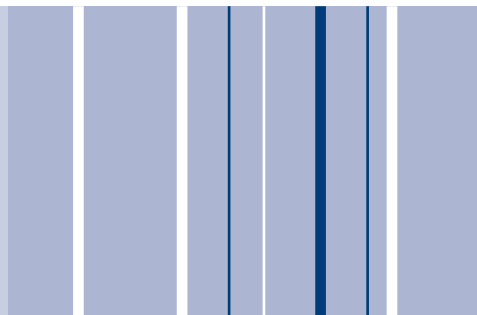
I am ever grateful to the officials of the Scottish Executive's Transport Group led by John Ewing and to Dr Malcolm Reed, Chief Executive of newly created Transport Scotland. Jeremy Rolstone as the leading senior civil servant acted as my link to the Department for Transport in London and was most helpful. I look forward to working with his successor. The Deputy Traffic Commissioner, Richard McFarlane, was appointed a part-time Sheriff, but notwithstanding new and exacting duties, he remains committed to serving in my jurisdiction with his characteristic geniality. My fellow Traffic Commissioners have been generous with their professional and personal support. The staff in my office have suffered and are still suffering the uncertainties of changes in the configuration of support to the Traffic Commissioners. I am sorry for the angst and upset caused. I thank them for their professional support and courtesy to me in difficult times.



Welsh Traffic Area

Report of David Dixon, Traffic Commissioner





Introduction



There are no great changes to report this year in the number or nature of operators or drivers being licensed or taken to task for non-compliance with the law and their obligations as

licence holders. With the support of my staff, I have continued my efforts to maintain standards in Wales.

However, I have to report mixed relations with the Vehicle and Operator Services Agency (VOSA). While contacts with their local staff remain cordial, my report last year that “initial problems... have been resolved” in respect of our administrative support provided by the agency regrettably proved premature; details follow below.

Goods vehicle operators

The concentration of more vehicles into fewer licences continues. The parallel reduction in vehicles specified may reflect more short-term hire using the ‘margin’ concession and more efficient use of vehicles; greater use of Irish vehicles in trade with the Republic may also be a factor.

Noteworthy among those called to Public Inquiries were a South Wales operator of 40 vehicles with a multiplicity of tachograph offences resulting from neglect of the law and undertakings, whose revoked licence was later replaced by a new one for a successor company with different directors; an otherwise successful entrepreneur from North Wales who was too busy to ensure compliance, despite a previous Public Inquiry – also revoked; and a long-established Welsh haulier, one of the largest, whose licence was curtailed as a consequence of having unwisely rested on its laurels.

Among those who comply with law and the rules of operator licensing, there is understandable frustration that operators from some places outside Great Britain are less regulated – in Wales, Irish hauliers are viewed with particular concern. Steps by VOSA and others to enforce the law on foreigners as effectively as on British hauliers are thus welcome, since the acceptance of a regulatory framework depends on its being seen as fair; as Traffic Commissioner, my

jurisdiction covers British hauliers alone. Many lorries examined before or after a ferry journey through Holyhead or other ports are found to have mechanical defects, to be overweight or their drivers ‘out of hours’, and prohibitions imposed. Constant enforcement is essential if this is to be stamped out rather than seen by the ‘cowboy’ haulier as an occasional and acceptable running cost. The roadside fines proposed in the Road Safety Bill should help.

My criticism last year of ‘tailgating’ and slow overtaking of one heavy goods vehicle (HGV) by another on motorways and other main roads itself drew some criticism, but I am unrepentant. Both road safety and the public image of hauliers would benefit from a determination by operators to outlaw these practices.

An issue of increasing concern is the shortage of parking space for lorries away from home. Roadside parking of large vehicles is less acceptable than it once was, and lorry parks are being closed so that the owners can earn more from another use (often for building). Closure is popular with neighbours, but a lack of suitable places to stop can make it more difficult for drivers to plan where to take their statutory rest. In the interest of road safety, the industry and highway authorities need to address this issue more energetically.

Only 12 vehicles were impounded for being operated without an operator licence, well below average for Great Britain.

Bus and coach operators

Already a country of small bus and coach businesses, the number of licences in Wales held up despite a drop in the number of discs: today the average fleet size is just 7.8 vehicles against 10.2

across Great Britain. Excluding those on Restricted licences (limited to two vehicles each), the fleet size is 11.8 against a British average of 15.1. Sadly, it isn’t a case of ‘small is beautiful’, as the succession of operators being called to Public Inquiry shows no sign of diminishing. Initial failures at test are the highest in Britain.

The good work of VOSA’s three bus compliance officers (two funded by the Welsh Assembly Government) continued, and widespread monitoring with Public Inquiries where needed appears to have significantly improved reliability of local services over much of Wales; this is particularly welcome with the increase in bus use with free travel for the over-60s. Regrettably a big Valleys operator, whose series of appeals from a decision of mine in 2002 was only finally disposed of recently and who had later appeared before a Deputy Traffic Commissioner for similar problems, is again being called in because of yet more reports of unpunctual operation.

I have maintained contact with local authorities through the Association of Transport Co-ordinating Officers (ATCO), and with the Welsh Assembly Government. Some local authorities have suggested that they, rather than Traffic Commissioners, should register contracted local services. This has merit: they already have to monitor compliance with other parts of their contracts, and it would be a modest step for them to add compliance with timetables. The interface with commercial services would have to be addressed.

It is good news that a mostly favourable reception was given by consultees to a proposal that individual passenger service vehicles (PSVs) should be specified on operator licences as HGVs have long been. As well as eliminating vehicle discs, it would enable the apparently increasing number of vehicles being run without a licence of any sort to be impounded, which



would be warmly welcomed by legitimate operators. As this will need primary legislation, I hope that other anomalies will be sorted out at the same time: modification or abolition of the 14-day rule, reassessing the permit system and passenger-carrying vehicle (PCV) driving licences come to mind.

One area affected by impounding would be stretch limousines referred to in my last report. Two bits of good news here: VOSA has been stopping and prosecuting stretch limousine operators running unlicensed, and there is now a design available which meets the technical standard for a Certificate of Initial Fitness, thus facilitating their use under operator licences.

Too many PSV operators still seek to hide the age of their (often ancient) vehicles from their customers by use of Northern Irish registration plates which, when transferred from one vehicle to another, can confuse VOSA examiners and others. I see no good reason for commercial vehicles to carry such plates, and invite the Driver and Vehicle Licensing Agency to restrict their use to private cars.

Bus, coach and lorry drivers

The important task of seeing offending applicants for and holders of large goods vehicle and PCV driving licences continued throughout the year. As previously, I have focused on speeding and drivers' hours offences as being particularly dangerous, along with drink driving, which has long been unacceptable. Drivers can be caught unawares by the increasing alcoholic strength of many beers and wines; in truth, the safe alcohol intake for professional drivers during the working week is zero. The value of alcohol awareness courses for those convicted of drink driving has been often praised by those we see; I hope for

great things from the new speed awareness courses. I have encouraged operators to introduce random alcohol (and drugs) tests for drivers reporting for duty. Drivers dismissed for misconduct in respect of excess hours etc too often move to a job with another operator who may be ignorant of previous behaviour. Unless they have been prosecuted, I will usually be unaware of what they have done. I encourage operators to report such misconduct to me through VOSA, so that action against the drivers' licences can be considered. Any operator seeing this as a chore once they have parted company with the culprit should reflect on the implication of not reporting: that those rogue drivers remain free to work for other operators who may be less committed to road safety.

I have been pleased to represent Traffic Commissioners on the stakeholder group advising the Driving Standards Agency on implementation of driver Certificates of Professional Competence. This raising of standards is welcome and indeed long overdue, and I am concerned that some of my fellow group members seek only minimum improvements for fear of discouraging recruits. In fact, higher qualifications should lead to better drivers being employed, with beneficial effects on road safety, not to mention higher status in the community.

Centralisation of licensing

Since April 2003, VOSA has provided, on behalf of the Secretary of State, the "officers and servants" to support Traffic Commissioners under paragraph 7 of schedule 2 of the Public Passenger Vehicles Act 1981. I commented last year on the "continuous revolution" affecting this managerial and clerical support. This year I have, regrettably, to report that this led to proposals which would not have been out of place in *Alice in Wonderland*.

The majority of Traffic Area Office staff support Traffic Commissioners in vetting applications for new or varied licences, many of which are referred to us for decision (others are concluded under delegations). In August VOSA announced, without any prior discussion, a decision in principle that its work was to be transferred to Leeds. Our views (though not those of licence holders) were sought belatedly, then largely ignored. Despite modern technology (which is not yet as good as it should be) it is hard to see how this work will be done as well by staff located 100 miles away from my office in Birmingham as now when they are upstairs. If there is logic behind spending large sums of money in recruiting and training new people to do a job while displacing those who are already experienced in doing it, it has not been explained to us. The suggestion that the job can be done by fewer people because of centralisation does not stand up to scrutiny. The only mitigation in sight is that better staff training, which we have sought for some years, may now happen.

It is ironic that one reason suggested for centralisation, to enable holders of licences in more than one Traffic Area to deal with one office, was already on the brink of resolution by the appointment of 'lead' Traffic Commissioners.

At the end of the day, government will get what it pays for. If a cheaper and less rigorous licensing regime is wanted, so be it. But let no-one assume that these changes will have no impact on our effectiveness or on road safety.

Fears when our staff were transferred to VOSA in 2003 – that this would result in greater confusion between their role and ours – have regrettably been justified. VOSA often talks about how it grants licences, whereas it is the Traffic Commissioners who are required by Parliament to do so. Their motive for saying this is unclear, and it is not helpful to understanding among operators as to who they are responsible to.

Transformation of part of our compliance team into a Regional Intelligence Unit (RIU) was completed during the year. After a gap while training took place and new procedures were introduced, this began to produce better Public Inquiry submissions. However, the RIU was inadequately staffed, in regard both to management and clerical resources. I am told this will be reviewed.

Much of my life has been spent managing necessary change in transport businesses. It is a new experience to be affected by changes which appear to be unnecessary and undesirable. However, I will, as always, do my best with the resources at my disposal.

Road safety

Some transport consultants are pressing for vetting of maintenance contractors, citing cases where operators have been let down by them. I am opposed to this: responsibility divided is responsibility confused. Operators are free to choose who inspects and maintains their vehicles, and must ensure that those doing it, whether employed 'in house' or by contractors, are up to the job.

I have attended, on behalf of the Traffic Commissioners, meetings of the Health and Safety Executive's (HSE's) Road Haulage Liaison Group. They do good work, but have up to now continued to distance themselves from involvement with at-work casualties on the public highway.

The problem with this is that, while the police can and do consider whether criminal acts have been committed and if so propose prosecution, they rarely investigate the safety systems (risk assessments, etc) of operators of large vehicles, even when involved in fatal crashes. VOSA staff are not trained for this sort of general investigation, and Traffic Commissioners have no resources.



But such investigations need to be done: more deaths and injuries at work occur on roads than on employers' premises. The HSE has the powers and expertise to do this; in my view, it would be proportionate for it to devote resources to investigating the underlying reasons for this. In the 30 or so years since the Health and Safety Act became law, the HSE has done an excellent job in making fixed workplaces safer. Let it now do this for the moving workplace.

I have been pleased to attend, with the Senior Traffic Commissioner, twice-yearly meetings with officials of the road safety division and other parts of the Department for Transport. It has long seemed to me curious that Traffic Commissioners do not come under that division, given that the main reason for our existence is the same as theirs. At least we now have a forum for dialogue, which I hope will develop into their giving us guidance on how best we can support their overall task.

Other issues

Operator seminars were held in Aberystwyth, on separate nights for goods and passenger operators. While licence holders are few in that part of Wales, those attending appreciated the opportunity to attend a seminar in their neighbourhood. I spoke in April 2005 at a seminar in Anglesey arranged by a manufacturer of municipal vehicles, and at the Chartered Institute of Logistics and Transport Wales conference in Cardiff in October 2005.

I am delighted that two of my staff, in their own time, studied for and obtained Certificates of Professional Competence. Operator licensing and compliance is a specialised activity which benefits from knowledgeable and experienced staff; I hope that other staff will be encouraged and supported in such initiatives in future.

More operators every year are setting up companies through which to trade, often because 'my accountant told me to', apparently for tax reasons. (Most have no

idea of company law or the duties of directors or company secretaries; perhaps the Department of Trade and Industry should introduce a basic qualification for those seeking such a role, akin to our Certificates of Professional Competence.) When such companies fail financially, suppliers and other creditors suffer by not being paid, yet some directors see nothing wrong with seeking to start up again with a new company and a clean slate. Many do not tell me (as required by a condition on the licence) of the previous company's failure and some carry on operating with the vehicle discs of the company no longer trading. I am seeking to curb this process by addressing the fitness or good repute of those concerned.

There was in the past a 'broad church' of Traffic Commissioners being appointed from different disciplines but all with some background in transport. (Some of the ex-military Traffic Commissioners were particularly well respected.) This variety of experience has contributed strongly to Traffic Commissioners' deliberations. Recent appointees as Traffic Commissioner or Deputy are qualified and experienced in the law rather than transport; I hope that the next round of appointments will restore the balance.

As a Traffic Commissioner, I am proud to be in office over the 75th anniversary of our creation by Parliament. I hope that my work is of value to society. But by contrast with the commercial world I came from, there is no way of quantifying success. How many deaths and injuries have I prevented by decisions taken at Public Inquiries? How many by making bus services more reliable and hence more attractive to motorists, who thus use their cars less? In reality, we are but one of a number of groups of people working to the same end. Our success is in crashes that don't happen – of their nature immeasurable. Like many others, we can only hope the world is a better place because of what we do.

Acknowledgements

As always, grateful thanks to my Deputy Traffic Commissioners who have provided valuable support with my fluctuating workload; our occasional gatherings have been stimulating and, I hope, beneficial. Alan Jenkins reaches retirement age in September 2006. Based in Carmarthenshire, Alan has been a great support to me; his inimitable style will be much missed. I am told that steps are in hand to recruit at least one Welsh-resident replacement. I welcome Fiona Richards and Tim Hayden as extra support.

At most Public Inquiries, evidence of bad practice by operators is given by one or more traffic examiners or vehicle examiners. They are hard-working professionals, out on our highways and byways in all weathers to catch miscreants. Without them I would have less opportunity to reduce bad practice. I thank them all.

This year, special thanks are due to my staff in the Birmingham office who have continued to beaver away cheerfully to support me despite the threat to many of their jobs from the changes referred to above. Well done! I hope those displaced will be found appropriate jobs elsewhere in the Civil Service or be given acceptable severance terms.



Chapter 3

Detailed statistics

Contact details



Goods vehicle operator licensing

1. Licences in issue

All operators of goods vehicles over 3.5 tonnes (with some exceptions) must hold an operator's licence which has been issued to them by the Traffic Commissioners.

There are three types of licence:

- Restricted licences

These authorise operators to carry their own goods in the course of their trade or business in Great Britain and on international journeys.

- Standard National licences

These authorise operators to carry both their goods in the course of their trade and business and goods for other people for hire and reward in Great Britain.

- Standard International licences

These are as Standard National licences but operators are also allowed to carry goods for themselves and other people to countries outside Great Britain.

In the reporting year 2005–06 there has been a further decrease of almost 2 per cent in the number of licences in issue to goods vehicle operators. On 31 March 2006 the number of licences in issue was 99,889 compared to 101,857 on 31 March 2005.

The decrease is across the three licence types and continues the downward trend of the last two reporting years.

Table 1: Goods vehicle operators – licences in issue, 2005–06

| Traffic Area | Type of licence | | | Total number of licences in issue |
|--------------------------------|----------------------------|----------------------------|----------------------------|-----------------------------------|
| | Restricted | Standard National | Standard International | |
| Eastern | 8,042 (8,167) | 6,560 (6,663) | 2,379 (2,456) | 16,981 (17,286) |
| North Eastern | 7,296 (7,368) | 6,544 (6,662) | 1,696 (1,752) | 15,536 (15,782) |
| North Western | 7,112 (7,247) | 5,906 (6,035) | 1,536 (1,601) | 14,554 (14,883) |
| South Eastern and Metropolitan | 6,010 (6,088) | 4,227 (4,364) | 1,630 (1,683) | 11,867 (12,135) |
| West Midland | 5,634 (5,741) | 4,527 (4,652) | 1,119 (1,179) | 11,280 (11,572) |
| Western | 7,024 (7,057) | 5,601 (5,687) | 1,761 (1,808) | 14,386 (14,552) |
| Scottish | 3,796 (3,864) | 3,730 (3,790) | 813 (848) | 8,312 (8,502) |
| Welsh | 3,568 (3,644) | 2,817 (2,893) | 588 (608) | 6,973 (7,145) |
| TOTAL | 48,482 (49,176) | 39,912 (40,746) | 11,522 (11,935) | 99,889 (101,857) |



Chart 1: Goods vehicle operators – licences in issue

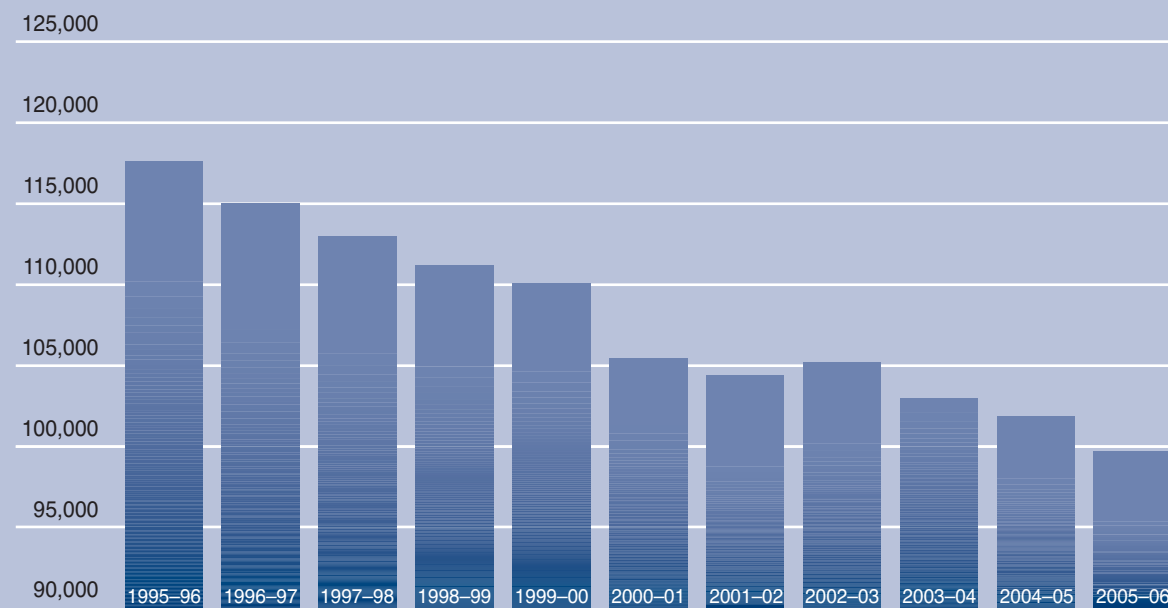
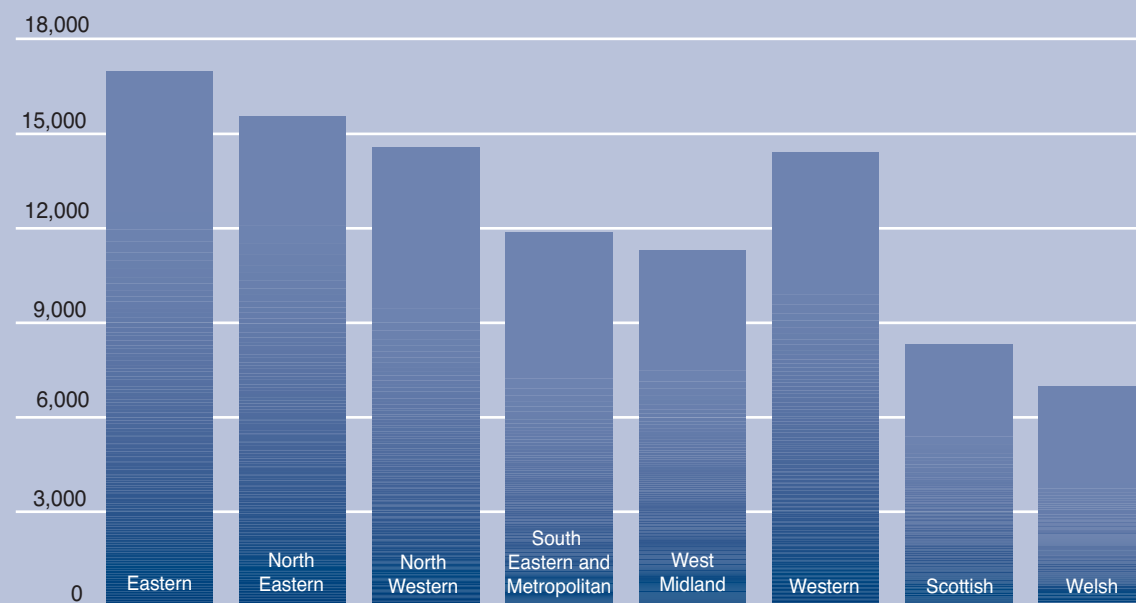


Chart 2: Goods vehicle operators – licences in issue by Traffic Area, 2005-06



2. Number of specified vehicles on licences

During 2005-06 the number of specified vehicles on licences continued to decrease, by 7 per cent against last year's decrease of 3 per cent. The decrease is over all three types of licence, with the largest reduction showing for Standard International licences.

The size of the average vehicle fleet now stands at 3.7 – a slight decrease on the last reporting year of 3.9. However, fleet size varies according to licence type. The average size of a fleet on a Restricted licence currently stands at 2.1 vehicles, 4.6 on a Standard National and 7.4 on a Standard International licence.

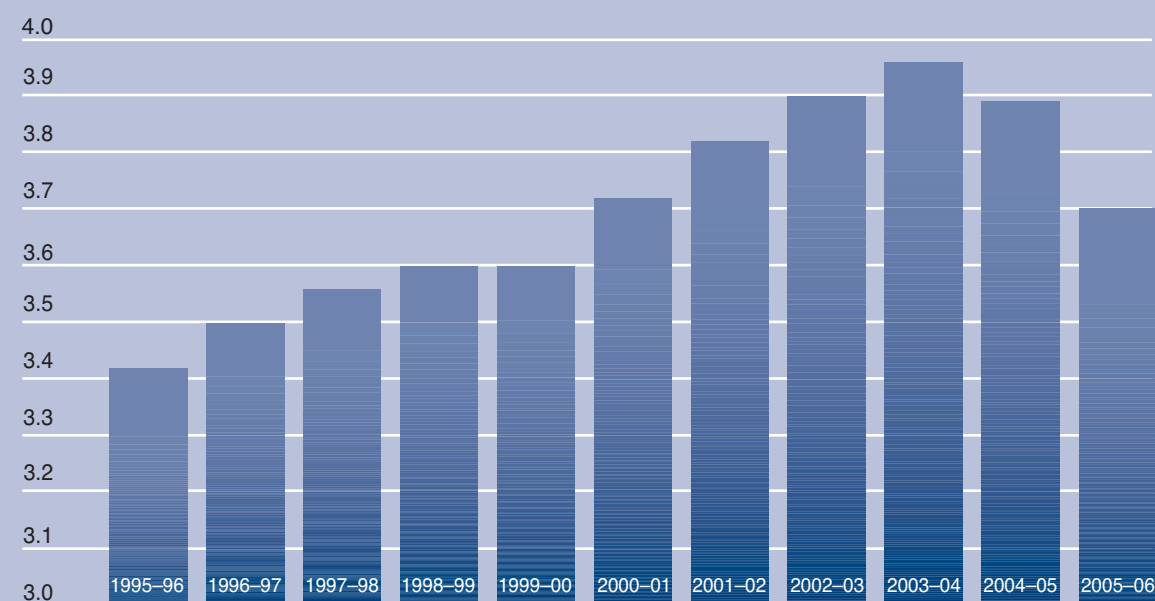
Table 2: Goods vehicle operators – numbers of specified vehicles on licences, 2005-06

| Traffic Area | Specified vehicles by type of licence | | | Total number of specified vehicles | Certified copies of European Community Authorisations |
|--------------------------------|---------------------------------------|------------------------------------|----------------------------------|------------------------------------|---|
| | Restricted | Standard National | Standard International | | |
| Eastern | 16,440 (17,015) | 30,760 (31,973) | 18,833 (20,067) | 66,033 (69,055) | 10,621 (10,775) |
| North Eastern | 15,160 (15,412) | 28,857 (32,253) | 13,630 (16,102) | 57,647 (63,767) | 10,547 (10,885) |
| North Western | 14,652 (15,239) | 25,597 (27,910) | 12,645 (13,832) | 52,894 (56,981) | 8,212 (8,358) |
| South Eastern and Metropolitan | 14,769 (15,117) | 21,555 (23,978) | 9,784 (10,743) | 46,108 (49,838) | 7,439 (7,876) |
| West Midland | 11,375 (11,622) | 20,196 (21,839) | 9,401 (10,013) | 40,972 (43,474) | 4,921 (5,038) |
| Western | 14,514 (14,640) | 26,720 (28,481) | 11,907 (12,509) | 53,141 (55,630) | 8,184 (8,595) |
| Scottish | 7,592 (7,669) | 17,769 (20,983) | 5,799 (6,355) | 31,160 (35,007) | 3,311 (3,461) |
| Welsh | 6,324 (6,524) | 10,336 (11,969) | 3,585 (3,958) | 20,245 (22,451) | 2,306 (2,438) |
| TOTAL | 100,826 (103,238) | 181,790 (199,386) | 85,584 (93,579) | 368,200 (396,203) | 55,541 (57,426) |

Note – With a European Community Authorisation document, hauliers are able to make as many journeys as they want between EU Member States. The operator is also issued with certified copies which have to be carried in vehicles on international journeys.



Chart 3: Goods vehicle operators – average fleet sizes



3. Applications for new licences and variations to existing licences

Table 3 contains the number of applications processed rather than received.

There has been a continued decrease in the number of applications for new licences received and processed. The figure for 2005-06 is 8,805 – a decrease of almost 13 per cent on 2004-05.

The decrease in the number of applications for publishable variations continues its downward trend. This figure stands at 8,450, which represents a decrease of almost 9.5 per cent on the previous year.

During 2005-06 there has been an increase on the previous year in applications for new licences being granted as applied for (85 per cent – a 2 per cent increase), with 91 per cent of applications for publishable variations being issued in full.

The number of applications refused for both new licences and publishable variations continued to decrease. A total of 396 new licence applications were refused (a decrease of 111 (22 per cent) on the previous year) and 221 publishable variation applications were refused (a reduction of 53 (19 per cent) on 2004-05). However, the total number of new licence and publishable variation applications refused in relation to the total number of applications in 2005-06 stands at 4 per cent, a slight decrease on last year.

It may also be of interest to note that the number of applications for both new licences and publishable variations that were withdrawn has continued to decrease greatly in this reporting year.

Table 3: Goods vehicle operators – applications for new licences and to vary licences, 2005-06

| Traffic Area | Number of applications processed | | Number of licences issued in full | | Number of licences issued with restrictions | | Number of applications refused | | Number of applications withdrawn | |
|--------------------------------|----------------------------------|--------------------------|-----------------------------------|--------------------------|---|------------------------|--------------------------------|------------------------|----------------------------------|------------------------|
| | New licences | Publishable variations | New licences | Publishable variations | New licences | Publishable variations | New licences | Publishable variations | New licences | Publishable variations |
| Eastern | 1,578 (1,751) | 1,600 (1,616) | 1,399 (1,541) | 1,497 (1,486) | 79 (59) | 21 (36) | 61 (85) | 43 (38) | 39 (66) | 39 (56) |
| North Eastern | 1,320 (1,532) | 1,262 (1,464) | 1,156 (1,364) | 1,149 (1,349) | 65 (55) | 41 (39) | 66 (58) | 34 (36) | 33 (55) | 38 (40) |
| North Western | 1,239 (1,399) | 1,250 (1,299) | 1,088 (1,207) | 1,121 (1,188) | 71 (84) | 40 (39) | 55 (68) | 48 (37) | 25 (40) | 41 (35) |
| South Eastern and Metropolitan | 1,146 (1,286) | 1,104 (1,225) | 755 (826) | 951 (1,041) | 268 (321) | 82 (104) | 76 (70) | 25 (28) | 47 (69) | 46 (52) |
| West Midland | 1,051 (1,174) | 874 (974) | 954 (1,040) | 806 (903) | 13 (20) | 8 (8) | 46 (54) | 31 (23) | 38 (60) | 29 (40) |
| Western | 1,220 (1,484) | 1,209 (1,433) | 957 (1,072) | 1,071 (1,241) | 184 (302) | 58 (88) | 46 (71) | 26 (55) | 33 (39) | 54 (49) |
| Scottish | 669 (768) | 694 (763) | 637 (699) | 661 (700) | 3 (18) | 5 (12) | 11 (30) | 5 (26) | 18 (21) | 23 (25) |
| Welsh | 582 (725) | 457 (559) | 530 (626) | 427 (512) | 11 (18) | 0 (3) | 35 (71) | 9 (31) | 6 (10) | 21 (13) |
| TOTAL | 8,805 (10,119) | 8,450 (9,333) | 7,476 (8,375) | 7,683 (8,420) | 694 (877) | 255 (329) | 396 (507) | 221 (274) | 239 (360) | 291 (310) |

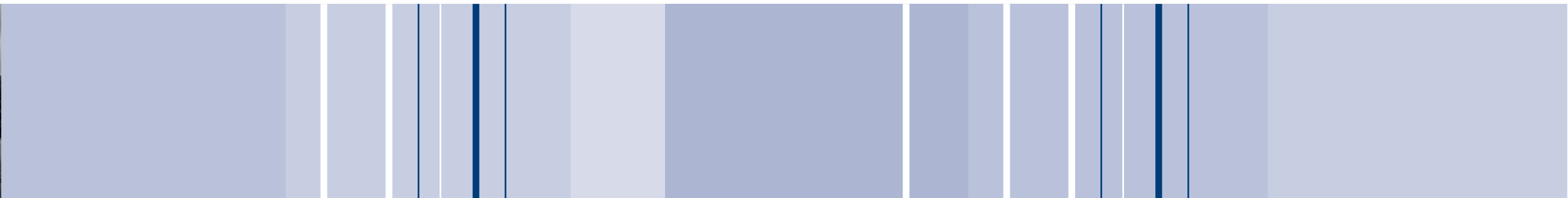


Chart 4: Goods vehicle operators – applications for new licences

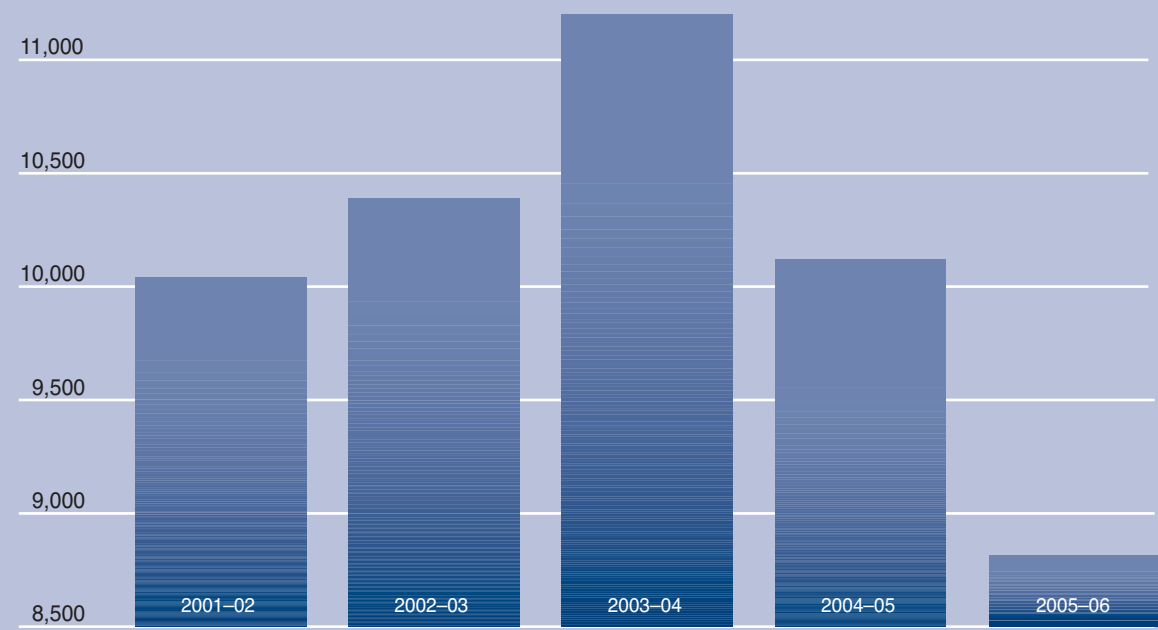
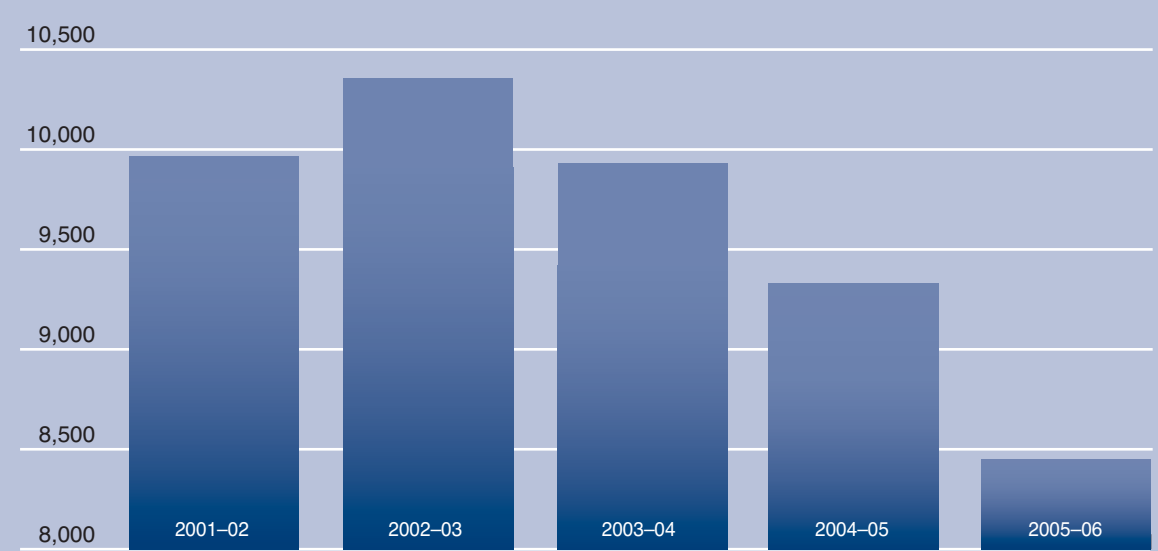


Chart 5: Goods vehicle operators – applications for publishable variations to licences



Note – The figures shown for 2001-02 represent applications received, whereas those for 2002-03 onwards represent applications processed. This is due to a change in the way in which application numbers are recorded.

4. Results of opposed applications for new licences and publishable variations to licences

Table 4 represents the numbers of applications for new licences and publishable variations to licences that have been the subject of objections from local residents and statutory bodies.

The number of applications for new licences that were opposed represents 5.60 per cent of the number of new licence applications received and processed, a slight increase on the percentage of new licence applications that were opposed in 2004-05 (5.35 per cent).

Continuing that trend, the percentage of opposed applications for publishable variations also increased, from 3.8 per cent in 2004-05 to 4.4 per cent in 2005-06.

Of the number of opposed applications that were issued, 248 were issued in full for new licences, which equates to 50 per cent of the licences opposed. Some 62 per cent of opposed publishable variation applications were also issued in full. Some 35 per cent of opposed new licence applications and 23 per cent of publishable variation applications were issued with restrictions. Only 7 per cent of opposed new licence applications and 5 per cent of publishable variation applications were refused in 2005-06.



Table 4: Goods vehicle operators – results of opposed applications for new licences and publishable variations to licences, 2005–06

| Traffic Area | Number of applications processed | | Number of licences issued in full | | Number of licences issued with restrictions | | Number of applications refused | | Number of applications withdrawn | |
|--------------------------------|----------------------------------|--------------------------|-----------------------------------|------------------------|---|------------------------|--------------------------------|------------------------|----------------------------------|------------------------|
| | New licences | Publishable variations | New licences | Publishable variations | New licences | Publishable variations | New licences | Publishable variations | New licences | Publishable variations |
| Eastern | 1,578 (1,751) | 1,600 (1,616) | 62 (73) | 59 (37) | 35 (36) | 12 (13) | 7 (30) | 6 (2) | 4 (8) | 4 (7) |
| North Eastern | 1,320 (1,532) | 1,262 (1,464) | 25 (30) | 24 (22) | 23 (12) | 15 (16) | 6 (4) | 1 (4) | 3 (2) | 5 (3) |
| North Western | 1,239 (1,399) | 1,250 (1,299) | 31 (42) | 31 (22) | 20 (14) | 15 (6) | 5 (6) | 7 (1) | 4 (5) | 3 (3) |
| South Eastern and Metropolitan | 1,146 (1,286) | 1,104 (1,225) | 43 (40) | 38 (39) | 48 (29) | 13 (31) | 7 (2) | 2 (3) | 12 (8) | 5 (4) |
| West Midland | 1,051 (1,174) | 874 (974) | 9 (20) | 12 (20) | 1 (3) | 4 (3) | 2 (1) | 0 (0) | 0 (6) | 3 (9) |
| Western | 1,220 (1,484) | 1,209 (1,433) | 58 (67) | 50 (58) | 46 (61) | 26 (22) | 8 (8) | 2 (3) | 10 (4) | 12 (10) |
| Scottish | 669 (768) | 694 (763) | 12 (6) | 8 (7) | 0 (0) | 2 (1) | 1 (1) | 0 (0) | 1 (0) | 0 (0) |
| Welsh | 582 (725) | 457 (559) | 8 (18) | 8 (6) | 2 (4) | 0 (2) | 2 (2) | 1 (2) | 0 (0) | 3 (0) |
| TOTAL | 8,805 (10,119) | 8,450 (9,333) | 248 (296) | 230 (211) | 175 (159) | 87 (94) | 38 (54) | 19 (15) | 34 (33) | 35 (36) |

Chart 6: Goods vehicle operators – results of opposed applications for new licences, 2005–06

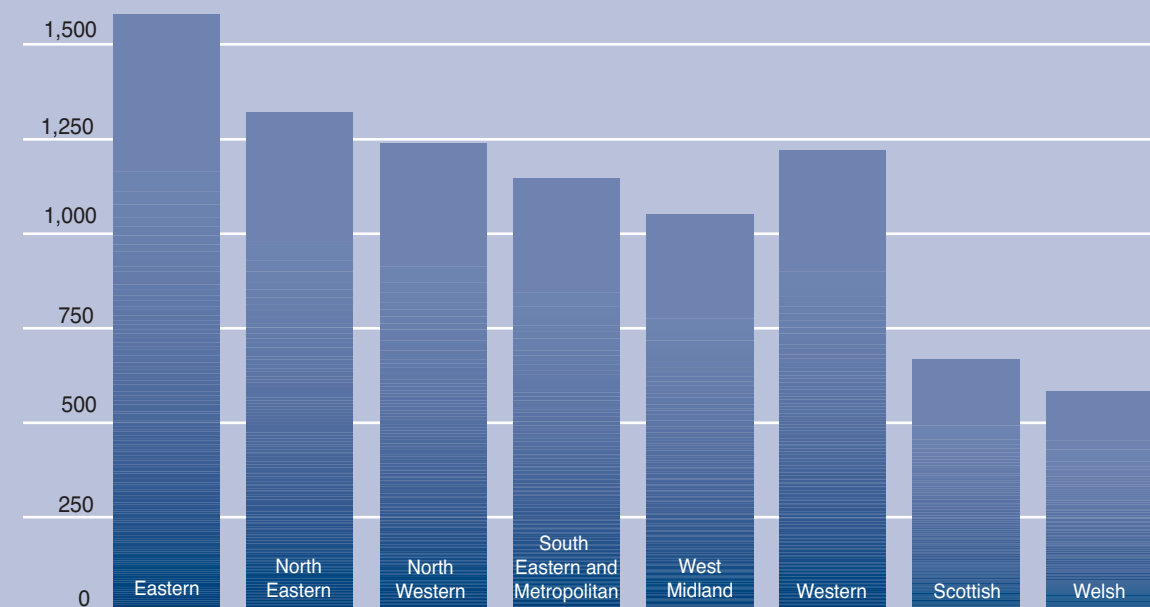
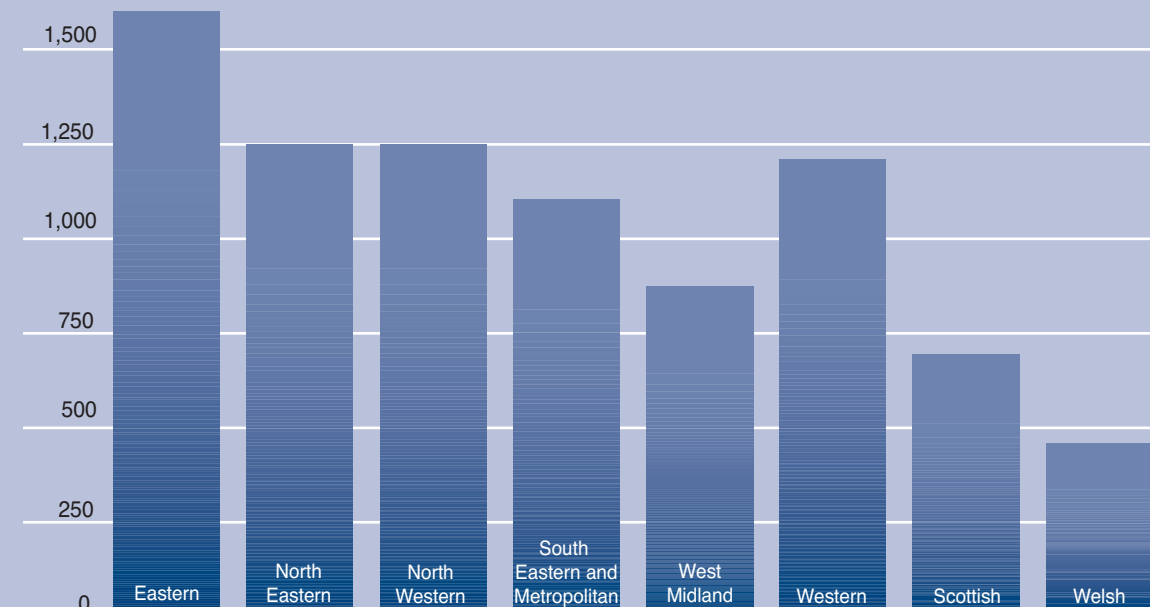


Chart 7: Goods vehicle operators – results of opposed applications for publishable variations to licences, 2005–06





5. Objections to applications

This table has not been produced this year.

6. Continuation of licences

Continuous licensing was introduced in 1996. Operators were therefore no longer required to apply to renew their licences every five years. Instead renewals were replaced with a five-year review point, at which operators are required to pay a continuation fee to ensure their licences remain valid. If the continuation fee is not paid on the due date the licence automatically lapses, shown in the column 'Continuations not sought' in Table 6. The payment of the required fees can either be made in full or on an annual basis.

As seen in Table 6 there has been an increase in the percentage of operators paying their fees on an annual basis as opposed to paying their fees in advance, reverting to the trend prior to last year. Some 46.84 per cent of operators now pay their continuation licence fee on an annual basis (37.37 per cent in 2004–05), with 53.16 per cent of operators paying the fee in advance during 2005–06 (62.63 per cent in 2004–05).

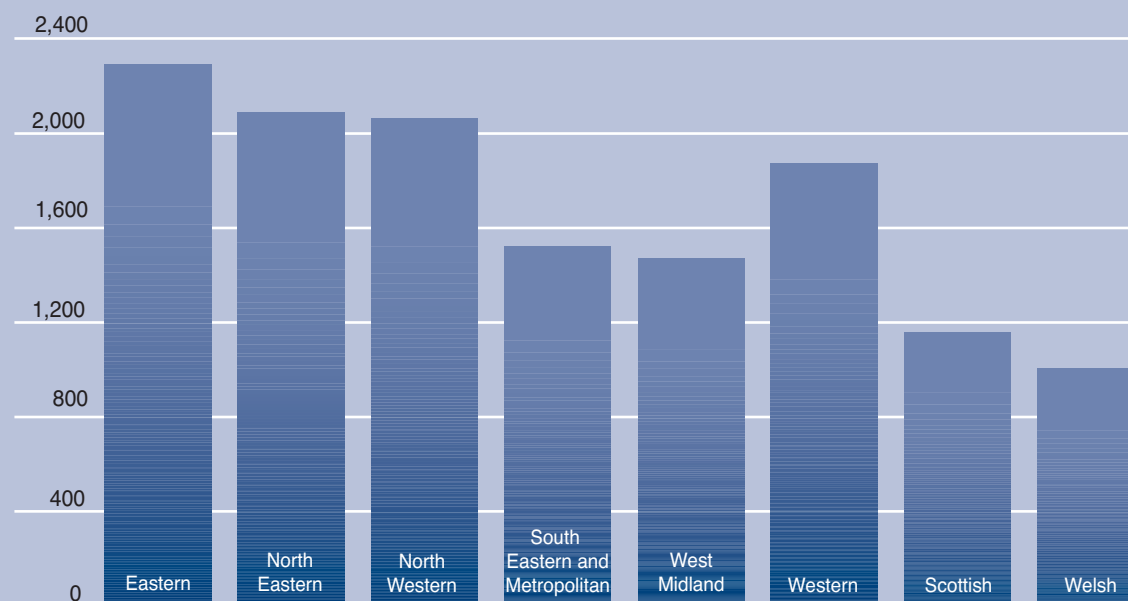
There was a decrease on the previous year in the number of continuations sought. The figure stands at 13,467 in comparison to 14,076 in 2004–05, a decrease of 4.3 per cent.

Table 6: Goods vehicle operators – continuation of licences, 2005–06

| Traffic Area | Total continuations sought | Continuations not sought | Annual payers | Five-yearly in advance | % annual | % five-yearly |
|--------------------------------|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Eastern | 2,293 (2,363) | 265 (203) | 967 (870) | 1,326 (1,493) | 42.17 (36.82) | 57.83 (63.18) |
| North Eastern | 2,087 (2,269) | 208 (183) | 1,025 (790) | 1,062 (1,479) | 49.11 (34.82) | 50.89 (65.18) |
| North Western | 2,064 (2,021) | 267 (226) | 907 (769) | 1,157 (1,252) | 43.94 (38.05) | 56.06 (61.95) |
| South Eastern and Metropolitan | 1,518 (1,740) | 152 (145) | 674 (582) | 844 (1,158) | 44.40 (33.45) | 55.60 (66.55) |
| West Midland | 1,470 (1,540) | 199 (145) | 677 (617) | 793 (923) | 46.05 (40.06) | 53.95 (59.94) |
| Western | 1,874 (1,986) | 204 (197) | 873 (717) | 1,001 (1,269) | 46.58 (36.10) | 53.42 (63.90) |
| Scottish | 1,157 (1,273) | 78 (145) | 632 (495) | 525 (778) | 54.62 (38.88) | 45.38 (61.12) |
| Welsh | 1,004 (884) | 71 (67) | 553 (420) | 451 (464) | 55.08 (47.51) | 44.92 (52.49) |
| TOTAL | 13,467 (14,076) | 1,444 (1,311) | 6,308 (5,260) | 7,159 (8,816) | 46.84 (37.37) | 53.16 (62.63) |



Chart 8: Goods vehicle operators – continuation of licences, 2005–06



7. Complaints against existing operator centres

During 2005–06, 50 operators had complaints lodged against them at their five-year licence review; this is a substantial decrease on the 88 operators in 2004–05. Of those whose licences

were reviewed, five operators – an increase on two in 2004–05 – had an operating centre removed. Fifteen (30 per cent) of operators were called to Public Inquiry.

Table 7: Goods vehicle operators – complaints against existing operating centres, 2005–06

| Traffic Area | Total licences reviewed where complaints received | Number called to Public Inquiry | Continued without change | Continued with new restrictions | Removal of operating centre |
|--------------------------------|---|---------------------------------|--------------------------|---------------------------------|-----------------------------|
| Eastern | 2 (10) | 1 (1) | 0 (9) | 2 (1) | 0 (0) |
| North Eastern | 20 (24) | 2 (4) | 8 (23) | 10 (1) | 2 (0) |
| North Western | 15 (21) | 0 (6) | 3 (16) | 9 (4) | 3 (1) |
| South Eastern and Metropolitan | 6 (11) | 6 (5) | 1 (7) | 5 (3) | 0 (1) |
| West Midland | 2 (4) | 2 (3) | 0 (2) | 2 (2) | 0 (0) |
| Western | 3 (13) | 3 (2) | 0 (11) | 3 (2) | 0 (0) |
| Scottish | 0 (1) | 0 (1) | 0 (0) | 0 (1) | 0 (0) |
| Welsh | 2 (4) | 1 (2) | 0 (2) | 2 (2) | 0 (0) |
| TOTAL | 50 (88) | 15 (24) | 12 (70) | 33 (16) | 5 (2) |



8. Action taken at Public Inquiry for non-compliance

It should be noted that more than one action may be taken by the Traffic Commissioners against an operator, and consequently the data in the last six columns of Table 8 may not equate to the number of Public Inquiries held.

This year, the number of Public Inquiries held for non-compliance increased slightly by 6.3 per cent from 1,038 to 1,103. In only 99 instances was there no action taken against the operator, which equates to nearly 9 per cent of the number of Public Inquiries held.

The number of operators disqualified under section 28 has also increased this year, with 74 operators disqualified; 66 were disqualified in 2004–05.

The downward trend was halted this year in the number of revocations issued by Traffic Commissioners, with 9.7 per cent more revocations than in 2004–05. This represents 22.5 per cent of operators called to Public Inquiry having their licences revoked, which is a relatively high percentage. However, the number of licences suspended decreased by 24 per cent this year.

It should be noted that the revocation of an operator's licence is usually the last resort a Traffic Commissioner will take, as they are fully aware of the implications that this action will bring. Reasons for revoking a licence include: an operator's failure to maintain their vehicle fleet adequately; an operator's failure to satisfy financial requirements; convictions; and breaches of undertakings.

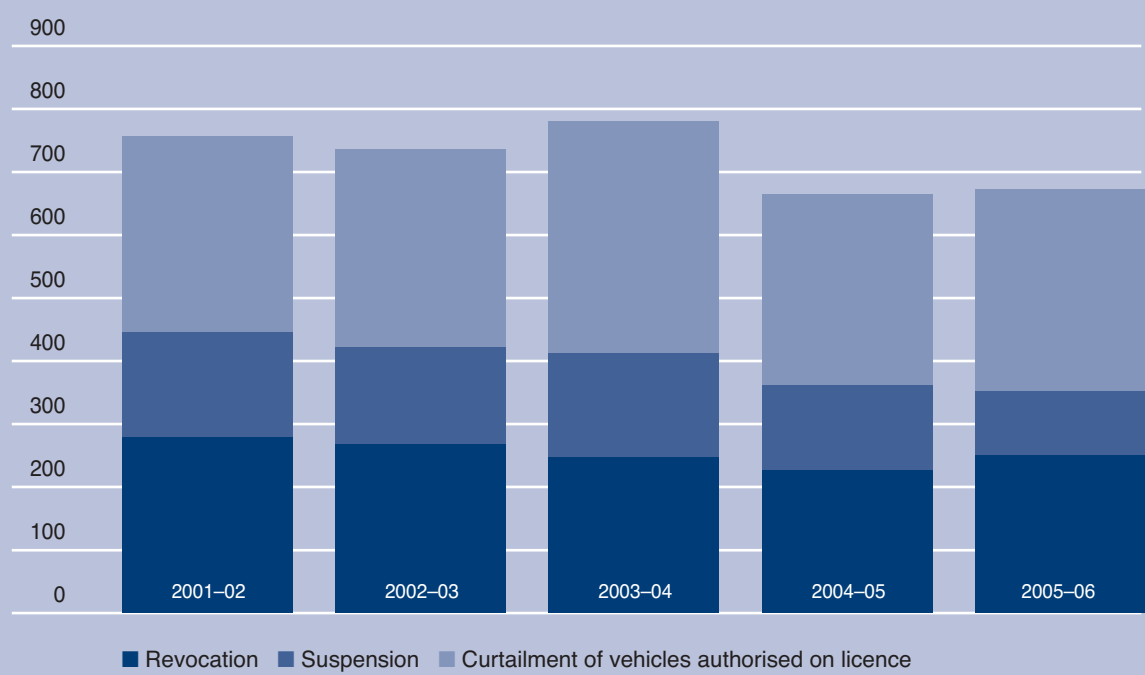
Suspensions are usually imposed when an operator fails to ensure the adequate maintenance of their vehicles, or for convictions or breaches of undertakings.

Table 8: Goods vehicle operators – action taken at Public Inquiry for non-compliance, 2005–06

| Traffic Area | Number of Public Inquiries | Licence revocations | Licence suspensions | Curtailement of vehicles authorised on licence | Notification of formal warning | Disqualification of licence holder under section 28 | No action taken |
|--------------------------------|----------------------------|----------------------|----------------------|--|--------------------------------|---|--------------------|
| Eastern | 169 (171) | 58 (45) | 21 (27) | 46 (62) | 30 (44) | 19 (23) | 24 (13) |
| North Eastern | 168 (164) | 47 (42) | 10 (14) | 18 (31) | 80 (69) | 17 (11) | 15 (9) |
| North Western | 179 (229) | 41 (30) | 12 (25) | 37 (45) | 59 (110) | 6 (3) | 22 (22) |
| South Eastern and Metropolitan | 163 (117) | 49 (42) | 14 (13) | 67 (39) | 29 (11) | 16 (7) | 9 (21) |
| West Midland | 103 (105) | 24 (28) | 12 (10) | 28 (35) | 25 (25) | 10 (14) | 10 (13) |
| Western | 121 (124) | 14 (22) | 22 (26) | 54 (45) | 25 (25) | 1 (1) | 6 (3) |
| Scottish | 146 (66) | 3 (3) | 8 (8) | 46 (29) | 27 (17) | 1 (0) | 9 (7) |
| Welsh | 54 (62) | 12 (14) | 4 (12) | 23 (18) | 12 (18) | 4 (7) | 4 (4) |
| TOTAL | 1,103 (1,038) | 248 (226) | 103 (135) | 319 (304) | 287 (319) | 74 (66) | 99 (92) |



Chart 9: Goods vehicle operators – disciplinary action taken against operators at Public Inquiry



Public service vehicle operator licensing

9. Licences in issue

All commercial operators of public service vehicles that carry passengers by road for payment (hire or reward) must hold an operator licence.

There are four types of licence:

- **Special Restricted licences**
These authorise licensed taxis to operate as local bus services.
- **Restricted licences**
These authorise an operator to use up to two public service vehicles, neither of which may be adapted to carry more than eight passengers, for operations in Great Britain and abroad. Vehicles carrying up to 16 passengers may be used if they are not used as part of a passenger transport business or their main occupation is not the operation of public service vehicles.

- **Standard National licences**
These authorise an operator to carry passengers in Great Britain in any size of public service vehicle.
- **Standard International licences**
These authorise an operator to carry passengers in any size of public service vehicle in Great Britain, Northern Ireland and abroad.

2005-06 saw a 1.26 per cent increase in the total number of Restricted, Standard National and Standard International licences in issue, continuing the upward trend of the previous two years.

Restricted licence holders hold 36 per cent (35 per cent 2004-05) of the total, with 35 per cent (36 per cent 2004-05) being Standard National and 29 per cent (29 per cent 2004-05) Standard International.



Table 9: Bus and coach operators – licences in issue, 2005–06

| Traffic Area | Type of licence | | | Total number of licences in issue |
|--------------------------------|--------------------------|--------------------------|--------------------------|-----------------------------------|
| | Restricted | Standard National | Standard International | |
| Eastern | 378 (354) | 421 (403) | 419 (423) | 1,218 (1,180) |
| North Eastern | 673 (600) | 445 (445) | 380 (399) | 1,498 (1,444) |
| North Western | 587 (561) | 462 (470) | 287 (289) | 1,336 (1,320) |
| South Eastern and Metropolitan | 276 (249) | 331 (330) | 452 (456) | 1,059 (1,035) |
| West Midland | 256 (245) | 229 (222) | 220 (231) | 705 (698) |
| Western | 372 (373) | 422 (416) | 356 (369) | 1,150 (1,158) |
| Scottish | 310 (317) | 525 (536) | 176 (181) | 1,011 (1,034) |
| Welsh | 288 (287) | 239 (243) | 219 (215) | 746 (745) |
| TOTAL | 3,140 (2,986) | 3,074 (3,065) | 2,509 (2,563) | 8,723 (8,614) |

Chart 10: Bus and coach operators – licences in issue

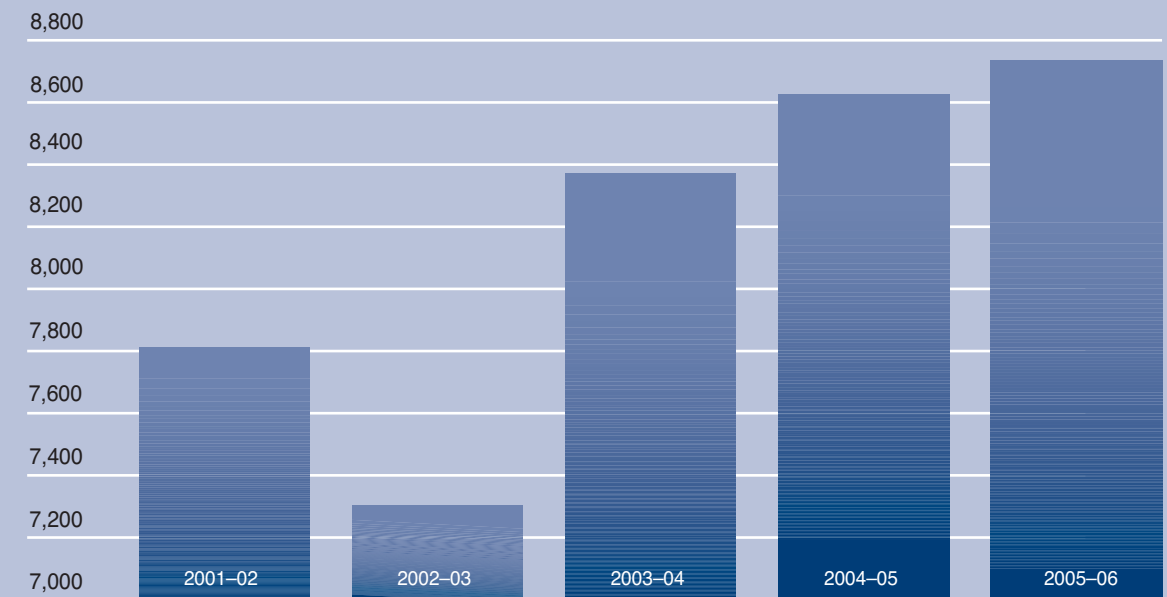
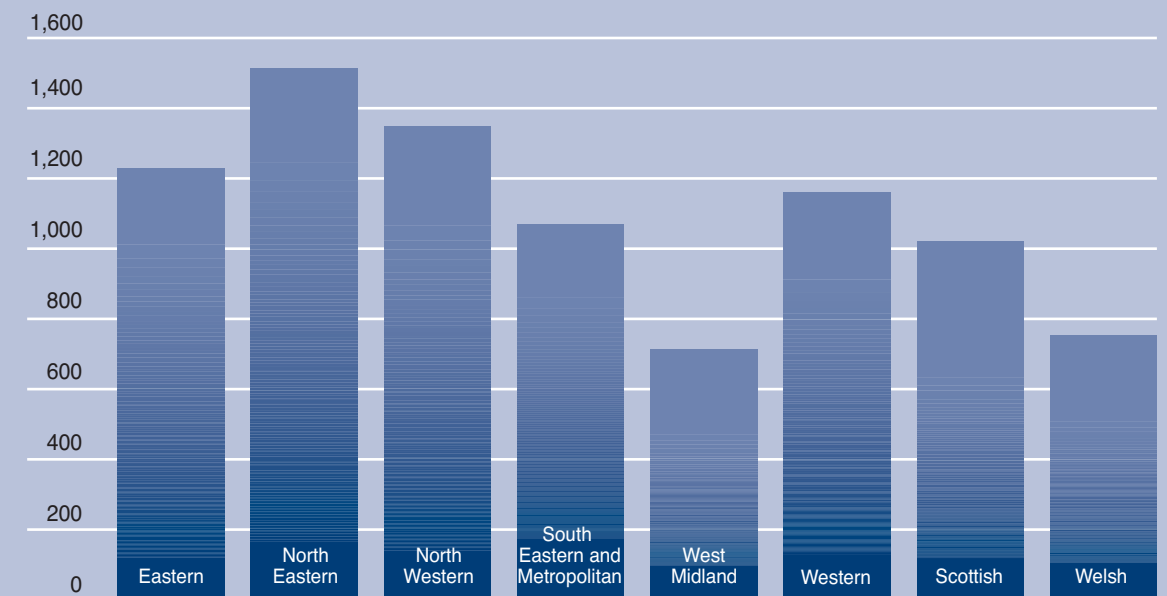


Chart 11: Bus and coach operators – licences in issue by Traffic Area, 2005–06





10. Discs in issue

During this reporting year the number of licence discs in issue has increased very slightly and now stands at 88,745 (88,574 in 2004–05).

Each category of licence has a different average number of discs per licence. Holders of Restricted licences are limited to a maximum of two discs, but have an average of 1.4 discs per licence, Standard National licence holders stand at 9.3, while Standard International licence holders have

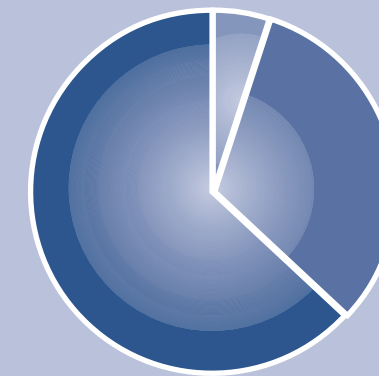
an average of 22.2. However, it should be noted that there are many very large companies holding a significantly higher number of discs than the average indicated above.

The number of discs in issue continues to increase under the Standard National licences category at the expense of Standard International, with Restricted licences remaining fairly static.

Table 10: Bus and coach operators – discs in issue, 2005–06

| Traffic Area | Restricted | Standard National | Standard International | Total number of discs in issue |
|--------------------------------|--------------------------|----------------------------|----------------------------|--------------------------------|
| Eastern | 511 (485) | 4,018 (3,814) | 6,752 (6,959) | 11,281 (11,258) |
| North Eastern | 921 (830) | 3,005 (2,965) | 9,398 (9,519) | 13,324 (13,314) |
| North Western | 837 (800) | 3,636 (3,782) | 7,427 (7,307) | 11,900 (11,889) |
| South Eastern and Metropolitan | 409 (383) | 4,085 (3,121) | 12,454 (13,464) | 16,948 (16,968) |
| West Midland | 367 (349) | 3,726 (3,393) | 3,062 (3,339) | 7,155 (7,081) |
| Western | 543 (550) | 3,936 (3,868) | 7,132 (7,154) | 11,611 (11,572) |
| Scottish | 529 (547) | 4,726 (4,495) | 5,468 (5,598) | 10,723 (10,640) |
| Welsh | 409 (396) | 1,344 (1,321) | 4,050 (4,135) | 5,803 (5,852) |
| TOTAL | 4,526 (4,340) | 28,476 (26,759) | 55,743 (57,475) | 88,745 (88,574) |

Chart 12: Bus and coach operators – discs issued by licence type, 2005–06



| | |
|-----|------------------------|
| 5% | Restricted |
| 32% | Standard National |
| 63% | Standard International |

11. Applications for new licences and variations to existing licences

This year's figure for the number of applications received and processed for new licences continues last year's downward trend with a 4.1 per cent decrease. There was, however, a slight increase of less than 1 per cent in the number of major variation applications received and processed. Over 83 per cent of applications processed were granted in full, although 90 new licences and only one variation application were refused. There was a decrease in the number of new licences granted with fewer vehicles than applied for, from 100 in 2004–05 to 76 in 2005–06.

The number of applications for new licences and major variations that were withdrawn continued to decrease this year.

Operators seek major variations when they wish to change the details of what a licence authorises. Grants of these changes are published by the Traffic Commissioner in *Notices and Proceedings*. Minor changes, such as a reduction in vehicle numbers, are not required to be published.



Table 11: Bus and coach operators – applications for new licences and to vary licences, 2005–06

| Traffic Area | Number of applications received and processed | | Number of licences granted in full | | Number of licences granted with fewer vehicles than applied for | | Number of applications refused | | Number of applications withdrawn | |
|--------------------------------|---|--------------------------|------------------------------------|--------------------------|---|--------------------|--------------------------------|------------------|----------------------------------|------------------|
| | New licences | Major variations | New licences | Major variations | New licences | Major variations | New licences | Major variations | New licences | Major variations |
| Eastern | 189 (191) | 210 (190) | 159 (156) | 208 (189) | 11 (18) | 2 (0) | 11 (7) | 0 (0) | 8 (10) | 0 (1) |
| North Eastern | 240 (231) | 190 (154) | 215 (203) | 188 (152) | 9 (5) | 2 (1) | 11 (12) | 0 (0) | 5 (11) | 0 (1) |
| North Western | 194 (227) | 162 (147) | 165 (202) | 160 (146) | 10 (6) | 2 (0) | 12 (12) | 0 (1) | 7 (7) | 0 (0) |
| South Eastern and Metropolitan | 153 (137) | 165 (207) | 115 (94) | 163 (204) | 21 (20) | 1 (3) | 9 (15) | 1 (0) | 8 (8) | 0 (0) |
| West Midland | 121 (101) | 80 (77) | 91 (83) | 79 (75) | 3 (1) | 0 (1) | 23 (8) | 0 (0) | 4 (9) | 1 (1) |
| Western | 156 (194) | 137 (163) | 122 (138) | 132 (155) | 20 (44) | 5 (7) | 12 (8) | 0 (1) | 2 (4) | 0 (0) |
| Scottish | 92 (125) | 123 (125) | 86 (111) | 121 (123) | 0 (4) | 0 (1) | 3 (7) | 0 (0) | 3 (3) | 2 (1) |
| Welsh | 118 (111) | 74 (70) | 105 (92) | 74 (69) | 2 (2) | 0 (0) | 9 (14) | 0 (1) | 2 (3) | 0 (0) |
| TOTAL | 1,263 (1,317) | 1,141 (1,133) | 1,058 (1,079) | 1,125 (1,113) | 76 (100) | 12 (13) | 90 (83) | 1 (3) | 39 (55) | 3 (4) |

Chart 13: Bus and coach operators – applications for new licences

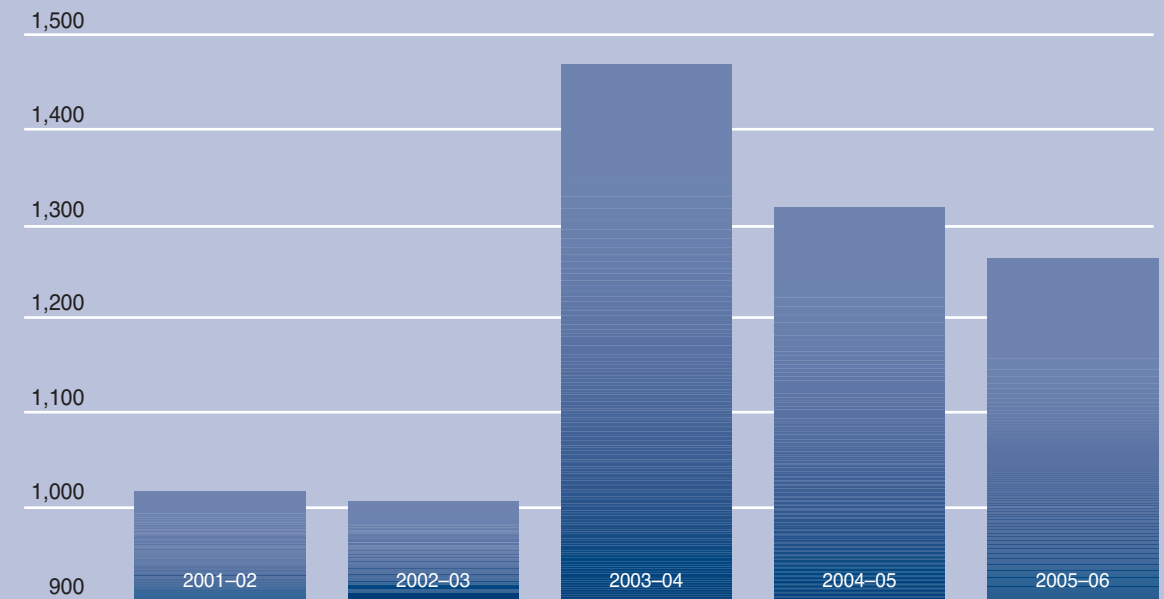
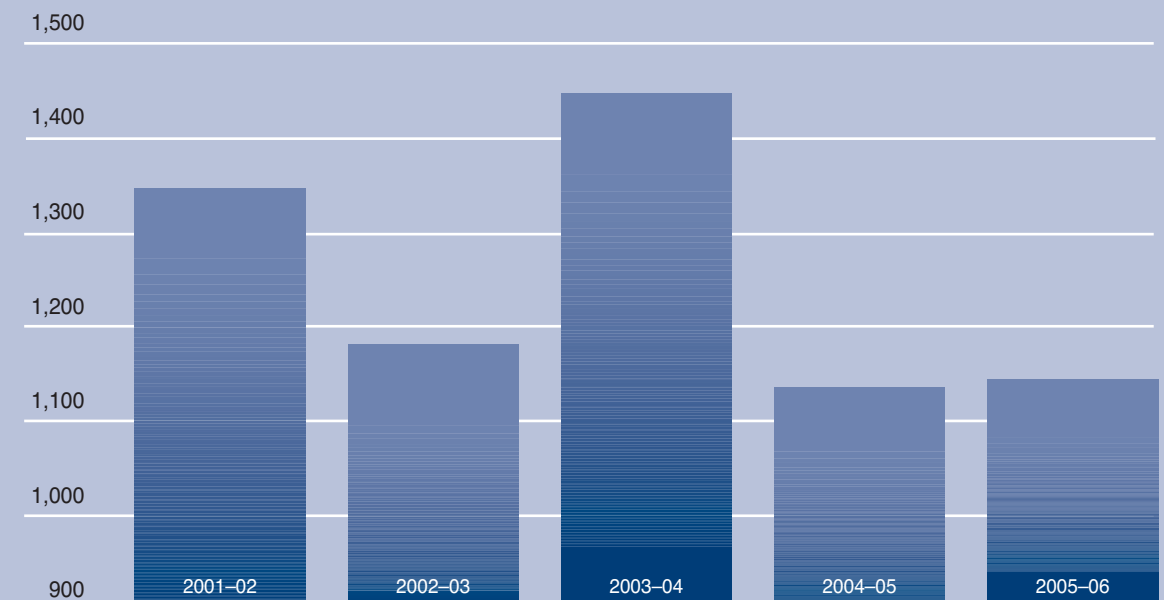


Chart 14: Bus and coach operators – applications for major variations to licences





12. Continuation of licences

As with goods vehicle operators, public service operators must pay a continuation fee at the five-yearly review stage in order to keep their licence in force to continue operating.

This fee can be paid in full in advance or on an annual basis. If an operator fails to pay the required fee on the due date the licence will automatically lapse. This figure is included under the column 'Continuations not sought' in Table 12.

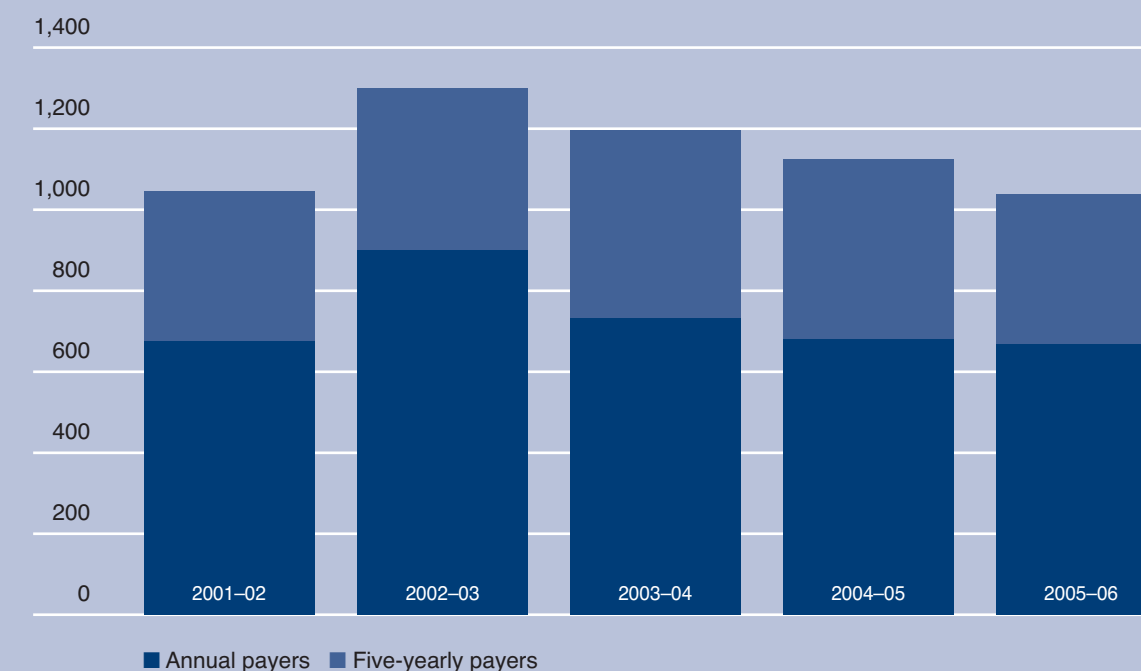
This year has seen a reduction of almost 8 per cent in the number of continuations sought, with the number of operators paying for their continuations on an annual basis standing at 64.42 per cent as opposed to 60.55 per cent last year.

This year's figures relating to continuations not sought show a 29 per cent decrease in those operators who have not continued their licence compared to a 46 per cent decrease in 2004–05.

Table 12: Public service vehicle operators – continuation of licences, 2005–06

| Traffic Area | Total continuations sought | Continuations not sought | Annual payers | Five-yearly in advance | % annual | % five-yearly |
|--------------------------------|----------------------------|--------------------------|----------------------|------------------------|--------------------------|--------------------------|
| Eastern | 134 (161) | 38 (32) | 91 (92) | 43 (69) | 67.91 (57.14) | 32.09 (42.86) |
| North Eastern | 184 (203) | 48 (45) | 124 (123) | 60 (80) | 67.39 (60.59) | 32.61 (39.41) |
| North Western | 146 (172) | 66 (49) | 95 (118) | 51 (54) | 65.07 (68.60) | 34.93 (31.40) |
| South Eastern and Metropolitan | 124 (147) | 29 (16) | 67 (77) | 57 (70) | 54.03 (52.38) | 45.97 (47.62) |
| West Midland | 99 (71) | 16 (5) | 57 (40) | 42 (31) | 57.58 (56.34) | 42.42 (43.66) |
| Western | 127 (128) | 37 (19) | 89 (89) | 38 (39) | 70.08 (69.53) | 29.92 (30.47) |
| Scottish | 134 (142) | 21 (13) | 90 (83) | 44 (59) | 67.16 (58.45) | 32.84 (41.55) |
| Welsh | 89 (99) | 7 (7) | 55 (58) | 34 (41) | 61.80 (58.59) | 38.20 (41.41) |
| TOTAL | 1,037 (1,123) | 262 (186) | 668 (680) | 369 (443) | 64.42 (60.55) | 35.58 (39.45) |

Chart 15: Licence continuations at five-year review point





13. Special Restricted PSV operator licences

There are a small number of operators across the country that hold Special Restricted licences, which allow taxis to operate as bus services. The number of licences issued and the number of applications received and processed increased greatly in

comparison to 2004–05. It is interesting to note that there was a significant increase in the number of licences that were not continued at the five-year review from one in 2004–05 to seven this year, with none continued – the same as the previous year.

Table 13: Bus and coach operators – Special Restricted public service vehicle operator licences, 2005–06

| Traffic Area | Licence applications processed | Licences issued | Applications refused | Applications withdrawn and grants not taken up | Licences continued at five-year review date | Licences not continued at five-year review date | Total number of licences in issue |
|--------------------------------|--------------------------------|-------------------|----------------------|--|---|---|-----------------------------------|
| | | | | | | | |
| Eastern | 4 (1) | 4 (1) | 0 (0) | 0 (0) | 0 (0) | 2 (0) | 14 (12) |
| North Eastern | 2 (4) | 2 (4) | 0 (0) | 0 (0) | 0 (0) | 1 (0) | 45 (44) |
| North Western | 1 (2) | 1 (2) | 0 (0) | 0 (0) | 0 (0) | 1 (0) | 25 (25) |
| South Eastern and Metropolitan | 1 (1) | 1 (1) | 0 (0) | 0 (1) | 0 (0) | 1 (1) | 2 (2) |
| West Midland | 2 (0) | 2 (0) | 0 (0) | 0 (0) | 0 (0) | 0 (0) | 9 (7) |
| Western | 2 (0) | 2 (0) | 0 (0) | 0 (0) | 0 (0) | 1 (0) | 11 (10) |
| Scottish | 2 (0) | 1 (0) | 0 (0) | 1 (0) | 0 (0) | 1 (0) | 0 (0) |
| Welsh | 2 (2) | 2 (1) | 0 (0) | 0 (1) | 0 (0) | 0 (0) | 14 (12) |
| TOTAL | 16 (10) | 15 (9) | 0 (0) | 1 (2) | 0 (0) | 7 (1) | 120 (112) |

Note – The figures in columns 2–4 may not equal the figure shown in the ‘Licence applications processed’ column, as applications may have been carried over from the previous year or carried forward into the next year.

14. Registrations of new local bus services including variations and cancellations of existing local bus services

This year saw a decrease of slightly over 2 per cent in the number of live local bus registrations, with a decrease of almost 8 per cent in the number of applications received and processed for new services and variations to current services.

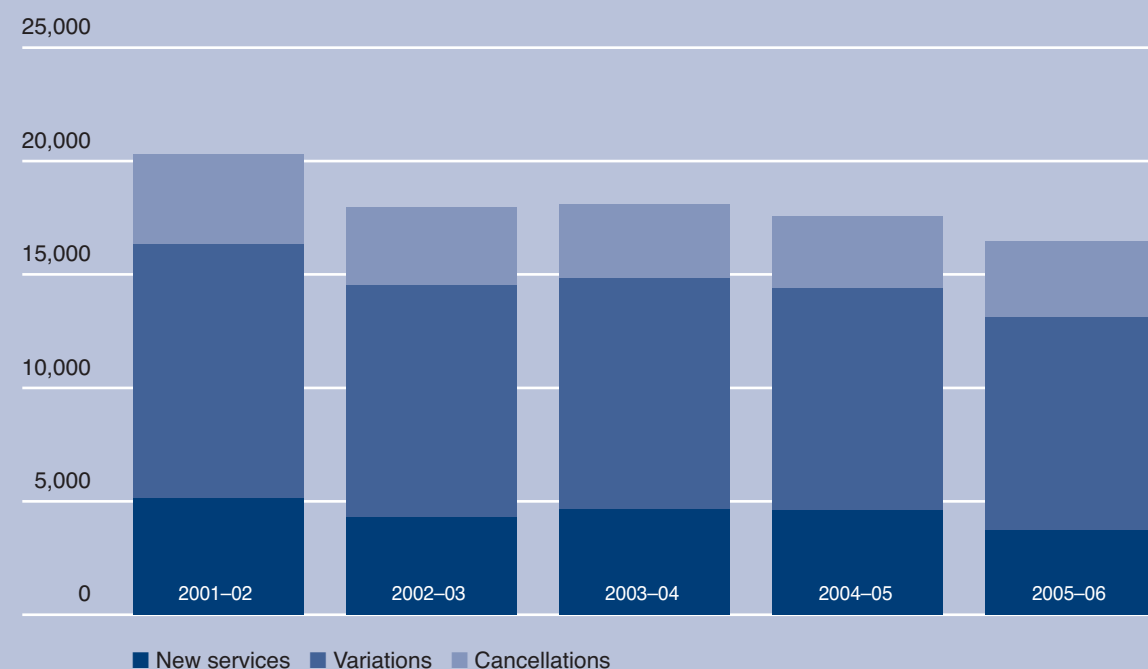
Of the 13,217 applications received this year 13,130 were accepted and 87 withdrawn. As in the previous year none were refused. A total of 3,310 existing registrations were cancelled, a increase of 3.8 per cent on the previous year.

Table 14: Local bus service registrations – live, new, variations and cancelled local bus services as at 31 March 2006

| Traffic Area | Live local bus registrations | Applications processed | | Applications accepted | | Refused | Withdrawn | Existing registrations cancelled |
|--------------------------------|------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|------------------|---------------------|----------------------------------|
| | | New | Variations | New | Variations | | | |
| Eastern | 3,033 (3,001) | 579 (663) | 1,053 (1,118) | 579 (663) | 1,052 (1,115) | 0 (0) | 1 (3) | 454 (542) |
| North Eastern | 4,371 (4,404) | 578 (842) | 1,927 (1,950) | 576 (832) | 1,916 (1,906) | 0 (0) | 13 (54) | 554 (589) |
| North Western | 4,240 (4,399) | 652 (1,066) | 1,517 (1,516) | 648 (1,048) | 1,497 (1,485) | 0 (0) | 24 (49) | 546 (652) |
| South Eastern and Metropolitan | 1,301 (1,279) | 210 (196) | 704 (793) | 209 (193) | 704 (791) | 0 (0) | 1 (5) | 157 (111) |
| West Midland | 2,417 (2,513) | 488 (561) | 997 (884) | 488 (560) | 995 (884) | 0 (0) | 2 (1) | 407 (459) |
| Western | 2,821 (2,876) | 559 (553) | 1,563 (1,531) | 555 (541) | 1,554 (1,501) | 0 (0) | 13 (42) | 468 (404) |
| Scottish | 3,308 (3,526) | 385 (441) | 1,052 (1,343) | 381 (432) | 1,025 (1,323) | 0 (0) | 31 (29) | 511 (258) |
| Welsh | 1,889 (1,943) | 268 (293) | 685 (611) | 268 (293) | 683 (608) | 0 (0) | 2 (3) | 213 (175) |
| TOTAL | 23,380 (23,941) | 3,719 (4,615) | 9,498 (9,746) | 3,704 (4,562) | 9,426 (9,613) | 0 (0) | 87 (186) | 3,310 (3,190) |



Chart 16: Registration of local bus services



14.1. Flexible bus registrations

Table 14.1 shows registrations for flexibly routed bus services, which can run without a defined route or timetable.

A flexible service is defined as one:

- which serves one or more local communities or neighbourhoods within a specified geographical area;
- which is so flexible that it is not practicable to identify in advance all the roads to be used at any given time (NB: there may be fixed sections of the route but the vast majority of the journey is flexibly routed);
- which is provided primarily to carry passengers who have booked in advance and whose collective requirements determine the route of each journey;

- where the general public pay a separate fare;
- where separate fares are paid which do not vary according to the number of passengers carried on the journey.

Currently, flexible bus registration is only allowed in England and Wales, with Scotland having its own different system of bus registration. This is the second full year of this service, so comparisons can be made for the first time.

This year saw a significant decrease in the number of registrations received, with only 58 being submitted in comparison to 206 in 2004–05. All registrations that were submitted were accepted. Fifty-five registrations were varied in 2005–06, a marked increase on five in the previous year. The number of cancellations remained static at six.

Table 14.1: Flexible bus registrations, 2005–06

| Traffic Area | Received | Accepted | Refused | Withdrawn | Varied | Cancelled |
|--------------------------------|---------------------------|---------------------------|------------------------|------------------------|-------------------------|------------------------|
| Eastern | 8 (22) | 8 (22) | 0 (0) | 0 (0) | 11 (0) | 6 (2) |
| North Eastern | 7 (40) | 7 (38) | 0 (1) | 0 (1) | 7 (0) | 0 (2) |
| North Western | 3 (35) | 3 (26) | 0 (5) | 0 (4) | 8 (2) | 0 (0) |
| South Eastern and Metropolitan | 1 (3) | 1 (3) | 0 (0) | 0 (0) | 1 (0) | 0 (0) |
| West Midland | 2 (29) | 2 (29) | 0 (0) | 0 (0) | 8 (0) | 0 (1) |
| Western | 34 (74) | 34 (74) | 0 (0) | 0 (0) | 18 (3) | 0 (1) |
| Scottish | N/A (N/A) | N/A (N/A) | N/A (N/A) | N/A (N/A) | N/A (N/A) | N/A (N/A) |
| Welsh | 3 (3) | 3 (3) | 0 (0) | 0 (0) | 2 (0) | 0 (0) |
| TOTAL | 58 (206) | 58 (195) | 0 (6) | 0 (5) | 55 (5) | 6 (6) |



15. Number of Small, Large and Community Bus Permits in issue

During 2004–05 there was a decrease of 13 per cent in the total number of Small Bus Permits issued, compared with an increase of 6.5 per cent in 2004–05. As last year, South Eastern and Metropolitan Traffic Area issued the largest

percentage of these. This year saw a decrease of just three in the number of Large Bus Permits issued, with the number of Community Bus Permits also decreasing, from four to three.

Table 15: Bus and coach operators – number of Small, Large and Community Bus Permits issued, 2005–06

| Traffic Area | Small Bus Permits issued by | | | Total | Large Bus Permits | Community Bus Permits |
|--------------------------------|-----------------------------|--------------------------|--------------------------|--------------------------|--------------------|-----------------------|
| | Traffic Commissioners | Local authorities | Designated bodies | | | |
| Eastern | 272 (154) | 300 (254) | 169 (113) | 741 (521) | 6 (21) | 0 (0) |
| North Eastern | 242 (266) | 281 (193) | 85 (211) | 608 (670) | 11 (10) | 0 (0) |
| North Western | 143 (172) | 115 (404) | 165 (106) | 423 (682) | 9 (8) | 0 (0) |
| South Eastern and Metropolitan | 138 (506) | 124 (159) | 309 (288) | 571 (953) | 0 (44) | 0 (0) |
| West Midland | 139 (152) | 58 (156) | 138 (295) | 335 (603) | 5 (0) | 0 (1) |
| Western | 318 (342) | 239 (251) | 144 (171) | 701 (764) | 32 (1) | 0 (0) |
| Scottish | 106 (104) | 215 (179) | 95 (58) | 416 (341) | 8 (2) | 1 (3) |
| Welsh | 215 (144) | 15 (0) | 51 (22) | 281 (166) | 13 (1) | 2 (0) |
| TOTAL | 1,573 (1,840) | 1,347 (1,596) | 1,156 (1,264) | 4,076 (4,700) | 84 (87) | 3 (4) |

16. Action taken at Public Inquiry for non-compliance

It should be noted that more than one action may be taken by the Traffic Commissioners against an operator, and consequently the data in the last seven columns of Table 16 may not equate to the number of Public Inquiries held.

There has been a reverse in the trend of previous years in the number of Public Inquiries held, with Traffic Commissioners in 2005–06 seeing over 30 per cent fewer operators than last year, totalling 179 (257 in 2004–05). The number of revocations has also decreased from 68 in 2004–05 to 49 this year (28 per cent), and the downward trend continues with a decrease of 33 per cent on last year's figures for suspensions. This year has also seen a decrease of 26 per cent in the variation of conditions to remove vehicles. Only 17 operators who were called to Inquiry had no action taken against them.

It should be noted that the revocation of an operator's licence is usually the last resort a Traffic Commissioner will take, as they are fully aware of the implications that this action will bring. Reasons for revoking a licence include: an operator's failure to maintain their vehicle fleet adequately; an operator's failure to satisfy financial requirements; convictions; and breaches of undertakings.

Suspensions are usually imposed when an operator fails to ensure the adequate maintenance of their vehicles, or for convictions or breaches of undertakings.

Action is usually taken against an operator as a result of several shortcomings, which are listed above.

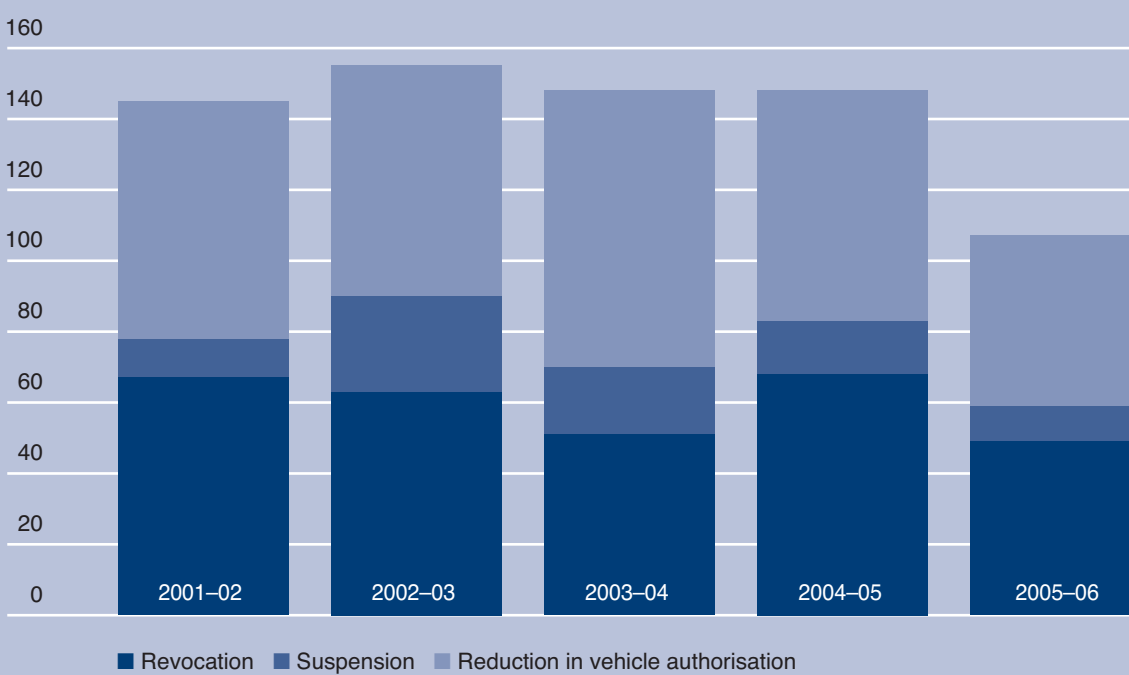


Table 16: Bus and coach operators – action taken at Public Inquiry for non-compliance (under the Public Passenger Vehicles Act 1981 and the Transport Act 1985), 2005–06

| Traffic Area | Number of Public Inquiries | Licence revocations | Licence suspensions | Variation of conditions to remove vehicles | Other conditions imposed on licence | Formal warnings given | Disqualification of licence holder under 1985 Act | No action taken |
|--------------------------------|----------------------------|--------------------------|--------------------------|--|-------------------------------------|--------------------------|---|--------------------------|
| Eastern | 27 (21) | 10 (5) | 1 (0) | 10 (12) | 1 (0) | 2 (4) | 2 (0) | 5 (2) |
| North Eastern | 20 (58) | 4 (22) | 1 (1) | 3 (1) | 1 (10) | 12 (23) | 1 (14) | 0 (0) |
| North Western | 24 (49) | 8 (17) | 0 (1) | 9 (7) | 0 (7) | 8 (9) | 3 (3) | 0 (8) |
| South Eastern and Metropolitan | 22 (27) | 11 (10) | 2 (3) | 5 (5) | 0 (0) | 1 (4) | 0 (3) | 3 (5) |
| West Midland | 15 (25) | 4 (5) | 1 (1) | 4 (11) | 0 (0) | 2 (3) | 3 (0) | 3 (5) |
| Western | 22 (28) | 7 (2) | 4 (6) | 8 (16) | 0 (0) | 3 (3) | 2 (0) | 0 (1) |
| Scottish | 30 (32) | 0 (2) | 0 (1) | 2 (7) | 2 (6) | 4 (3) | 0 (0) | 5 (4) |
| Welsh | 19 (17) | 5 (5) | 1 (2) | 7 (6) | 1 (0) | 3 (4) | 2 (1) | 1 (0) |
| TOTAL | 179 (257) | 49 (68) | 10 (15) | 48 (65) | 5 (23) | 35 (53) | 13 (21) | 17 (25) |

Note: The figures in the last seven columns may not equal the number of Public Inquiries held, as more than one action may be taken against a licence holder.

Chart 17: Bus and coach operators – disciplinary action taken against licence holders (under the Public Passenger Vehicles Act 1981 and the Transport Act 1985)



17. Action taken against operators (under Transport Acts 1985 and 2000)

It should be noted that more than one action may be taken by the Traffic Commissioners against an operator, and consequently the data in the last four columns of Table 17 may not equate to the number of Public Inquiries held.

This year saw a decrease from 38 to 21 in the number of Public Inquiries held relating to local bus services, as a result of which eight operators (ten in 2004–05) had restrictions imposed. There was a major decrease of almost 57 per cent in cases where penalties were imposed. The number of formal warnings, however, increased from three in 2004–05 to five this year. No action was taken in two cases, a decrease of 80 per cent on last year.

There are several instances when a Traffic Commissioner will impose restrictions and/or penalties; these include an operator failing to operate a registered local service, failing to operate a local service in accordance with its registration, failing to maintain vehicle(s) in a fit condition, interfering with a service provided by another operator, operating a service in a dangerous manner or operating a service in contravention of Traffic Regulation Conditions.

Some of the restrictions and/or penalties which can be imposed include financial penalties against the operator, restricting the number of buses on an operator's licence for a fixed period of time.



Table 17: Local bus services – action taken against operators (under the Transport Acts 1985 and 2000), 2005–06

| Traffic Area | Number of Public Inquiries | Restrictions imposed on licences under section 26 of 1985 Act | Penalty imposed under section 155 of 2000 Act | Formal warnings given | No action taken |
|--------------------------------|----------------------------|---|---|-----------------------|-------------------|
| Eastern | 0 (1) | 0 (0) | 0 (1) | 0 (0) | 0 (0) |
| North Eastern | 0 (5) | 0 (1) | 0 (1) | 0 (0) | 0 (3) |
| North Western | 5 (8) | 0 (0) | 0 (1) | 3 (1) | 2 (6) |
| South Eastern and Metropolitan | 0 (3) | 0 (0) | 1 (3) | 0 (0) | 0 (0) |
| West Midland | 2 (4) | 2 (3) | 2 (3) | 1 (0) | 0 (1) |
| Western | 2 (8) | 1 (2) | 2 (8) | 0 (0) | 0 (0) |
| Scottish | 7 (3) | 4 (0) | 0 (2) | 1 (0) | 0 (0) |
| Welsh | 5 (6) | 1 (4) | 5 (4) | 0 (2) | 0 (0) |
| TOTAL | 21 (38) | 8 (10) | 10 (23) | 5 (3) | 2 (10) |

Note – The figures contained in the last four columns may not equal the number of Public Inquiries held, as more than one action may be taken against an operator.

Other data

18. Work of the Traffic Commissioners and their Deputies on Public Inquiries

In 2005–06 there was a slight decrease of 3.5 per cent in the number of Public Inquiries held. Of these, 688 were held by Deputy Traffic Commissioners, a decrease of 4.6 per cent on last year. A total of 1,055 Public Inquiries were held by Traffic Commissioners, a decrease of nearly 3 per cent.

Table 18: Work of the Traffic Commissioners and their Deputies on Public Inquiries, 2005–06

| Traffic Area | Traffic Commissioners | Deputy Traffic Commissioners | Total |
|--------------------------------|--------------------------|------------------------------|--------------------------|
| Eastern | 192 (166) | 69 (100) | 261 (266) |
| North Eastern | 163 (185) | 91 (98) | 254 (283) |
| North Western | 124 (175) | 143 (175) | 267 (350) |
| South Eastern and Metropolitan | 138 (154) | 134 (98) | 272 (252) |
| West Midland | 98 (97) | 69 (84) | 167 (181) |
| Western | 146 (135) | 77 (76) | 223 (211) |
| Scottish | 148 (128) | 41 (29) | 189 (157) |
| Welsh | 46 (46) | 64 (61) | 110 (107) |
| TOTAL | 1,055 (1,086) | 688 (721) | 1,743 (1,807) |



19. Appeals to the Transport Tribunal

Should an operator or statutory objector not agree with the decision of a Traffic Commissioner, they can appeal to the Transport Tribunal. In 2005–06 there was a decrease of 13.5 per cent in the number of appeals made, although only 15 per cent of the appeals heard were either successful or partially successful in comparison to 17 per cent last year.

This year saw the number of appeals to the Transport Tribunal referred back to be reheard by a Traffic Commissioner increase significantly on last year. In 2005–06, 29 of the 102 appeals made to the Tribunal were referred back for rehearing in comparison to seven of the 118 appeals made in 2004–05.

Table 19: Bus, coach and lorry operators – appeals to the Transport Tribunal, 2005–06

| Traffic Area | Number of appeals made | Number of appeals heard | Number of appeals successful or partially successful | Number of appeals referred back to Traffic Commissioner |
|--------------------------------|----------------------------|---------------------------|--|---|
| Eastern | 18 (15) | 13 (11) | 1 (2) | 9 (0) |
| North Eastern | 16 (22) | 13 (14) | 3 (1) | 5 (0) |
| North Western | 8 (19) | 7 (16) | 1 (4) | 2 (0) |
| South Eastern and Metropolitan | 29 (20) | 24 (20) | 5 (2) | 4 (2) |
| West Midland | 9 (9) | 7 (9) | 2 (2) | 5 (1) |
| Western | 10 (13) | 5 (15) | 1 (1) | 0 (0) |
| Scottish | 5 (3) | 3 (1) | 0 (0) | 2 (0) |
| Welsh | 7 (17) | 7 (14) | 2 (5) | 2 (4) |
| TOTAL | 102 (118) | 79 (100) | 15 (17) | 29 (7) |

Note – The number of appeals heard cannot be directly compared to the number of appeals made in the year, as some of the appeals heard will have been made in the previous year.

20. Vocational driver conduct cases

Even though the Driver and Vehicle Licensing Agency is responsible for issuing vocational driver licences, the Traffic Commissioners retain responsibility for assessing a driver's suitability to hold such licences.

Cases referred to the Traffic Commissioners include applications for provisional entitlement to drive LGVs and PCVs, where an applicant has accumulated nine or more penalty points in the last two years; has committed a drink-drive offence; or has been disqualified. Other cases include vocational licence holders who have received a period of disqualification; drivers with alcohol- or drugs-related offences; and drivers with non-endorsable offences such as tachograph or drivers' hours offences. Traffic Commissioners are usually informed of

non-endorsable offences through the Vehicle Inspectorate division, the police, the courts, etc.

The figures in Table 20 include not only those drivers with LGV or PCV entitlement but also those with a combined entitlement covering both.

In 2005–06, 14,929 cases were referred to the Traffic Commissioners, which is an increase of 3.75 per cent on the previous year. Of these, 2,596 (17 per cent) were called to a hearing. A total of 1,250 had their licence applications refused or were disqualified (a 4.5 per cent increase), 79 drivers had their licences revoked, and 228 received suspensions. A total of 2,522 (17 per cent) had no action taken against them, and 5,363 applicants/drivers were sent routine warning letters.

Chart 18: LGV and PCV driver conduct cases – action against drivers

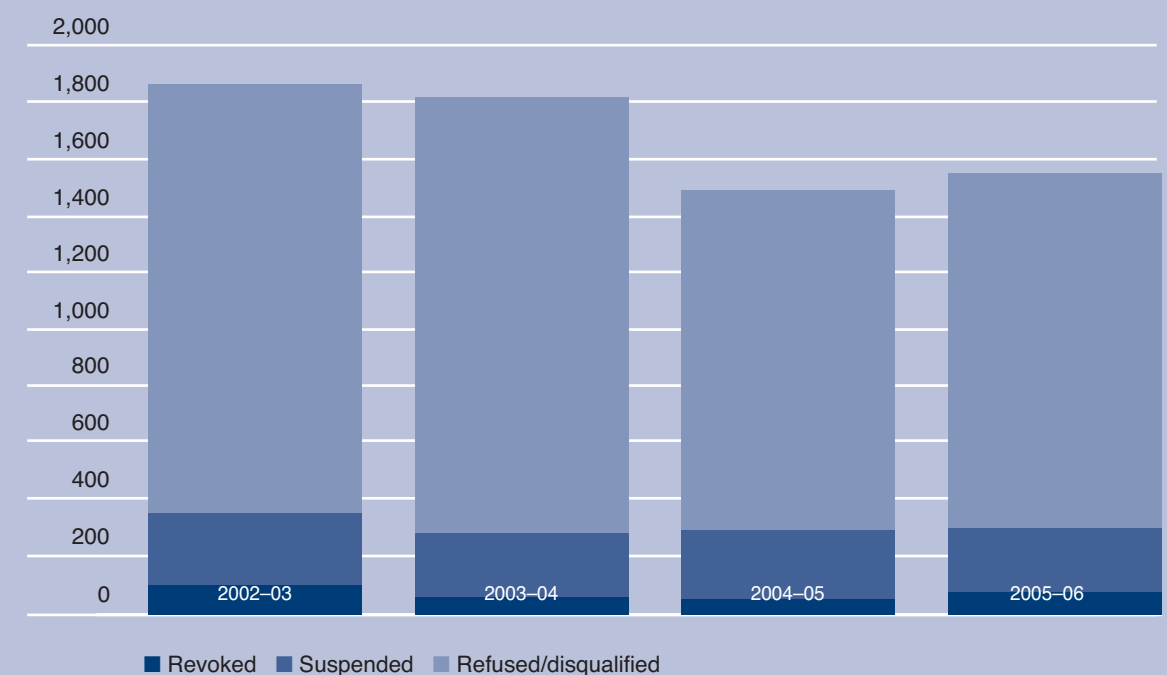




Table 20: LGV and PCV driver conduct cases – action against drivers, 2005–06

| Traffic Area | Total referred | No action taken | Refer on app. | Routine warning letters | | Call to hearing | Grant new app. | Refuse/disqual. | Suspend | Revoke | Verbal warning |
|--------------------------------|----------------------------------|--------------------------------|--------------------------------|--------------------------------|------------------------------|--------------------------------|----------------------------|--------------------------------|----------------------------|--------------------------|----------------------------|
| | | | | endorsable | non-endorsable | | | | | | |
| Eastern | 1,827 (1,599) | 622 (569) | 283 (193) | 472 (483) | 121 (31) | 410 (399) | 62 (94) | 179 (168) | 35 (66) | 9 (8) | 27 (31) |
| North Eastern | 2,142 (2,035) | 415 (343) | 551 (578) | 772 (769) | 10 (2) | 188 (259) | 66 (107) | 197 (158) | 16 (8) | 4 (10) | 110 (61) |
| North Western | 1,905 (1,726) | 385 (278) | 460 (479) | 713 (629) | 6 (55) | 208 (214) | 64 (68) | 146 (125) | 30 (14) | 12 (3) | 77 (70) |
| South Eastern and Metropolitan | 4,206 (3,828) | 543 (570) | 1,575 (1,372) | 1,710 (1,295) | 37 (39) | 279 (304) | 18 (83) | 231 (257) | 13 (12) | 11 (6) | 0 (26) |
| West Midland | 1,210 (1,031) | 93 (133) | 40 (8) | 352 (358) | 85 (23) | 379 (384) | 76 (39) | 78 (61) | 12 (29) | 11 (5) | 34 (14) |
| Western | 1,520 (1,981) | 153 (323) | 785 (789) | 367 (409) | 25 (77) | 444 (292) | 210 (115) | 161 (252) | 61 (33) | 3 (9) | 0 (1) |
| Scottish | 1,290 (1,423) | 234 (225) | 277 (248) | 299 (354) | 129 (67) | 466 (302) | 172 (140) | 189 (141) | 46 (46) | 13 (8) | 34 (41) |
| Welsh | 829 (766) | 77 (173) | 20 (8) | 195 (212) | 70 (16) | 222 (301) | 34 (77) | 69 (34) | 15 (37) | 16 (5) | 15 (12) |
| TOTAL | 14,929 (14,389) | 2,522 (2,614) | 3,991 (3,675) | 3,207 (4,509) | 2,156 (310) | 2,596 (2,455) | 702 (723) | 1,250 (1,196) | 228 (245) | 79 (54) | 297 (256) |

Note – App. and disqual. are short for application and disqualify.

Note – The figures contained in the last ten columns may not equal 'Total referred', as more than one action may be taken against a driver/applicant.

21. Applications for the return of impounded vehicles

In January 2002, the Vehicle Inspectorate Division were granted powers to impound heavy goods vehicles when they had evidence that a vehicle was being used on the road in contravention of section 2 of the Goods Vehicles (Licensing of Operators) Act 1995, that is, without an operator's licence.

Grounds for making an application to return the vehicle include: that the person using the vehicle held an operator's licence; that the vehicle was not being used in contravention of the Goods Vehicles (Licensing of Operators) Act 1995 or that the owner was unaware that the vehicle was being used in contravention of the 1995 Act.

This year's table includes the number of vehicles impounded as well as the number of applications for the return of a vehicle received and processed.

There were applications for the return of 197 of the 260 vehicles impounded (76 per cent).

Overall, the number of applications received and processed has increased from 110 last year to 197 in 2005–06, a percentage increase of 79 per cent. Appeals to the Transport Tribunal also show an increase from eight to 19 with a further seven appeals pending. The number of appeals made to the Transport Tribunal that were referred back to be reheard by a Traffic Commissioner remains static at one.

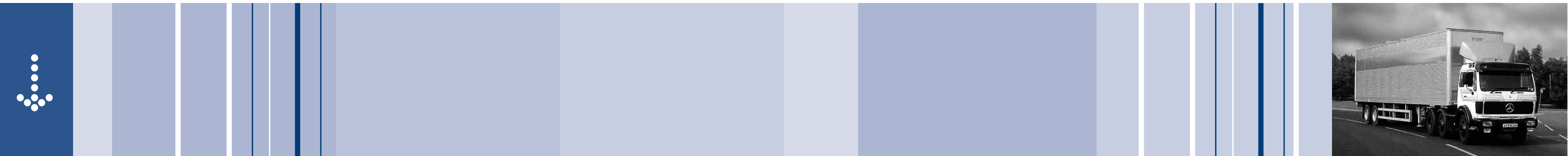


Table 21: Applications for the return of impounded vehicles, 2005–06

| Traffic Area | Number of vehicles impounded | Number of applications received and processed | Granted | | Refused | | Appeals to Transport Tribunal | | Appeals pending | Number of appeals referred back |
|--------------------------------|------------------------------|---|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------|-------------------------|------------------------|---------------------------------|
| | | | with hearing | without | with hearing | without | upheld | dis-missed | | |
| Eastern | 53 (28) | 37 (17) | 6 (1) | 9 (5) | 14 (11) | 2 (0) | 0 (0) | 1 (0) | 3 (0) | 0 (0) |
| North Eastern | 46 (18) | 33 (15) | 3 (2) | 2 (0) | 17 (11) | 6 (2) | 2 (0) | 2 (1) | 1 (0) | 0 (0) |
| North Western | 13 (20) | 9 (12) | 1 (2) | 2 (1) | 3 (9) | 0 (3) | 0 (0) | 1 (3) | 3 (0) | 0 (0) |
| South Eastern and Metropolitan | 71 (55) | 43 (31) | 8 (5) | 12 (4) | 11 (12) | 12 (10) | 0 (1) | 2 (2) | 0 (1) | 0 (1) |
| West Midland | 11 (9) | 12 (6) | 3 (1) | 1 (1) | 4 (2) | 4 (2) | 0 (0) | 3 (0) | 0 (0) | 0 (0) |
| Western | 41 (40) | 40 (19) | 3 (1) | 6 (2) | 16 (9) | 21 (7) | 2 (0) | 6 (0) | 0 (6) | 0 (0) |
| Scottish | 13 (6) | 12 (5) | 7 (0) | 2 (2) | 2 (2) | 2 (0) | 0 (1) | 0 (0) | 0 (0) | 0 (0) |
| Welsh | 12 (7) | 11 (5) | 2 (2) | 0 (1) | 5 (1) | 4 (0) | 0 (0) | 0 (0) | 0 (0) | 1 (0) |
| TOTAL | 260 (183) | 197 (110) | 33 (14) | 34 (16) | 72 (57) | 51 (24) | 4 (2) | 15 (6) | 7 (7) | 1 (1) |

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

Note – The figure shown in the column entitled ‘Number of applications received and processed’ may not equal the sum of the columns headed ‘Granted’ and ‘Refused’ as some appeals may be awaiting a hearing and/or a decision at the end of the reporting year.

Contact details

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