



Traffic Commissioners
for Great Britain

Traffic Commissioners for Great Britain

**Annual Report to the Secretary of
State
2018-2019**

(For the year ended 31 March 2019)

Annual report presented to the Secretary of State pursuant to Section 55 of the Public Passenger Vehicles Act 1981.

Contents

Foreword by the Senior Traffic Commissioner	5
Performance to 2019	6
Our purpose	6
What we do	6
Overview: regulation & industry	7
What we said we would achieve	8
Strategic objectives 2016-2019	9
Modernising licensing	9
Digital services for applicants and operators	10
Prompt regulatory decisions	10
Effective use of regulation	10
Transparency in our decision-making	11
Dependencies	11
Our strategic plans to 2021	13
Our agenda	14
Preparations for the future	14
Supporting responsible businesses	14
The capability of our support	15
The transparency of fee income and expenditure	16
Dealing with non-compliance promptly	16
Ensuring our tribunal facilities are fit for purpose	17
Improving the reach and effectiveness of our guidance and education	18
Modernising local bus punctuality and reliability measurement	19
Renewing channels of communication with our partners	19
Reports from England, Scotland and Wales	20
Report of the traffic commissioners for England	20
Reputation management	20
Tackling the non-compliant	21
Achieving a level playing field	23
Operational challenges	24
Acknowledgments	25
Report of the Traffic Commissioner for Scotland	26
Report of the Traffic Commissioner for Wales	28
Further acknowledgement	31
Statistics	32
Licensing and compliance data	33
Contacts	56
Annexes	57
Annex 1: Key Strategic Objectives of the Traffic Commissioners for Great Britain (2019-2021)	57

Transparency Data: Information relating to the salaries, spending, gifts and hospitality of traffic commissioners is published on [GOV.UK](https://www.gov.uk).

Foreword by the Senior Traffic Commissioner

The importance of mechanised transport to British life and industry was recognised by the appointment of the first Minister of Transport one hundred years ago. It was just over 10 years later that legislation was brought forward to establish the traffic commissioners. There have been many changes and not least in 1968 we saw the introduction of annual tests, the replacement of A, B, C road licences and maximum driving hours for goods' drivers. To this day the regulators continue to modernise but with the same core focuses of road safety and fair application of the rules.

The first ever annual report was published in 1932 and contains an observation which is as apt today, as it was then: "To a great many road operators one of the chief attractions of the Act has been the setting up of an independent tribunal to consider applications for road service licences"¹. During the technological developments and innovation, the pressures on business, the challenges in maintaining and testing vehicles, which have developed in almost 90 years, traffic commissioners have represented a level of continuity for industry.

In a speech by the Senior President of Tribunals only six months ago he described *access to justice* as an indivisible right where 'there can be no second class'². In 1932 it was described as the "chief attraction"³. As with the mainstream judiciary, we approach modernisation from three perspectives: what the user wants and needs, what innovations can be utilised, and how to ensure the overriding principles and protections of the rule of law. In setting strategic objectives, we have repeatedly referred to our reliance on the support provided to us. We have no control over financial or procurement decisions and there remains the risk that those dependencies might stifle our ability to deliver the statutory functions given to traffic commissioners.

By way of example, we contrast the cost of regulating the 16,000 practising barristers in England and Wales, who each pay between £100 and £3,000 in annual fees. We regulate almost 78,000 transport businesses. The annual cost of a goods licence is less than £100. A PSV licence costs even less (despite the fact we are administering an almost identical licence regime).

As issues with recruitment have illustrated, our ability to regulate is at risk if resources are not maintained. The costs and centrally controlled charges made against the licensing fees are significant. As transparent as the law already makes our work, we have a duty to the businesses paying licence fees to focus attention on what services those fees provide and whether current arrangements present best value for money.

In the following pages we report on progress against our published strategy.

Our latest strategic measures set out what we aim to achieve in the period up to 2021. At a time when industry is facing considerable uncertainty, it is appropriate to stress the continuity and the consistency which traffic commissioners deliver.

In a changing environment it is important that we are equipped to respond to new challenges: for example acknowledging changes in bus patronage, new vehicle registrations, operating costs, the ability to harness the potential of new drivers, the introduction of autonomous vehicles, more stringent emissions targets, to name but a few of the issues.

¹ Chairman of the South Wales traffic commissioners, First Report of the Traffic Commissioners 1932

² [Speech by Rt Hon Sir Ernest Ryder to the CCJ Conference in December 2018](#)

³ Chairman of the South Wales traffic commissioners, First Report of the Traffic Commissioners 1932

Performance to 2019

Our purpose

The Traffic Commissioners for Great Britain (TCs) are independent regulators for the heavy goods vehicle (HGV) and public service vehicle (PSV) industries and their professional drivers.

We are a non-departmental tribunal public body, sponsored by the Department for Transport (DfT). Our mission is to promote safe, fair, efficient and reliable passenger and goods transport through effective licensing and regulation of the commercial vehicle industries.

Our vision is for the Office of the Traffic Commissioners (OTC) to be recognised by our stakeholders as providing a proportionate, accountable, consistent and transparent approach – a model of independent regulation.

What we do

We work to keep Great Britain's roads safe by licensing and regulating the commercial vehicle industries. With DfT, its agencies, the police and industry stakeholders we support the compliant, licensed operation of HGVs and PSVs. We do this by:

- providing statutory guidance and statutory directions to commissioners and industry regarding the operator licensing regime and tribunal activities
- holding regulatory hearings to examine evidence and take proportionate action to maintain safety standards and promote fair competition in the industry
- holding conduct hearings to examine evidence and take proportionate action to ensure professional driving standards are upheld
- targeting limited tribunal time so that the most serious cases are dealt with quickly and fairly
- delivering efficient, digital licensing services to responsible new applicants and compliant operators
- liaising with other regulatory bodies to identify and share knowledge around non-compliance
- educating and communicating with industry about the value of compliance and the licensing regime

Overview: regulation & industry

Domestic freight (UK registered vehicles)

- 78% of goods moved by road
- 147 billion tonnes kilometres moved

International freight (UK registered vehicles)

- 5.4 billion tonne kilometres moved

Drivers

- 309,000 drivers

Employment

- 2.54 million people working in haulage and logistics
- Fifth largest employer
- Industry worth £124bn GVA to UK economy



Local bus services

- 4.85 billion local bus service passenger journeys
- 59% of all public transport journeys
- 929 million older/disabled concessionary passenger journeys

Coach operations

- Over 25 million journeys on scheduled coach operations each year

Drivers

- 133,000 bus and coach drivers



Our licensing work

- 70,763 goods vehicle operator licences
- 7948 PSV operator licences
- 13,181 operator licence applications and variations processed
- 10,367 local bus registrations processed



Our regulatory work

- 1568 public inquiries
- 335 preliminary hearings
- 126 Senior Team Leader (STL) interviews
- 21,715 driver conduct cases closed



What we said we would achieve

In 2016, we published a set of Key Strategic Objectives, which detailed what we would deliver up to April this year. We identified two strategic objectives (as listed below) and set a number of delivery targets.

The following section reports on how we performed against the remaining targets.

Our key strategic objectives

Strategic Objective 1 Deliver a modern, effective operator licensing regime that ensures operators are fit to hold a licence whilst minimising the regulatory burden on the compliant	Quarterly publication of application processing times
	Implementation of a joint SLA with DVSA for the service provided to the industry
	Decisions on applications by compliant operators reduced to 7 weeks
	Decisions on applications by compliant operators reduced to 4 weeks
	All operator licensing functions digital
Strategic Objective 2 Promote a safe road transport industry which supports compliance, fair competition and protects the environment	Online publication of written decisions
	Review TC sanction effectiveness
	Listing public inquiries within 12 weeks of being referred to a TC
	Implementation of an enforcement SLA with DVSA

In setting these objectives, we identified that our ability to deliver would be influenced by a number of strategic challenges, alongside the service provided to TCs by the DVSA and the support of DfT. The three strategic challenges we identified were:

Fee reform	Supporting investment in IT infrastructure Delivering up to date services Ensuring cost of regime is proportionate to the burden operators and applicants place on it
Recruitment	Recruitment processes can cause substantial delays in the employment of skilled and knowledgeable staff, undermining resilience
Legislative reform	Necessary to improve the regulatory approach

Strategic objectives 2016-2019

In this section we provide a detailed report against the specific measures we set out under the published objectives.

Modernised licensing

In 2017/18, we made a strong commitment to achieving greater transparency by reporting on the performance of our licensing functions through a new measure – average processing times. The combined average processing time for applications not requiring a public inquiry was just over seven weeks. A substantial number of decisions made on applications are under delegation and therefore rely on proper resourcing.

In our report last year, we set out our expectation for reduced waiting times to benefit compliant transport businesses. We called on senior managers in the Office of the Traffic Commissioner (OTC), those above them within DVSA and those responsible for the Vehicle Operator Licensing (VOL) project to ensure the average processing times we were promised remained on target for 2018/19. As the figures published during the year indicate, those targets have not been met. It took an average of just over eight weeks to determine applications for HGV licences and over 13 weeks to determine applications for PSV licences.

The previous service level gave applicants a ‘best case’ assessment and did not report on applications which failed the measure. The move from a largely internal service level agreement (85% of cases decided within nine weeks and subject to multiple exceptions) to average processing times (for all cases not involving a public inquiry decided within seven weeks) has proved to be ambitious.

From our regular engagement with operators and their representatives, we are clear that the average processing time measure offers a more realistic assessment of OTC performance. What operators want is for every case to count – including those which may go over the target.

Our aim is to give those who use the licensing service a clear indication of how quickly they will get a decision on their application. The average processing time measure does just that. It makes the OTC fully accountable for all cases.

There are positives for those applicants using digital services and providing complete applications which meet all the statutory requirements at the first time of asking. It took less than 32 days on average to process those applications – that is just over six weeks.

It is understood that improvements introduced through VOL have allowed staff and managers to better target aged cases which are affecting the average processing time. Although this has seen a 50% reduction in outstanding applications, their completion has had a negative impact on average processing times.

The variance in processing times reveals the challenges which individual OTC staff face in trying to help and coach applicants to supply applications which meet the legal requirements (e.g. presenting satisfactory financial evidence, finding a suitable transport manager, advertising correctly). We have reflected to industry, in our stakeholder and wider engagements, that the level of incomplete applications remains high, which impacts upon our ability to provide the advertised service.

Digital services for operators and applicants

Prior to VOL's introduction, vehicle changes were the only fully paperless transaction online.

In March 2019, the ability for operators to offer surrender of a licence was successfully introduced to the VOL platform – this was the final piece of functionality in delivering on our target for the provision of all major transactions online (by April 2019). We have already allowed for the utilisation of 'Verify' to confirm the identify of applicants and CPC holders.

This means that operators can apply for, change, amend and give up their licences all without filing a single piece of paper or signing any document by hand.

Elsewhere in the project, the target for digital applications (70%) was exceeded, with 82.91% being made through VOL. We are pleased to note that external user satisfaction for the digital service is also high – at 82.3% (well in excess of the 70% target).

The cost of the project has been significant so we need to see the internal benefits identified in the various business cases delivered.

Prompt regulatory decisions

Our target time of listing public inquiries within 12 weeks of a case being called by a traffic commissioner continued to be the standard for 2018/19. We aimed to achieve this in 95% of cases, to ensure that non-compliance is dealt with in a timely manner.

As the statistics published in this report demonstrate (see tables 6, 16 & 17 on pages 40, 50 & 51), TCs are not afraid to take robust action where the circumstances require it.

In 2018/19, 91.6% of public inquiry cases were listed within 12 weeks, mirroring our performance in 2017/18.

We had challenged OTC managers to improve on 2017/18 and while the overall figure remained static, three offices did reach and exceed the target where they had not previously. As a result, across all but one of our offices, 98.6% of cases were listed for a public inquiry within 12 weeks.

Unfortunately, the remaining office faced considerable challenges during the year, including staff departures and recurring recruitment issues. OTC managers have attempted to address these matters by diverting casework to other offices who can offer remote administrative support.

At the time of writing this report, 99.3% of public inquiries have been listed within 12 weeks across all offices for the first two months of 2019/2020. This indicates a marked improvement in performance. We will continue to work closely with OTC managers to keep this on target and to monitor the time taken for referral of cases.

Effective use of regulation

We acknowledged the need for specialists to complete and deliver an analysis of the effectiveness of our regulatory sanctions. Last year we indicated that we were awaiting a report from the analysts.

We received a draft high-level report in March 2019. This has provided us with some broad indications about the relationship between an operator attending a public inquiry and improvements made to compliance after that regulatory intervention.

The report suggests that, for the period analysed, operators who attended a public inquiry (and kept their licence) improved their compliance rate to align with the majority of other operators.

In effect, where we identify that an operator can be trusted to continue operating after a public inquiry, this generally results in safer practices. While anecdotally we have long believed this to be the case, it is useful to have confirmation that our primary intervention is effective and does influence behaviours towards sustained compliance.

After carefully considering the results, we agree that we need to better understand individual sectors/types of vehicle operator. As part of our refreshed strategy targets (see pages 13 - 19), we intend to commission an analysis of industry segmentation.

We will use this to focus on those operators who do not enjoy access to relevant information or organisations to help them with compliance.

Transparency in our decision-making

There are few regulators who are as transparent regarding the approach they take. In our last report, we referred to the publication of our written decisions online. These tend to be the more serious or complicated cases. By the end of March 2019, we had been doing this for a full year.

In that 12 month period, 140 TC written decisions were uploaded to GOV.UK.

Those individual decisions were viewed over 42,000 times (in total), with visitors spending an average of two minutes and 46 seconds on the pages. There were a further 20,000 views of our main decisions page, where the documents are divided up by region/country.

We are currently working on introducing a search facility to the written decisions page and hope this will be in place by April 2020, subject to the necessary support from the Government Digital Service (GDS).

Dependencies

The legal Framework Document acknowledges that TCs require support staff to carry out administrative duties and to act under delegated authority in the discharge of certain individual functions.

Paragraph 7 of Schedule 2 to the Public Passenger Vehicle Act 1981 states that: "Subject to the approval of the Treasury, the Secretary of State may appoint such persons to act as officers and servants of a traffic commissioner as he considers appropriate".

We do not actually manage any members of staff, but delegate specific tasks to be undertaken on our behalf. The delegation of functions and to allow access to relevant data is a matter for the individual TC. DVSA has responsibility for the recruitment, retention and performance management of the staff of the OTC. Whilst we have received assurances from respective Heads of Licensing and Compliance as to the accuracy of data and high-level

reports in respect of GDPR compliance, we are yet to see a formal commitment to resource the services, which users of licensing and/or the tribunal are entitled to see.

The agency has continued to focus on an internal review of the administrative support provided to us that commenced in March 2018, but the existing service-level agreement was last signed nearly 11 years ago and is no longer fit for purpose. The reporting processes set out in the 2008 document are no longer universally implemented and are not capable of providing assurance against the principles set out in the legal Framework Document.

The agency needs to provide formal assurances in respect of the service offered to TCs and the stakeholders who use our licensing and tribunal functions. In the coming year, we will continue to press for accountable and effective action from DVSA on the matters of fee income and recruitment.

Our strategic plans to 2021

Our strategic ambitions remain centred on the key function of our work as TCs – to act as gatekeepers to the industries which operate commercial vehicles and remove those who present a risk to road safety, undermining responsible operators.

We recognise the degree of uncertainty facing transport businesses. The TC system offers stability and this is acknowledged by the regulated industries. We have therefore reiterated our first objective to make sure the regime which licences operators is modern and effective. This means checking that applicants are fit to hold a licence and reducing the impact of regulation on compliant operators.

Our second objective remains focused on promoting safe road transport operations. This means highlighting the value of compliance, maintaining fairness and protecting the environment where commercial vehicles are operated from.

Having reported on our previous targets for the last three years, we have now refreshed our strategic objectives with a new set of measures to take us from 2019 to 2021. The targets focus on several themes, which are directly relevant to the transport industries and the safe operation of commercial vehicles.

In line with our previous strategy, we reflect on the two challenges that delivery of our ambitions will face: the provision of resources to enable the service to function effectively and the recruitment and retention of staff.

Our ambition is to see better services for those we regulate and to find effective solutions to the priority issues we want to address over the next three years. The agenda we have set is challenging and we will need to collaborate with stakeholders in order to deliver it. As indicated above, we expect DVSA to recognise its responsibility to improve the service to TCs and our stakeholders.

We make specific commitments that are intended to raise the standard of that service, which we require DVSA to deliver. We have again highlighted the dependencies upon which this strategy is built and where accountability rests.

The OTC must be committed to delivering modern licensing and case management, to deliver fair hearings with robust and evidence-based decision making. The caseworkers supporting us do an exceptional job, in very challenging circumstances. Overcoming those challenges while the DVSA support services for TCs are (at the time of writing this report) under review will itself present a challenge.

We are closely monitoring that review process with an eye on access to justice.

We continue to enjoy the support of our sponsor, the DfT, and working with the relevant team we have sought to identify other areas where we might support the wider direction of travel for industry, government and the collective geographical areas which we regulate.

Our agenda

Preparations for the future

As TCs, we are independent of government and the enforcement agencies which support its work. We therefore occupy a unique position. We must be alive to the changing political, economic, social and cultural climates in which lorry, bus and coach operators work but are subject to the laws which shape our jurisdiction.

This is why our new strategy takes into consideration proposals for the United Kingdom to leave the European Union. Delivery of a final outcome on the referendum is a matter for Government. However, it is right that we prepare so that any disruption to licensing and tribunal services will be minimised and they can continue to be provided to agreed standards.

Primarily, this will involve us taking action to review our guidance, update statutory documents, engage with the Secretary of State and Upper Tribunal in support of developing legislation and case law during any period of transition, support the development of any Tribunal Rules, provide support to the competent authority around the issuing of any road freight permits and establish a single point of contact within the OTC for issues relating to exiting the EU.

While this work is not time bound, it will naturally remain under close supervision and be reviewed on an ongoing basis.

Supporting responsible businesses

Efficient licensing services are essential for modern transport businesses. Technological developments have overseen rapid changes to fleets, distribution, capability, management, recruitment, communication and countless other areas of business.

Our own processes and systems have also seen the force of change as they have embraced the benefits and advantages of digital processes. At the time of writing this report, licence applicants and operators can now perform every major transaction online, without needing to use a single piece of paper or sign a form by hand.

The procurement of this IT transformation project promised transactions which are accessible, efficient and help businesses to get started or grow. We strongly believe that promised benefits (i.e. improved application processing times) must be fully realised to the advantage of compliant, responsible applicants and operators.

We should also see the benefits to the internal systems, which formed part of the business case. An intuitive, efficient platform is equally necessary for the staff who support us, if they are to meet the application and regulatory casework targets.

We are proud of the achievements of the online licensing service, especially as digital technology allows us even greater insight into the performance of the support services provided to us, for instance in the processing of licence applications. We now publish the average time it takes to make decisions on applications for operator licences.

This measure gives industry full transparency, because every case is counted.

Based on that information we set a target to reduce the average time it takes to process

applications from lorry, bus and coach operators. Given the average processing figures at the time of developing our new strategic plan, we believe that we have set a realistic yet stretching timetable for delivery.

We want to reduce the time taken to make decisions on new and major variation applications (that do not need to go to a public inquiry) to an average of 35 days working.

We had some initial success in reducing the processing time for such applications, but with improved transparency it became clear that the overall figure for the reporting period would fall short of the target, with particular issues around PSV licence applications. We would concede that our previous aspiration (to deliver a 35 day average in 2017) was too ambitious a target for licensing services to deliver.

To ensure that the 2021 target is achieved, we have built in an additional milestone to move our performance towards 35 working days. We have also agreed a transparency measure for the milestone itself.

We aim to ensure that from 1 October 2019, no application will remain outstanding for more than six months after the date it was received – where the delay is in the control of the OTC.

We are already reporting our average processing times but we will begin reporting on the volume of cases outstanding over six months from 1 October 2019 against the above measures.

Transparency is a long-term commitment for the TCs, so we believe it is important to further increase the visibility of our performance. This is how we will demonstrate our support to responsible transport operators. The experience of a trustworthy business getting permission to run extra vehicles within 35 working days is one which should be shared across the compliant industry.

The capability of our support

As TCs we exercise a variety of functions on a daily basis. They take many forms, for instance approving an extra operating centre on a licence, revoking a non-compliant operator's licence or considering an operator's application for late payment for a licence continuation. All of our decisions are vital to successful operations in a transport business.

Given the volume of cases we receive each year, it is not possible for us to take every decision personally. Some of them can be delegated to the staff who support us, under the relevant powers. Delegations can only exist within set parameters.

Members of OTC staff acting in this way and on our behalf, need to be properly trained and have their work regularly checked to make sure that decisions are being actioned legally and consistently. To deliver a modern and effective licensing regime, we rely on effective and targeted audits.

We have identified four priority areas for internal auditing, which will contribute to demonstrating that the support offered to TCs is capable of meeting our expectations. We will assist DVSA to deliver an audit of those areas, which we expect to be completed in 2019/20.

These are:

- the standard of evidence relating to non-compliant operators
- the processing of applications for licences
- the management of licensing records
- the preparation of cases for hearings

Those four areas reflect the key drivers that allow us to exercise our legal functions. Licensing services should prioritise the gatekeeping role.

We are not an extension of the enforcement process or a sentencing court reserved for those purposes. All decisions must be built on robust evidence.

Evidence presented to the TCs must be of a sufficient standard to support decisions which can stand up to scrutiny by the higher courts. Our independent decision-making is an integral part of the obligations on the State. Auditing these areas will give us an understanding of where the OTC service is strong and where further support is required.

The transparency of fee income and expenditure

The annual report provides a mechanism to raise matters that require attention beyond the discussions we engage in as commissioners at our regular board meetings.

Regular readers of the annual report will recognise a consistent theme that has been raised over the years, whether on an individual or collective basis.

We continue to assert the case for change and to work on proposals for a fairer fees regime, which is capable of covering the costs of licensing and tribunal functions. The transparency of fees collected and spent on our behalf is a key issue shaping any strategic ambitions we commit to. Those paying the fees are entitled to a more transparent accounting position on operator licensing.

The unique circumstances in which DVSA is responsible for operator licensing fees have been touched on previously. Its position as the enforcing authority, contributing to the setting of fee levels, providing evidence at public inquiry and occasionally as a party to proceedings, means that it has a privileged position, one which must be carefully monitored to ensure that it does not overstep the overriding legal protections to which it is subject.

We look forward to seeing a level of financial clarity in the operator licensing service, which we have been seeking for a number of years. It is our aim to obtain a clear statement on the income and expenditure of the service and receive assurances from DVSA that it offers value for money.

Dealing with non-compliance promptly

For several years now, we have talked about the importance of using our tribunal time to best effect – to deal with non-compliant operators, transport managers and drivers.

The number of days available to hear cases is limited and we feel this resource should be

targeted at the most serious non-compliance. That is why we have diverted less urgent cases away from the formality of regulatory hearings by employing alternative methods of handling routine or minor compliance transgressions. Cases dealt with at preliminary hearings and through senior manager interviews do not place the same administrative burdens on the compliance teams and therefore can be arranged and dealt with more flexibly.

Our desire to free up tribunal time sought to address the case backlogs which had emerged in some offices over the years. These mainly occurred due to a lack of permanent recruitment and overall performance management within OTC and elsewhere within the Agency, which in turn resulted in long lead-in times for public inquiries. In some instances, we were forced to request new evidence, creating unnecessary delays.

The impact here is two-fold.

First, we are a road safety jurisdiction. Our powers are made available to intervene where a business or individual presents a road safety risk. We clearly seek to act promptly to address any road safety risks that are brought to our attention. This is always subject to the provision of satisfactory evidence.

Second, any business or individual due to be called to a disciplinary hearing has a right to expect those matters to be dealt with in a timely manner. The principles of due process rightly apply to our tribunal and everyone is entitled to a fair hearing. The legislation is clear: we cannot take action without first considering the evidence and by serving proper notice on those we regulate.

For those reasons, we have been working to a target of listing all cases for public inquiry within 12 weeks of the decision being made to call a hearing. We make a positive contrast with the waiting times experienced in some other jurisdictions. We must ensure that the compliance teams, located at our hearing centres, have the capability to better support each other in the completion of case listings and paperwork. Those targets need to be met.

Our previous efforts to achieve greater sharing of back office functions to ensure that cases can be listed in inquiry rooms or hearing centres were frustrated. We have instructed managers to bring forward proposals for a more responsive administration, which also respects data and delegation arrangements. We expect to see a flexible structure which maintains access to justice and which is capable of delivering resilience even where an office is experiencing specific resource issues (with staff recruitment, for example).

In line with our transparency agenda, we will begin publishing the OTC's performance against the 12 week target from July 2019. As previously outlined, regular reporting will focus attention internally and externally and provide the necessary accountability around our commitments.

Ensuring our tribunal facilities are fit for purpose

We recognise that in expecting commercial vehicle operators to meet the environmental requirements set down by the law, we are equally governed in the pursuit of our own activities. We take these responsibilities very seriously.

We recognise the tribunal facilities that we oversee must be modern, accessible and meet the standards expected by licence fee payers and members of the community who interact with our jurisdiction.

Our needs for the tribunal setting inevitably differ from the administrative priorities set by the organisations charged with supporting us. As an independent tribunal we are subject to a legal framework which covers a wider range of concerns including staffing, resources, the fairness of proceedings, the perception of independence, meeting accessibility standards, providing appropriate security, accommodating public hearings but allowing adequate privacy, where appropriate, and being fully compliant when storing and handling personal data.

As part of this work, we will seek to learn from the recent experiences of HM Courts and Tribunals Service (HMCTS) and the reports on its transformation programme. We will also consider the viability of virtual hearings. Inevitably this will require concrete commitments from those who are intended to support us to secure video technology. We have set a target of reporting back on the feasibility of virtual hearings by April 2020.

Improving the reach and effectiveness of our guidance and education

TCs are rightly described as specialist regulators. The operation of commercial vehicles is highly specialised, but we know there are many different types of operation for those running trucks, buses and coaches.

The basic promises that every licence holder makes are the same but the way in which, for example, a scaffolding business approaches the operation of a vehicle can be different to that of a general haulier; likewise a bus operator running local services versus a coach operator doing international journeys.

The nature, type and size of a business all have a bearing on how informed the key personnel might be. We know there are some licence holders who still do not have access to the relevant information or who seek out organisations that can help them with compliance.

That is not to say those operators are necessarily non-compliant. After all, larger firms are capable of getting things wrong and many small firms are fully committed to running safely.

Even compliant operators need accurate and timely information. Some may function relatively well but could benefit from more direct guidance – something that is better targeted at their sector.

While our interactions with operators at public inquiry offer a glimpse of where things have not worked well, we know that they represent a minority of licence holders. We regularly address compliant operators at seminars, conferences and other events. To speak to as many people as possible and to ensure that guidance and education is effective, we need a better understanding of the operators who most need our engagement.

Our enforcement portfolio holders continue their work to support DVSA Examiners, where they can. As part of our refreshed strategy, we will commission an analysis of how the commercial vehicle industry is made up, with an aim to focus on those who do not already have access to compliance information.

We will use the results of this analysis to focus our communications and educational resources on specific sectors, enabling them to become better informed and more connected to the operator licensing regime.

Modernising local bus punctuality and reliability measurement

Anyone who has paid close attention to the number of hearings we hold into buses that do not run on time might feel this is a neglected part of our jurisdiction.

However, it is one of the most visible aspects of our work. Members of the public travel on buses every day, but the volume of punctuality and reliability cases we see remains extremely low, partly as a consequence of changes to bus monitoring arrangements in England.

The current system is built on a pretty simple standard; a 'window of tolerance'. Bus operators are expected to run 95% of their services no more than one minute early and five minutes late. If they do not meet that standard without reasonable excuse, we can impose financial penalties based on the level of compliance against the target.

Although we held a substantial consultation on this and other bus punctuality matters in 2014 and 2015, the standard described above remained the same. Industry and society have changed. In an era of notable technological development – where passengers can now track the status of a particular bus when they are stood at the bus stop or even from the comfort of their own home – we have started a discussion about whether the window of tolerance remains fit for purpose, in terms of how local bus service performance is measured.

While our experience as regulators is informative, we recognise that industry and stakeholders need to contribute to this debate. As part of our new strategy, we will review and modernise the approach to performance measurement and issue updated guidance for traffic commissioners, stakeholders and industry.

Revitalising communications with our partners

It is no secret that we place significant value in our partners understanding the nature and remit of the operator licensing jurisdiction and its tribunal functions. We continue to be consulted by other regulators from within the British Isles and other Member States.

Government, the enforcement agencies, other regulatory bodies and industry associations all have influence in the safe and legal operation of commercial vehicles. They interact with licence holders, transport managers and drivers in different settings and varying capacities.

Those interactions can inform our use of powers as part of our licensing and tribunal functions. The law requires us to assess evidence on the balance of probabilities.

We believe it is important to look beyond the day to day diet of cases when assessing how we meet our statutory functions. Good communication and effective relationships with our partners deliver better and more robust outcomes for road safety and fair competition.

Naturally, this involves looking at processes, consistency and standards. As part of our refreshed strategy we want to revitalise how these exchanges take place. Through the work of commissioner portfolios, we have seen improvements over the years, but we feel there is the potential to reach further. We will work with our partners to identify and achieve this.

Reports from England, Scotland and Wales

Report of the traffic commissioners for England

Regular readers of our annual reports will know that we adopted a different format for the document last year, by collating the collective views of the traffic commissioners (TCs) for England into one narrative section. Adopting this format, the following section once again combines the themes and observations of those TCs.

Reputation management

The commercial vehicle industry has much to be proud of, especially the high degree of professionalism shown by the vast majority of its employees, the standards achieved, and the innovative approaches demonstrated.

Those who fail to play by the rules can have a disproportionate impact on the industry's reputation. The bad news stories get more attention than the good – but we want to see that narrative change.

This is why, as the industry regulators, we remain passionate about promoting the work that operators, transport managers and drivers do, as well as educating them and the public about our role.

It is also why we continue to reinforce the point that the serially and seriously non-compliant are in fact the minority. They do not represent any of the hard working businesses and owners taking decisions every day, which do not compromise safety for the sake of profit.

While we cannot ignore the issues that continue to bring operators to our attention, we want to start this year's report for England with a positive observation on an issue of real concern to us.

A few years ago, we called on the industry to pay urgent attention to the lack of adequate brake testing on commercial vehicles.

We made it clear to all operators that meaningful brake performance tests had to be conducted, as well as pointing out that the recording of these tests needed to improve significantly.

The good news is that we are seeing more and more operators investing in roller brake testing – and it is paying dividends.

In 2017/18, there were almost 10,000 fewer failures for service brake performance at commercial vehicle annual tests than in 2013/14.

The biggest improvement we have seen is for trailers – in the same period, an extra 5500 passed their brake performance test the first time. This is really encouraging but there is more to achieve.

The evidence we see at public inquiry shows brake failures are still dominating the top ten reasons for MOT failure. Indeed, there were 22,000 failures for service brake performance in 2017/18.

So what are the common issues that recur?

- vehicles and trailers being brake tested unladen with wheels locking at very low brake efforts
- printouts saying “pass” but where it is clear that one or more brakes are not working as they should
- operators/transport managers who do not understand the information on the printouts
- technicians conducting brake tests who fail to identify potentially serious road safety issues
- a lack of understanding that the standard to be applied at PMI inspection must be above the minimum MOT requirement (if the vehicle or trailer is to remain safe and compliant until it is next inspected)

Improving the quality of brake testing is a cause we have championed, but not alone. The representative trade associations for the industry have supported our call for improved safety and we are grateful to them for doing so.

We will therefore continue to work with our partners to press the critical messages about brake testing.

Tackling the non-compliant

Across the small percentage of licences we consider at public inquiry each year, particular non-compliance issues remain depressingly constant. Some are incredibly basic and speak to a lack of engagement with the licensing rules and regime. Others are deliberate and point to a calculated attempt to avoid playing by the rules.

In the vast majority of cases, there are useful lessons for all licence holders. Even the most compliant can make a mistake or overlook something that needs to be done. The publication of our written decisions on GOV.UK, which began in April 2018 and extended to 140 decisions by the end of this year, supports this principle, whilst providing transparency about our decision-making.

In the case of changes of entity, for example, it is common for accountants to advise a sole trader to form a limited company but they often do not know that the operator’s licence is not transferable. Equally, there is ignorance of the legal restrictions and the fact that a company which goes into liquidation cannot transfer its operator’s licence to another business with the same directors.

Operators might check the licensing documentation or even the discs in the windows of their vehicles. The disc carries the name on the licence: the only individual(s) or business which is allowed to run vehicles under the operator's licence. The clue is in the words "not transferable" printed in bold on the back of the disc. It means exactly what it says – the licence cannot be used by anyone else.

When it comes to transport managers, the cases we deal with carry a key lesson for licence holders: do they check up on the person performing this role? Operators should never assume the transport manager can simply be left to the job. Setting performance indicators will trigger warnings when a transport manager is failing.

A transport manager based in Spain who turns up once a month and purports to run everything else by mobile phone will find it near impossible to exercise continuous and effective management of the fleet. Paying a transport manager £120 per month in cash is in effect paying a highly qualified person a lower hourly rate than a dog walker.

While we do not have many instances of maintenance paperwork being eaten by dogs (thankfully), we observe that those involved in using PMI sheets and driver defect reports would benefit from some more effective lessons on treating these documents with more care.

Operators continue to use PMI sheets printed in past decades to inspect vehicles in 2019 (this year we came upon another version from the 1970s). Vehicles and trailers continue to miss inspection frequencies. Driver detectable defects continue to appear with monotonous regularity on PMI records.

Checking paperwork is the overarching lesson here. Has the vehicle been signed off as roadworthy? Does the PMI record dozens of defects such as broken lights, mirrors or bald tyres? Is there an endless series of driver defect reports blissfully recording "NIL defects" when multiple prohibitions are issued at the roadside, or when MOT failures and long lists of defects in the PMI reports tell a completely different story?

Good transport managers and operators pick this up with their drivers: they tackle the issues – they do not wait for us to point out the problem at a public inquiry.

Astonishingly, we still encounter licence holders who are running vehicles with digital tachographs but who do not have a company tachograph card or the ability to download drivers' cards. It is difficult to comprehend how any operator or transport manager can expect to run a compliant and effective vehicle operation without access to this data. They are totally blind to the use of their vehicles and what their drivers are doing.

Having said that, there are operators who do download the required data but do absolutely nothing with the information; or they generate infringement reports and hand them out to drivers to sign with no discussion about what is in the report.

We have even seen these reports falsified. Some operators think it is better to make a document look like it has been signed by drivers in the past even when the report is date stamped from two days before it is shown to us.

Being honest and transparent is the only approach operators should take. We want licence holders to come clean about their failings rather than try to make it look like things were done properly. The consequences of falsifying paperwork are, inevitably, much worse.

Managing drivers can be one of the most challenging aspects of an operator's business but this does not provide an excuse for failing to carry out due diligence, such as performing regular checks of a driver's licence.

A photocopy of the driver's card from two years ago when he or she was first employed is not good enough. Some operators do not even undertake that check, assuming previous experience of driving an HGV or PSV for another business means they must have the correct licence to drive commercial vehicles.

Drivers can be given penalty points, summoned to court or be called before us for a number of reasons. So regular checks of their licence record must be undertaken. The Driver and Vehicle Licensing Agency (DVLA) online service makes it possible to access live data for driver licences.

Driver employment status has been a topic of concern for the HGV industry in recent years. The "self-employed" fiction is a curse; it is simply a device for operators to evade their responsibilities to pay national insurance and pension contributions and thereby obtain a competitive advantage.

Operators should pay drivers on a proper PAYE basis if they are employed. Being self-employed is not some sort of lifestyle choice; the nature of the employment relationship is determined only by the terms and conditions under which the driver works. A driver can only be said to be truly self-employed if, for instance, they turn up with their own vehicle and have unfettered scope to substitute another driver for themselves.

A new issue brought to our attention this year – and involving drivers – is the unacceptable number of bridge strike incidents.

Disappointingly, thorough risk-based route planning seems to be a responsibility which operators are leaving to drivers. We have seen instances of drivers not being given conversion charts and also being left to plan routes without access to information that would identify the location of low bridges.

It is time for operators to treat this seriously and take responsibility, not just leave it to drivers. From the cases referred to us so far, we are astonished by operators' lackadaisical approach to the prevention of bridge strikes. Beyond the road safety issues, there are huge consequential costs in terms of checking and repair, as well as delays to rail travel which impact passengers and commuters.

Regulatory action is a real possibility for those operators who fail to take action, as well as for drivers.

Achieving a level playing field

In our report for 2017/18, we identified an issue relating to restricted operator licences in the PSV industry.

Essentially, it concerns the main occupation test, where the law requires applicants for licences to demonstrate that running PSVs will not be their primary business activity. Those who apply for and hold a restricted PSV operator's licence are not allowed to operate their vehicles other than as 'a side-line'.

Last year, we announced a pilot programme to investigate anecdotal concerns about the prevalence of restricted PSV operators who no longer meet the main occupation test. Those who do not may gain a competitive advantage over other, standard licence holders, as there is a lower finance test and they do not have to employ a transport manager.

We can now report on the initial findings from this pilot. We expect to be able to publish our final report of findings later this year.

The early indications confirm our concerns around the main occupation test – namely that a significant number of licence holders no longer satisfy the criterion.

The pilot, conducted in the North East and North West of England, where there is a high proportion of this type of licence, shows that we need to review the status of PSV restricted licences across England (as well as in Scotland and Wales).

Restricted PSV licence holders who cannot provide satisfactory evidence of their main occupation should face regulatory action and need to apply for a standard licence if they wish to continue operating fairly.

It is an issue we want to regularise urgently. However, resource constraints (addressed elsewhere in this report) mean there will not be a quick fix. We have been able to identify some additional temporary resource, with DVSA responsible for that support. Processes for reviewing PSV restricted licences have been implemented, starting with those areas with a high volume of these licences in force.

We are also looking to introduce main occupation checks as part of the operator licence five-yearly continuation process for restricted operators, mirroring the financial declarations already in place.

Additionally, opportunities to review main occupation evidence will be taken during routine interactions with operators, such as when a licence is varied or when regulatory action is proposed.

As this work progresses, we will look to provide further updates to industry.

Operational challenges

Access to justice is important to everyone but where an operator may face the loss of their business it is vital that cases are heard promptly and that the facilities are accessible and safe. These are not criminal cases. In some of our individual offices, we have faced challenges in delivering efficient and effective tribunal services. There are two important points to raise here.

First, the staff who support commissioners have continued to work extremely hard, demonstrating great resilience and humour, despite increases in casework. Delivery standards have improved and local managers have been required to demonstrate their leadership in delivering the tribunal service.

But second, recruitment and retention issues are having a real impact on the teams who support us.

In the OTC for London and the South East, an increased workload in the year was achieved with reduced staffing levels across the licensing and compliance teams supporting the TC.

It is by no means alone. The OTC for the East of England, for example, has not had a permanent senior manager in post for a number of years and there was no secretarial support in place throughout 2018/19. Proper cover for long term absences has also not been addressed.

The OTC for the West of England struggles to maintain its headcount. The OTC for the North East of England has suffered from an absence of permanent recruitment. All offices are susceptible to even short-term absences, with a lack of resilience particularly prevalent during the last year.

We have reacted to these challenges by looking to build that resilience and to utilise resources across the OTC network. One example is the centralisation of impounding casework to our offices in Eastbourne and Golborne, allowing other offices to focus their time on meeting other targets.

This follows the early initiatives where traffic commissioners introduced arrangements which allow them to support colleagues in other traffic areas. That has been extended so that individual TCs have been deployed to spend time with the licensing teams in Leeds, where a backlog has been identified.

Concerns arose during the year about the number of referrals following enforcement activity. We have continued to monitor the situation across all traffic areas. It is critical to effective regulation and road safety that there is follow up activity after regulatory decisions, most particularly where licences have been revoked and operators disqualified.

Acknowledgements

The TCs each acknowledge that their responsibilities could not be discharged without the dedication, persistence and hard work of the staff working to them.

It would be impossible to name everyone, but some examples include:

The resilience and good humour shown by staff during the pilot of centralised driver conduct administration hearings and for impounding cases, based in the London and South East, whilst also tackling an increased workload from within the area. Sarah Bell highlights the importance of the leadership of the Senior Team Leader, and the support of the Deputy Traffic Commissioner, John Baker, and fellow Traffic Commissioner, Nick Denton, who continued to hear cases in London and help with casework, as required.

Richard Turfitt acknowledges the hard work of the licensing and compliance staff supporting East of England operators, with the latter delivering improved tribunal waiting times from 20% against the target to near 80%. The level of hearings was maintained and improved targeting provided tribunal time to the more serious cases.

Report of the Traffic Commissioner for Scotland

This is my first contribution to the annual report as Traffic Commissioner (TC) for Scotland. It is made after only a brief tenure following the retirement of my predecessor, Joan Aitken OBE, in February 2019. I am privileged to have been appointed to what is a rewarding, challenging and varied role. Miss Aitken has left a strong legacy. I look forward to building upon that by ensuring that levels of compliance in the Scottish traffic area remain high.

My time in office thus far has seen the usual mix of public inquiries, driver conduct hearings and preliminary hearings in Edinburgh, Glasgow, Inverness and Aberdeen. My thanks go to Hugh Olson, Deputy Traffic Commissioner (DTC), for his support in dealing with casework during the early days of my tenure. That support has allowed me to make time to meet with a variety of industry stakeholders, many of whom have drawn my attention to the current challenges for licensed operators. I am grateful to them for the insight that they have provided.

It is also apparent that trade associations, statutory bodies and other stakeholders here in Scotland, are willing to work together to tackle difficult issues for the industry. I am aware that many positive outcomes have been achieved as a result of partnership working and that is very much to the credit of those involved.

Other early work has seen me take over from my predecessor as a member of the Scottish Government's Bus Stakeholder Group. I have already been involved in discussions about a number of issues affecting the industry and have been consulted as part of the parliamentary process in relation to the Transport (Scotland) Bill. The Bill has potentially far reaching consequences for licensed operators in Scotland and I have made clear the importance of fair, and effective, regulation.

I have been pleased to note the positive working relationship that my office has with Bus Users Scotland, and I have read with interest the reports that they provide in relation to registered services. I am concerned by the incidences of early running which I have seen. They are too frequent. Passengers are entitled to expect that a registered service will arrive to pick them up at the allotted time for it is what the operator has pledged to do. I will continue to monitor this closely. I expect operators who become aware of drivers running early on any of their services to take swift and effective action to ensure that it does not happen again.

The issue of early running has already featured, along with drivers' hours offences, speeding and mobile phone use, amongst the disciplinary matters which I have considered at driver conduct hearings. I expect all drivers who hold vocational entitlement to drive safely and behave professionally. Those who do not will be held to account: they are professional drivers and, as such, have enhanced responsibilities toward the public and others.

There is, nevertheless, a *quid pro quo*. I have been concerned by reports that facilities for drivers, particularly those driving long distances, are not all that they should be. I am told that drivers are, at times, being denied the use of facilities at designated stops and that proper rest facilities are not made available to them in the course of their work. Such treatment is unacceptable. Drivers, like all other workers, are entitled to safe and adequate facilities for rest and refreshment in the course of their duties. These are matters of prime importance, both in terms of personal dignity, and road safety. I am aware that trade associations are already campaigning to improve conditions for professional drivers. I sincerely hope that progress is made in early course and I shall monitor the situation with interest.

Finally, my responsibilities in relation to the Parking and Bus Lane Tribunal for Scotland are set to come to an end in 2020. Transfer of the service to the Scottish Courts and Tribunal Service is set to take place, slightly later than first anticipated, in the New Year. I wish to offer my thanks to all of the tribunal staff, and the adjudicators, for their contribution over the last 20 or so years. I wish them well in their new jurisdiction.

Acknowledgements

In my early days as TC for Scotland I have benefited enormously from the support of the dedicated and highly experienced compliance team based in the Edinburgh office. I have drawn on their knowledge and expertise and they have given willingly of their time. My sincere thanks go to them all. Special thanks go to Yvonne Dunbar, my personal secretary, who has the unenviable task of ensuring that I am always in the right place, at the right time.

I also wish to express my gratitude to the central licensing team in Leeds for their commitment and effort in what are challenging times. Without their assistance and guidance, many a question would have gone unanswered.

My fellow TCs have also been an unerring source of support. I am grateful to them for sharing their wisdom, and for the patience and generosity they have shown as I have settled into my role.

I am very much looking forward to the year ahead. It will undoubtedly bring challenges, and opportunities, for the industry. I am determined to ensure that road safety and fair competition remain the priority in Scotland and am committed to working closely with all industry stakeholders to achieve that end.

Report of the Traffic Commissioner for Wales

I have pleasure in enclosing my final Annual Report to the Secretary of State for Transport, having been a traffic commissioner (TC) since 1 May 2007. I face compulsory retirement by reason of age before my 66th birthday as a result of amendments to the Public Passenger Vehicles Act 1981. Originally that Act provided for TCs to retire when reaching the age of 70 years. The retirement age has been considerably reduced with an implication that the Equality Act 2017 does not apply. The original legislation actually referred to TCs holding office during Her Majesty's pleasure.

As I enter the final few months of holding this post (at the time of writing), I am pleased to report that the Welsh Government is funding the provision of good value for money office accommodation in Caernarfon, with space for administrative support staff and to hold some hearings. Gwynedd Council has also been helpful in this initiative.

Additionally the Welsh Government has provided excellent facilities in central Cardiff for the TC. Current arrangements in South Wales do not provide adequate accommodation for public inquiry and driver conduct hearings but within a couple of years or so there will also be first rate tribunal facilities in Pontypridd for TC hearings and training.

The new facilities in Wales will assist in addressing long-standing issues and ensure access to justice within the commercial vehicle sectors and communities of Wales. At the time of writing, bilingual support staff are in the process of being recruited – again this will provide a much-needed boost to improving both road safety and fair competition in Wales.

A long-standing lack of support staff in Wales (with dedicated office facilities) has rendered me far less able to achieve what I might ordinarily have done before my retirement. It is clear there are significant problems when a TC is not co-located with administrative support staff and does not have an accessible tribunal hearing facility.

I have sought to acknowledge this by accepting a request from the Welsh Government to be the Chair of an independent panel of experts advising the Welsh Government on addressing NO₂ pollution in Cardiff and Caerphilly. Strictly this role involving addressing air pollution is not within a TC remit, however I am grateful to the Welsh Government for asking me to take up the role of Chair.

One of the reasons for applying for my role in 2007 was an attempt to make a difference, specifically in relation to public transport. The challenge presented by NO₂ pollution ties in directly with this; improving use of public transport will assist in a small way to address climate change, air pollution and social mobility.

This year I provided a full and detailed response to the Welsh Government's consultation on the future of passenger transport. The suggestions that I have put forward, if pursued, will improve use of and confidence in public transport. They would also exponentially improve both value for money expended by the Welsh Government and safeguarding standards. I look forward to the forthcoming debate on options for the future of public transport.

Working with the Welsh Government and Ministers has resulted in me being asked to provide views on a range of issues including:

- **Bus registrations** – this concerns arrangements for dealing with bus registrations in Wales by the new OTC in Caernarfon. The existing resources in Leeds do not allow for

this to be undertaken to the standard required, I refer to my existing published comments, including my response to the above consultation paper

- **PSV licensing** – this concerns the potential for PSV operator licensing to be dealt with by the new OTC in Caernarfon. It reflects both the inadequate existing staffing levels in Leeds for this function, and additionally, separate needs and roles within Wales (although the Welsh Government understands that fees would necessarily continue to be processed in Leeds)
- **Management support** – this concerns the provision of a manager for the administrative staff who support the TC for Wales. It will need to address the existing inadequate civil service grade levels of OTC staff alongside the additional functions that are likely to be sought for the TC for Wales with an increased appellate jurisdiction
- **Devolution of DVSA functions** – this concerns potential synergies for road transport in the event of devolution of the Driver and Vehicle Standards Agency (DVSA) functions to Wales. The good cooperative work taking place between the DVSA and Highways England may offer a model. It is to my knowledge that those working within the Welsh Government and the DVSA in Wales suffer as a result of a lack of similar opportunities for synergies. For the avoidance of doubt, I envisage a good case being made for devolution of DVSA's commercial vehicle enforcement - but there is unlikely to be a strong case for devolving any MOT function

Long-standing issues about to the lack of accountability and transparency in relation to fees have continued for much of my time as a TC. No progress has been made since my appointment well over a decade ago. Similar long-standing and ongoing concerns in relation to which organisation should be providing administrative support for TCs continues without anyone effectively resolving the issues which continue to arise from the structural arrangements.

Reflections

Notwithstanding the above paragraph (which reflects long-standing concerns in relation to the TC support role), as my career in full-time work comes to an end, I reflect that it has been a tremendously rewarding experience and a great pleasure to work with the many good operators and drivers in the industry. Likewise, I reflect positively on what has been achieved in necessarily addressing those who fail to meet required standards.

In particular I want to thank:

- the civil servants both within DfT and the Welsh Government who have provided assistance and support. I go on to record that when first appointed as a TC the relationship between TCs and DfT was difficult, it is now exponentially better, probably as good as it has ever been
- my TC colleagues, who are currently superbly led by the Senior Traffic Commissioner (STC), Richard Turfitt. Richard's hard work and skills have assisted in the existing healthy relationship with DfT. The excellent Deputy TC for Wales, Anthony Seculer, has always provided unstinting support to me

- the excellent and dedicated, albeit manifestly undergraded and understaffed, compliance and licensing teams in both Birmingham and Leeds
- the excellent and dedicated DVSA examiners in Wales who perform an invaluable role in keeping roads safe and protecting the public
- the trade associations (the CPT, FTA and RHA) and lawyers who, despite occasional (and understandable) challenges to TCs, strive to maintain and improve standards
- finally, I wish to record my thanks to the many excellent drivers of buses and trucks. The overwhelming majority of drivers of commercial vehicles undertake their tasks admirably. Not only do they drive safely, they also dutifully perform their pre-driving checks – the most fundamental building blocks for safe, compliant operations. Ultimately it is the professional commercial drivers who the ordinary public see as the face of the commercial vehicle industry; as such they should be thanked for what they do and nurtured by the businesses which employ them

Further Acknowledgements

The impact of the application process on the ability to take regulatory decisions later cannot be understated; similarly, variation and even new applications are often closely linked to the work of the compliance teams.

Effective gatekeeping relies on licensing and compliance teams working together. Our policy functions, the development of guidance, information, communications, and the disclosure and protection of data are all delivered by a surprisingly small team.

The first ever conference for all OTC staff took place during the year. Its theme of 'One OTC', recognised the importance of all teams working together to deliver the service which stakeholders deserve.

Our ability to take swift and decisive action is inextricably linked to the resourcing of licensing and tribunal functions. To deliver local justice we require regional offices that are properly managed and equipped with experienced staff. The professionalism and commitment displayed by OTC staff in the face of the recruitment freezes and the internal review needs to be acknowledged.

Richard Turfitt closes by highlighting the work of TCs as individuals and as a Board. It is a small team, with only eight full-time but highly skilled members, each one serving their traffic area as well as leading on delegated national issues.

The departure of any long serving colleague has an inevitable impact. In February 2019 we saw the retirement of Joan Aitken, whose service and contribution were recognised in the New Year's Honours List. We were lucky to be joined by Claire Gilmore, who is already making an impact in her role as the regulator for Scotland and as a valued member of our team.

In the coming year we will see the planned departures of Nick Jones and of Simon Evans. Their loss will be keenly felt. As we write, the recruitment exercise for a new TC for Wales is underway. These developments prove the resilience of Team TC, the effectiveness of our partnership working with departmental colleagues and the respective devolved administrations as well as our ability to adapt to change whilst continuing to serve the communities of Great Britain.

Statistics

Goods vehicle operators

Table 1	Licences continued and in issue	36
Table 2	Numbers of specified vehicles on licences	33
Table 3	Applications for new licences and to vary licences	34
Table 4	Results of opposed applications for new licences and for publishable variations to licences	35-36
Table 5	Complaints against existing operating centres	37
Table 6	Action taken at public inquiry for non-compliance	38
Table 7	Results of unopposed new and variation applications heard at public inquiry	39

Bus and coach operators

Table 8	Licences continued and in issue	40
Table 9	Discs in issue	41
Table 10	Applications for new licences and to vary existing licences	42
Table 11	Results of applications heard at public inquiry	43
Table 12	Special Restricted public service vehicle operator licences	44
Table 15	Number of Standard, Large and Community Bus Permits issued	47
Table 16	Action taken at public inquiry for non-compliance (under the Public Passenger Vehicles Act 1981)	48

Local bus services

Table 13	Live, new, variations and cancelled local bus services	45
Table 14	Flexible bus registrations	46
Table 17	Action taken against operators (under the Transport Acts 1985 and 2000)	49

TC & DTC work, Upper Tribunal Appeals, Driver Conduct & Impounding Hearings

Table 18	Work of the traffic commissioners and their deputies on public inquiries	50
Table 18a	Preliminary hearings and Senior Team Leader interviews	51
Table 19	Appeals to the Upper Tribunal	52
Table 20	LGV and PCV driver conduct cases - action against drivers	53
Table 21	Applications for the return of impounded vehicles	54

Contacts

Licensing statistics	55
Bus permit statistics	55
Regulatory statistics	55
Media enquiries	55

TABLE 1: GOODS VEHICLE OPERATORS - LICENCES CONTINUED AND IN ISSUE
2018-19 2017-18

	Type of Licence			Total number of licences in issue	Total continuations sought	Continuations not sought
	Restricted	Standard National	Standard International			
Eastern Traffic Area	6380	4453	1949	12782	1763	512
	6494	4575	1949	13018	1704	453
North Eastern Traffic Area	5280	4284	1215	10779	1729	460
	5458	4387	1236	11081	1613	419
North Western Traffic Area	5110	3653	1007	9770	1412	413
	5234	3753	1012	9999	1496	402
South Eastern and Metropolitan Traffic Area	4730	2711	1146	8587	1246	332
	4916	2794	1169	8879	1168	366
West Midlands Traffic Area	4076	2904	830	7810	1180	306
	4188	2980	821	7989	1116	331
Western Traffic Area	5505	3600	1252	10357	1543	367
	5620	3704	1212	10536	1461	400
Scotland	2772	2498	542	5812	928	198
	2893	2588	525	6006	902	230
Wales	2622	1837	407	4866	728	209
	2711	1901	427	5039	754	234
Total	36475	25940	8348	70763	10529	2797
	37514	26682	8351	72547	10214	2835

**TABLE 2: GOODS VEHICLE OPERATORS - NUMBERS OF SPECIFIED VEHICLES ON LICENCES
2018-19 2017-18**

	Specified vehicles by type of licence			Total number of specified vehicles	Certified copies of European Community Licences
	Restricted	Standard National	Standard International		
Eastern Traffic Area	16695	36464	17947	71106	7656
	16414	35837	18003	70254	7344
North Eastern Traffic Area	14056	30921	13985	58962	5278
	14322	30455	14326	59103	5173
North Western Traffic Area	13441	27042	11873	52356	4104
	13530	26816	11647	51993	4073
South Eastern and Metropolitan Traffic Area	13948	21225	9713	44886	4397
	14212	21093	9704	45009	4334
West Midlands Traffic Area	10120	20466	10157	40743	3583
	10114	20080	10221	40415	3409
Western Traffic Area	13851	28330	11142	53323	4458
	13750	28420	11162	53332	4491
Scotland	6714	20079	5481	32274	2220
	6970	20160	5367	32497	2100
Wales	5836	10815	3274	19925	1478
	5970	10714	3189	19873	1509
Total	94661	195342	83572	373575	33174
	95282	193575	83619	372476	32433

Note: with a Community Licence 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 covered in vehicles on international journeys.

**TABLE 3: GOODS VEHICLE OPERATORS - APPLICATIONS FOR NEW LICENCES AND TO VARY LICENCES
2018-19 2017-18**

	Number of applications processed		Number of licences issued in full		Number of applications refused		Number of applications withdrawn		Number of licences issued with environmental restrictions	
	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations
Eastern Traffic Area	1176	1531	1094	1475	99	47	82	68	24	10
	1129	1434	1055	1387	85	33	75	43	29	20
North Eastern Traffic Area	797	1063	720	1012	50	31	67	39	10	9
	740	1031	661	972	26	9	56	34	17	9
North Western Traffic Area	791	1022	699	977	62	20	53	43	15	3
	713	1000	633	952	46	19	48	36	16	12
South Eastern and Metropolitan Traffic Area	725	941	640	883	71	28	84	66	42	21
	751	1044	674	966	56	20	100	66	45	39
West Midlands Traffic Area	626	805	580	773	40	18	70	53	4	3
	631	779	577	750	40	6	52	36	9	8
Western Traffic Area	803	1112	738	1066	55	12	71	50	37	26
	775	1108	712	1048	25	12	32	40	31	15
Scotland	395	637	328	578	35	19	46	27	2	0
	391	591	339	548	35	17	37	26	7	6
Wales	353	404	306	377	20	5	25	20	2	2
	340	358	310	326	15	5	39	14	10	5
Total	5666	7515	5105	7141	432	180	498	366	136	74
	5470	7345	4961	6949	328	121	439	295	164	114

Note: data published in the number of applications processed column in 2017/18 was incorrect. It has been amended above and in the 2017/18 report table.

TABLE 4: GOODS VEHICLE OPERATORS - RESULTS OF OPPOSED APPLICATIONS FOR NEW LICENCES AND FOR PUBLISHABLE VARIATION 2018-19 2017-18

	Number of applications received		Number of applications processed		Number of applications opposed		Opposed applications issued in full		Opposed applications issued with restrictions	
	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations
Eastern Traffic Area	1285	1568	1176	1531	26	22	8	9	9	7
	1178	1431	1129	1434	24	22	9	10	7	5
North Eastern Traffic Area	843	1080	797	1063	11	23	3	12	3	6
	739	997	740	1031	10	14	3	9	4	4
North Western Traffic Area	832	1031	791	1022	11	16	2	8	7	6
	711	1006	713	1000	13	7	2	3	8	3
South Eastern and Metropolitan Traffic Area	819	983	725	941	30	30	3	5	19	12
	747	1019	751	1044	22	23	4	9	8	14
West Midlands Traffic Area	699	807	626	805	8	12	1	7	5	3
	619	787	631	779	8	6	1	2	3	3
Western Traffic Area	865	1132	803	1112	14	19	5	5	2	7
	773	1048	775	1108	8	12	4	6	2	3
Scotland	404	565	395	637	7	9	1	5	1	3
	374	548	391	591	7	10	2	6	2	2
Wales	349	384	353	404	10	7	5	2	2	2
	332	331	340	358	6	4	1	1	3	2
Total	6096	7550	5666	7515	117	138	28	53	48	46
	5473	7167	5470	7345	98	98	26	46	37	36

Note: data published in the number of applications processed column in 2017/18 was incorrectly duplicated from table 3. It has been amended above and in the 2017/18 report table.

TABLE 4 (CONTINUED)						
	Opposed applications refused		Opposed applications withdrawn		Number of applications heard at Public Inquiry	
	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations
Eastern Traffic Area	4	1	3	4	0	1
	2	2	6	4	0	0
North Eastern Traffic Area	1	1	2	3	2	0
	1	0	3	1	3	0
North Western Traffic Area	1	0	2	5	0	1
	2	1	5	2	1	0
South Eastern and Metropolitan Traffic Area	2	3	4	7	1	1
	3	0	7	6	1	0
West Midlands Traffic Area	0	0	1	3	2	0
	2	0	2	0	0	0
Western Traffic Area	1	0	4	5	0	0
	0	0	2	4	1	0
Scotland	1	0	3	2	0	0
	1	0	3	1	1	0
Wales	1	2	3	1	0	3
	1	0	2	1	0	0
Total	11	7	22	30	5	6
	12	3	30	19	7	0

**TABLE 5: GOODS VEHICLE OPERATORS - COMPLAINTS AGAINST EXISTING OPERATING CENTRES
2018-19 2017-18**

	Total licences reviewed where complaints received	Number called to public inquiry	Continued without change	Continued with new restrictions	Removal of operating centre
Eastern Traffic Area	8	0	6	2	0
	6	0	5	1	0
North Eastern Traffic Area	11	0	8	2	1
	5	0	3	2	0
North Western Traffic Area	7	2	3	2	2
	8	0	2	4	0
South Eastern and Metropolitan Traffic Area	7	0	2	3	2
	5	0	1	1	0
West Midlands Traffic Area	5	2	2	3	0
	2	0	1	0	0
Western Traffic Area	8	1	6	2	0
	7	0	4	2	0
Scotland	1	0	0	0	1
	2	0	1	0	0
Wales	4	0	2	1	1
	0	0	0	0	0
Total	51	5	29	15	7
	35	0	17	10	0

TABLE 6: GOODS VEHICLE OPERATORS - ACTION TAKEN AT PUBLIC INQUIRY FOR NON-COMPLIANCE
2018-19 2017-18

	Number of public inquiries completed	Licence revocations	Licence suspensions	Curtailment or conditions imposed	Notification of formal warning	Disqualification of licence holder under Section 28	Disqualification of transport manager	No action taken
Eastern Traffic Area	132	65	16	38	20	12	18	4
	135	41	17	46	25	3	17	9
North Eastern Traffic Area	88	25	4	37	22	6	13	15
	78	23	3	11	35	4	7	7
North Western Traffic Area	128	42	9	47	79	12	21	4
	114	34	10	31	29	5	14	12
South Eastern and Metropolitan Traffic Area	162	65	45	35	41	26	8	11
	155	52	31	33	32	22	13	15
West Midlands Traffic Area	118	39	29	22	20	27	27	11
	112	46	24	23	12	33	24	18
Western Traffic Area	105	34	7	31	33	4	22	7
	86	30	2	19	26	3	12	13
Scotland	70	17	15	35	32	6	2	5
	64	18	10	12	17	7	5	11
Wales	70	27	12	22	6	10	28	5
	66	17	7	28	11	5	13	8
Total	873	314	137	267	253	103	139	62
	810	261	104	203	187	82	105	93

Note: the figures in the last seven columns may not equal the number of public inquiries completed, as more than one action may be taken against a licence holder.

TABLE 7: GOODS VEHICLE OPERATORS - RESULTS OF UNOPPOSED NEW AND VARIATION APPLICATIONS HEARD AT PUBLIC INQUIRY 2018-19 2017-18

	Number of applications determined at public inquiry		Applications granted as applied for		Applications granted in part		Applications granted with conditions		Applications refused		Applications withdrawn	
	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations	New licences	Publishable variations
Eastern Traffic Area	47	7	25	1	0	1	1	0	19	4	2	1
	38	14	8	4	9	5	2	0	16	1	1	0
North Eastern Traffic Area	48	15	29	6	4	4	1	0	11	4	3	1
	35	7	15	0	11	2	3	0	4	4	3	1
North Western Traffic Area	51	10	32	5	1	4	1	0	16	1	1	0
	40	13	28	9	1	0	0	0	11	4	0	0
South Eastern and Metropolitan Traffic Area	53	33	30	18	2	1	4	0	15	10	2	4
	66	21	43	12	3	3	7	1	12	5	1	0
West Midlands Traffic Area	30	18	15	11	0	2	0	0	14	5	1	0
	28	8	18	8	2	0	0	0	9	1	2	0
Western Traffic Area	36	7	21	1	1	4	0	0	7	2	7	0
	18	11	13	6	0	0	0	0	5	4	0	0
Scotland	46	13	15	5	3	3	8	1	15	4	5	0
	42	12	19	5	1	1	3	1	19	3	0	2
Wales	23	6	15	4	0	1	0	0	6	1	2	0
	10	3	9	2	1	0	0	0	3	2	3	0
Total	334	109	182	51	11	20	15	1	103	31	23	6
	277	89	153	46	28	11	15	2	79	24	10	3

Note: this table only shows applications that were heard at public inquiry whereas table 3 shows the total number of applications determined.

**TABLE 8: BUS AND COACH OPERATORS - LICENCES CONTINUED AND IN ISSUE
2018-19 2017-18**

	Restricted	Standard National	Standard International	Total number of licences in issue	Total continuations sought
Eastern Traffic Area	381	370	326	1077	167
	442	389	335	1166	147
North Eastern Traffic Area	654	406	300	1360	186
	770	429	310	1509	188
North Western Traffic Area	583	389	215	1187	159
	689	400	212	1301	159
South Eastern and Metropolitan Traffic Area	345	333	395	1073	160
	398	360	414	1172	137
West Midlands Traffic Area	344	229	182	755	119
	402	323	188	913	98
Western Traffic Area	348	335	257	940	121
	412	356	261	1029	147
Scotland	286	393	140	819	103
	315	421	145	881	124
Wales	345	222	170	737	96
	379	226	180	785	118
Total	3286	2677	1985	7948	1111
	3807	2904	2045	8756	1118

TABLE 9: BUS AND COACH OPERATORS - DISCS IN ISSUE

2018-19 2017-18

	Restricted	Standard National	Standard International	Total discs
Eastern Traffic Area	534	5775	5258	11567
	621	6155	5488	12264
North Eastern Traffic Area	903	6450	5960	13313
	1048	6544	6044	13636
North Western Traffic Area	821	6497	4194	11512
	957	6673	4106	11736
South Eastern and Metropolitan Traffic Area	476	11342	8207	20025
	534	11708	8211	20453
West Midlands Traffic Area	460	3919	2817	7196
	537	3749	2767	7053
Western Traffic Area	518	6750	4606	11874
	599	6874	4643	12116
Scotland	414	5634	4894	10942
	436	5617	4840	10893
Wales	490	2115	3523	6128
	540	2171	3487	6198
Total	4616	48482	39459	92557
	5272	49491	39586	94349

**TABLE 10: BUS AND COACH OPERATORS - APPLICATIONS FOR NEW LICENCES AND TO VARY EXISTING LICENCES
2018-19 2017-18**

	Number of applications processed		Number of licences granted in full		Number of licences granted with less 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 Traffic Area	126	67	71	56	2	0	34	4	27
	100	58	64	47	0	0	18	3	14	6
North Eastern Traffic Area	121	65	72	51	2	0	35	2	24	16
	128	62	76	59	3	0	20	4	25	4
North Western Traffic Area	139	68	83	45	2	0	37	1	17	15
	123	53	75	48	4	0	35	4	16	8
South Eastern and Metropolitan Traffic Area	125	76	77	58	0	0	29	3	21	6
	118	82	74	78	3	0	23	2	19	5
West Midlands Traffic Area	76	33	42	32	2	0	27	2	10	3
	82	34	51	29	1	0	14	0	9	4
Western Traffic Area	90	61	60	46	2	0	16	2	23	12
	92	62	59	60	0	0	16	4	14	6
Scotland	98	55	65	59	3	0	26	3	20	6
	86	50	46	43	2	0	17	6	20	11
Wales	62	37	42	27	3	0	23	1	12	8
	60	41	27	32	1	0	13	4	1	4
Total	837	462	512	374	16	0	227	18	154	74
	789	442	472	396	14	0	156	27	118	48

Note: figures included applications treated as withdrawn because the fee had not been paid

TABLE 11: BUS AND COACH OPERATORS - RESULTS OF APPLICATIONS HEARD AT PUBLIC INQUIRY
2018-19 2017-18

	Number of applications determined at public inquiry		Applications granted as applied for		Applications granted in part		Applications granted with conditions		Applications refused		Applications withdrawn	
	New licences	Major variations	New licences	Major variations	New licences	Major variations	New licences	Major variations	New licences	Major variations	New licences	Major variations
Eastern Traffic Area	3	3	0	0	0	0	0	1	3	2	0	0
	7	2	2	1	2	1	0	0	2	0	1	0
North Eastern Traffic Area	10	1	5	1	2	0	0	0	3	0	0	0
	13	1	2	0	4	0	0	0	7	1	0	0
North Western Traffic Area	21	1	12	1	0	0	0	0	8	0	1	0
	23	1	7	0	4	0	0	0	12	1	0	0
South Eastern and Metropolitan Traffic Area	8	5	5	4	1	0	1	0	1	1	0	0
	7	0	5	0	1	0	0	0	1	0	0	0
West Midlands Traffic Area	4	2	2	2	0	0	0	0	2	0	0	0
	9	0	3	0	0	0	0	0	6	0	1	0
Western Traffic Area	11	1	7	1	0	0	0	0	4	0	0	0
	11	1	5	1	1	0	0	0	4	0	1	0
Scotland	15	6	6	1	0	0	1	1	8	4	0	0
	18	3	5	2	1	0	3	0	8	0	1	1
Wales	14	2	3	1	2	0	0	0	9	1	0	0
	6	1	1	0	0	0	0	0	5	0	0	0
Total	86	21	40	11	5	0	2	2	38	8	1	0
	94	9	30	4	13	1	3	0	45	2	4	1

Note: this table only shows applications heard at public inquiry whereas table 10 shows the total number of applications determined.

**TABLE 12: BUS AND COACH OPERATORS - SPECIAL RESTRICTED PUBLIC SERVICE VEHICLE OPERATOR LICENCES
2018-19 2017-18**

	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 Traffic Area	1	1	0	0	0	0	10
	3	1	0	2	2	0	9
North Eastern Traffic Area	0	0	0	0	0	1	15
	2	2	0	0	4	1	17
North Western Traffic Area	0	0	0	0	1	4	6
	1	0	0	1	2	1	10
South Eastern and Metropolitan Traffic Area	0	0	0	0	0	0	0
	4	0	1	5	0	0	0
West Midlands Traffic Area	0	0	0	0	0	0	1
	2	0	0	2	0	2	1
Western Traffic Area	0	0	0	0	0	1	7
	1	0	0	2	0	3	8
Scotland	2	2	0	0	1	5	34
	2	2	0	1	6	3	39
Wales	0	0	0	0	1	2	10
	0	0	0	0	0	2	12
Total	3	3	0	0	3	13	83
	15	5	1	13	14	12	96

Note: the figures in columns 2-4 may not equal the figures shown in the 'licence applications processed' column, as applications may have been carried over from the previous year or carried forward into next year.

TABLE 13: LOCAL BUS SERVICE REGISTRATIONS - LIVE, NEW, VARIATIONS AND CANCELLED LOCAL BUS SERVICES 31 MARCH 2019 31 MARCH 2018

	Live local bus registrations	Applications processed		Applications accepted		Refused	Withdrawn	Existing registrations cancelled
		New	Variations	New	Variations			
Eastern Traffic Area	2420	270	955	270	955	0	0	288
	2472	306	1493	306	1493	0	0	450
North Eastern Traffic Area	3709	531	1453	531	1453	0	0	521
	3800	722	1777	722	1777	0	0	712
North Western Traffic Area	3338	493	1582	493	1582	0	0	465
	3353	593	1637	593	1637	0	6	728
South Eastern and Metropolitan Traffic Area	1367	126	687	126	687	0	0	119
	1369	150	523	150	523	0	0	178
West Midlands Traffic Area	2275	127	708	127	708	0	0	167
	2323	170	923	170	923	0	0	224
Western Traffic Area	2697	288	1208	288	1208	0	0	240
	2640	300	1631	300	1631	0	4	340
Scotland	3055	313	938	313	938	0	0	359
	3095	288	1300	288	1300	0	4	306
Wales	1494	110	578	110	578	0	0	103
	1539	132	538	132	538	0	4	135
Total	20355	2258	8109	2258	8109	0	0	2262
	20591	2661	9822	2661	9822	0	18	3073

Note: data in the refused column was incorrectly reported in 2017/18. It has been corrected in the previous report and above. Data in the withdrawn column relates to applications over and above those processed.

TABLE 14: FLEXIBLE BUS REGISTRATIONS
2018-19 2017-18

	Received	Accepted	Refused	Withdrawn	Varied	Cancelled
Eastern Traffic Area	53	50	0	6	10	15
	46	44	0	1	35	4
North Eastern Traffic Area	3	3	0	0	1	0
	9	9	0	0	0	7
North Western Traffic Area	6	5	0	2	3	0
	9	8	0	0	0	1
South Eastern and Metropolitan Traffic Area	4	0	0	3	0	0
	4	4	0	0	1	1
West Midlands Traffic Area	0	0	0	0	0	0
	1	1	0	0	1	0
Western Traffic Area	4	3	0	0	2	0
	14	13	0	0	6	4
Wales	7	8	0	0	5	1
	2	2	0	0	1	1
Total	77	69	0	11	21	16
	85	81	0	1	44	18

Note: flexible bus registrations apply only to operators that hold licences in England and Wales; Scotland is excluded from this requirement.

TABLE 15: BUS AND COACH OPERATORS - NUMBER OF STANDARD, LARGE AND COMMUNITY BUS PERMITS ISSUED 2018-19 2017-18

	Standard Bus Permits Issued by			Total	Large Bus Permits	Community Bus Permits
	Traffic Commissioners	Local authorities	Designated bodies			
Eastern Traffic Area	779	292	524	1595	0	29
	565	319	257	1141	2	38
North Eastern Traffic Area	633	223	400	1256	6	16
	473	202	222	897	3	14
North Western Traffic Area	421	138	403	962	2	6
	364	147	156	667	1	4
South Eastern and Metropolitan Traffic Area	940	76	658	1674	41	15
	763	62	311	1136	37	8
West Midlands Traffic Area	305	144	272	721	0	5
	272	180	134	586	14	5
Western Traffic Area	958	456	543	1957	4	19
	860	270	397	1527	6	22
Scotland	375	212	337	924	46	13
	275	91	148	514	6	4
Wales	240	31	210	481	0	15
	164	22	114	300	0	17
Total	4651	1572	3347	9570	99	118
	3736	1293	1739	6768	69	112

**TABLE 16: BUS AND COACH OPERATORS - ACTION TAKEN AT PUBLIC INQUIRY FOR NON COMPLIANCE (UNDER THE PUBLIC PASSENGER VEHICLES ACT 1981)
2018-19 2017-18**

	Number of public inquiries completed	Licence revocations	Licence suspensions	Reduction of vehicles authorised on licence	Other conditions imposed on licence	Formal warning given	Disqualification of licence holder under the 1985 Act	Disqualification of transport manager	No action taken
Eastern Traffic Area	5	2	1	1	3	3	0	0	0
	10	5	1	2	0	2	2	3	0
North Eastern Traffic Area	27	8	0	8	0	8	1	1	5
	23	15	0	1	0	6	4	5	1
North Western Traffic Area	19	6	0	5	0	9	1	3	0
	27	16	0	6	0	5	1	5	0
South Eastern and Metropolitan Traffic Area	17	10	4	6	1	2	3	2	1
	27	10	2	4	0	6	3	7	5
West Midlands Traffic Area	20	8	1	4	0	3	4	2	4
	24	13	4	2	0	3	9	8	6
Western Traffic Area	25	14	2	1	0	5	2	7	4
	19	10	1	2	1	5	3	0	1
Scotland	17	10	1	5	1	4	4	1	3
	27	7	3	4	2	7	3	1	5
Wales	23	7	2	8	0	5	3	7	1
	24	10	0	6	0	4	3	10	4
Total	153	65	11	38	5	39	18	23	18
	181	86	11	27	3	38	28	39	22

Note: the figures in the last 8 columns may not equal the number of public inquiries held, as more than one action may be taken against a licence holder.

**TABLE 17: LOCAL BUS SERVICES - ACTION TAKEN AGAINST OPERATORS
(UNDER THE TRANSPORT ACTS 1985 AND 2000)**

2018-19 2017-18

	Number of public inquiries	Restrictions imposed on licences under Section 26 of the 1985 Act	Penalty imposed under Section 155 of the 2000 Act*	Formal warnings given	No action taken
Eastern Traffic Area	0	0	0	0	0
	0	0	0	0	0
North Eastern Traffic Area	0	0	0	0	0
	3	0	1	1	1
North Western Traffic Area	3	0	3	0	0
	1	0	0	0	1
South Eastern and Metropolitan Traffic Area	1	0	1	0	0
	1	0	0	1	0
West Midlands Traffic Area	2	0	1	0	1
	1	1	0	0	0
Western Traffic Area	0	0	0	0	0
	1	0	1	1	0
Scotland	3	0	3	0	0
	0	0	0	0	0
Wales	4	0	3	2	0
	1	0	1	0	0
Total	13	0	11	2	1
	8	1	3	3	2

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.

* In Scotland action is taken under Section 39 of the Transport (Scotland) Act 2001.

TABLE 18: WORK OF THE TRAFFIC COMMISSIONERS AND THEIR DEPUTIES ON PUBLIC INQUIRIES

2018-19 2017-18

	Traffic Commissioners	Deputy Traffic Commissioners	Total
Eastern Traffic Area	69	127	196
	43	152	195
North Eastern Traffic Area	151	38	189
	56	98	154
North Western Traffic Area	194	40	234
	158	53	211
South Eastern and Metropolitan Traffic Area	214	66	280
	85	174	259
West Midlands Traffic Area	169	8	177
	173	9	182
Western Traffic Area	162	26	188
	113	25	138
Scotland	139	35	174
	128	27	155
Wales	114	16	130
	95	17	112
Total	1212	356	1568
	851	555	1406

TABLE 18A: PRELIMINARY HEARINGS AND SENIOR TEAM LEADER INTERVIEWS

2018-19 2017-18

	Preliminary hearings	Senior Team Leader interviews	Total
Eastern Traffic Area	18	0	18
	28	0	28
North Eastern Traffic Area	41	5	46
	30	13	43
North Western Traffic Area	51	9	60
	62	0	62
South Eastern and Metropolitan Traffic Area	44	7	51
	46	0	46
West Midlands Traffic Area	56	23	79
	57	11	68
Western Traffic Area	54	24	78
	37	18	55
Scotland	38	54	92
	62	24	86
Wales	33	4	37
	30	4	34
Total	335	126	461
	352	70	422

**TABLE 19: BUS, COACH AND LORRY OPERATORS - APPEALS TO THE UPPER TRIBUNAL
2018-19 2017-18**

	Number of appeals made	Number of appeals heard	Number of appeals withdrawn	Number of appeals successful or partially successful
Eastern Traffic Area	14	11	1	2
	9	5	4	2
North Eastern Traffic Area	3	2	0	0
	9	5	4	0
North Western Traffic Area	9	2	1	1
	12	5	4	0
South Eastern and Metropolitan Traffic Area	23	5	4	2
	8	4	3	2
West Midlands Traffic Area	15	10	2	1
	16	6	6	1
Western Traffic Area	7	3	2	0
	6	4	0	2
Scotland	14	5	1	1
	15	10	3	3
Wales	8	4	1	1
	4	2	2	0
Total	93	42	12	8
	79	41	26	10

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, and some may still be pending.

TABLE 20: LGV AND PCV DRIVER CONDUCT CASES - ACTION AGAINST DRIVERS
2018-19 2017-18

	Total cases closed	Licences refused	Licences revoked	Licences suspended	Licences granted	Verbal warning	Routine warning letters		Refer on application	No action taken	Called to a hearing
							Endorsable	Non-endorsable			
Eastern Traffic Area	3,384	579	15	133	64	45	766	12	29	1653	527
	3,361	471	8	151	92	37	357	45	74	2131	447
North Eastern Traffic Area	3,624	341	7	59	43	25	493	56	212	2,375	198
	3,235	328	18	47	113	48	434	56	152	2,023	229
North Western Traffic Area	2,621	309	63	113	570	139	316	114	184	813	546
	2,549	404	76	127	389	95	382	76	87	914	604
South Eastern and Metropolitan Traffic Area	3,282	554	18	101	211	143	500	88	161	1,511	450
	3,552	541	34	138	307	97	481	77	69	1,810	505
West Midlands Traffic Area	2,143	397	30	107	38	89	435	24	24	997	244
	2,026	318	32	113	25	88	372	24	100	950	384
Western Traffic Area	2,877	359	28	49	79	67	377	2	69	1839	346
	2,715	310	35	72	85	80	393	12	95	1635	382
Scotland	2,670	273	41	185	225	99	218	96	86	1,471	564
	2,753	262	46	143	282	168	229	24	116	1,444	544
Wales	1114	199	24	43	53	1	165	24	74	504	237
	1031	164	13	47	66	11	152	13	24	551	195
Total	21,715	3,011	226	790	1,283	608	3,270	416	839	11,163	3,112
	21,222	2,798	262	838	1,359	624	2,800	327	717	11,458	3,290

**TABLE 21: APPLICATIONS FOR THE RETURN OF IMPOUNDED VEHICLES
2018-19 2017-18**

	Number of vehicles impounded	Number of applications received and processed	Granted		Refused		Appeals to Upper Tribunal			
			with hearing	without hearing	with hearing	without hearing	made	heard	withdrawn	successful
Eastern Traffic Area	1	1	0	0	1	0	0	0	0	0
	3	3	0	0	3	0	0	0	0	0
North Eastern Traffic Area	4	4	3	0	1	0	0	0	0	0
	4	4	3	0	1	0	0	0	0	0
North Western Traffic Area	3	2	0	0	2	0	0	0	0	0
	3	2	1	0	1	0	0	0	0	0
South Eastern and Metropolitan Traffic Area	6	4	1	0	3	0	0	0	0	0
	5	4	0	0	2	1	0	0	0	0
West Midlands Traffic Area	0	0	0	0	0	0	0	0	0	0
	3	2	0	0	2	0	1	1	0	1
Western Traffic Area	5	4	2	0	3	0	0	0	0	0
	4	4	1	0	4	0	1	1	0	0
Scotland	5	5	0	0	5	0	0	0	0	0
	2	2	0	0	2	0	0	0	0	0
Wales	0	0	0	0	0	0	0	0	0	0
	3	2	0	0	2	0	0	0	0	0
Total	24	20	6	0	15	0	0	0	0	0
	27	23	5	0	17	1	2	2	0	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.

Contact Details

Further details about the commissioners and their other publications can be found at:
www.gov.uk/traffic-commissioners

Licensing Statistics (tables 1-5 and 8-14)	Simon Griffiths	Office of the Traffic Commissioner Hillcrest House 386 Harehills Lane Leeds LS9 6NF Email: simon.griffiths@otc.gov.uk
--	-----------------	---

Bus Permit Statistics (table 15)	Lee Betts	Office of the Traffic Commissioner Hillcrest House 386 Harehills Lane Leeds LS9 6NF Email: lee.betts@otc.gov.uk
--	-----------	---

Regulatory Statistics (tables 6-7 and 16-21)	Deborah Crosby	Office of the Traffic Commissioner Hillcrest House 386 Harehills Lane Leeds LS9 6NF Email: deborah.crosby@otc.gov.uk
--	----------------	--

Media Enquiries	Telephone: 01942 295033 Email: pressoffice@otc.gov.uk https://www.gov.uk/government/organisations/traffic-commissioners/about/media-enquiries
------------------------	---



Key Strategic Objectives of the Traffic Commissioners for Great Britain

As independent specialist regulators we promote safe, fair, efficient and reliable passenger and goods transport through effective and efficient licensing and regulation of the commercial vehicle industry. We want to be recognised by our stakeholders as proportionate, accountable, consistent and transparent in our approach.

To achieve these goals, we have set two key strategic objectives taking us through to April 2021:

Objective 1: Deliver a modern, effective operator licence regime that ensures operators are fit to hold a licence whilst minimising the regulatory burden on the compliant.

We will:

1. Continue the initiative to support responsible transport businesses through the efficient provision of licensing services by implementing a target for Office of the Traffic Commissioner (OTC) staff that there will be no applications outstanding for more than six months from the date of receipt, where that delay is in the control of the OTC.

We will implement review processes at regular intervals to monitor and drive down the numbers of outstanding applications so that the average processing times of applications for new licences and applications for a major variation to an existing licence are processed in an average of 35 working days by 31 March 2021. This is reliant upon the Driver and Vehicle Standards Agency (DVSA) properly resourcing the traffic commissioner service.

2. Prepare for Great Britain leaving the European Union so that disruption to services can be minimised and can continue to be provided to agreed standards. We will do this by:
 - reviewing guidance available to industry to ensure that it reflects the legal position
 - the Senior Traffic Commissioner providing updated Statutory Documents
 - engaging with the Secretary of State and the Upper Tribunal to support the development of legislation and case law during the period of transition
 - supporting the development of Tribunal Rules that assist operators in the tribunal process
 - providing relevant support to the competent authority in the issuing of road freight permits
 - providing a single point of contact within the OTC for issues related to exiting the EU
3. Review the capability of the Office of the Traffic Commissioner to support and deliver the statutory functions of traffic commissioners and to establish whether it is properly resourced by reference to:
 - the standard of evidence provided to it in targeting non-compliant operators

- the licensing function for the processing of applications and maintaining licence records;
 - the compliance function for the preparation of tribunal casework and ensuring that non-compliant applicants and operators are held to account.
4. Improve the transparency of the income and expenditure of the fees generated by the operator licensing system so that the income can be properly accounted for and used in the improvement of the service.

Objective 2: Promote a safe road transport industry, which supports compliance, fair competition and protects the environment.

We will:

1. Reduce the time taken for cases to be allocated a first hearing date at public inquiry by:
 - ensuring that all cases listed for a hearing before a traffic commissioner are allocated a first hearing date within 12 weeks, save where the interests of justice require it
 - developing a mechanism to facilitate the transfer of cases between offices to enable the 12 week target to be met, whilst maintaining access to justice
2. Seek an analysis of industry segmentation to enable traffic commissioners to more effectively target communication and educational resources to specific service users, particularly directed at those operators who do not already enjoy access to relevant information or organisations to assist them with compliance.
3. Revitalise the mechanisms for the communication of relevant information to traffic commissioners by enforcement agencies and other stakeholders.
4. Ensure that the tribunal facilities are fit for the purposes of a modern regulatory tribunal so that they:
 - are appropriately staffed and resourced
 - comply with Article 6 of the European Convention on Human Rights and allow for fair proceedings and convey the independence of the traffic commissioners
 - comply with the Equality Act 2010 and are therefore accessible for public transport users
 - provide an appropriate level of security to all tribunal users
 - can accommodate public hearings, whilst allowing adequate privacy for tribunal users and their representatives
 - are compliant with all regulations relating to the storage and handling of personal data
 - we will also investigate the viability of technology to enable virtual interlocutory hearings and report back by April 2020
5. Review and modernise the methods used to measure the performance of local bus services through engagement with the industry and other stakeholders and issuing updated Senior Traffic Commissioner guidance to traffic commissioners and stakeholders.