



Office of the
Traffic Commissioner

Regulator: licence holders who fail to comply with AdBlue requirements show “astonishing” ignorance of basic operational issues

- Company and transport manager criticised for running vehicle without realising it required AdBlue
- DVSA found emulator device on vehicle which turned off the use of AdBlue and disabled the warning light on the dashboard
- Regulator stops short of finding that the company knowingly fitted an emulator device to the vehicle

A Stoke-on-Trent haulage firm has lost its licence to operate vehicles after one of its vehicles was found with a device designed to cheat emissions tests.

Industry regulator Nick Denton revoked the transport licence of Rapid Response Deliveries Ltd on 16 January, concluding that the ignorance of basic operational issues displayed by everyone at the business had been “astonishing”.

The West Midlands Traffic Commissioner said that although there was not enough evidence to conclude that the company had fitted the device to the vehicle, it had still been operated for three years without anyone realising that the vehicle required AdBlue – a chemical which reduces NOx emissions from diesel engines.

The emulator device found on the vehicle had the effect of turning off the use of AdBlue and disabling the warning light on the dashboard which would have told the driver that the AdBlue system was not functioning.

As a result, the stated maximum emission levels of the vehicle were being exceeded.

“The need for AdBlue should have been self-evident to anyone who understood the business of operating HGVs and who had kept up even a marginal acquaintance with the trade press over the last few years,” Mr Denton remarked in a written decision issued after a public inquiry in Birmingham.

“The ignorance of basic operational issues displayed by everyone at the company is astonishing.”

During the inquiry, the Traffic Commissioner also heard that the company’s drivers had committed numerous and repeated drivers’ hours offences, while the firm’s nominated transport manager, Michael Mansfield had failed to perform many of the duties he was required to.

Mr Mansfield also did not have a contract of employment with the business, as required, and had only received payment of the most token and sporadic kind. He had therefore not had the “genuine link” with the operator which is a requirement of the legislation. Mr Mansfield was disqualified from acting as a transport manager for an indefinite period of time.

A copy of the Traffic Commissioner’s written decision is attached above.

Notes to editors

1. The Traffic Commissioner for the West Midlands is Mr Nick Denton. There are eight traffic commissioners in total, each supported by a number of deputies, covering England (divided into six regions), Scotland and Wales. Details of each traffic commissioner can be found at: <https://www.gov.uk/government/organisations/traffic-commissioners>
2. Heavy goods vehicle operators and operators of public service vehicles and local bus routes must be licensed. The traffic commissioners’ role in this licensing process is essential to deliver safer roads, fair competition in road haulage and passenger transport, reliable and convenient public transport, and to help preserve the environment.
3. All traffic commissioners are statutorily independent licensing authorities responsible for bus, coach and goods vehicle operators and for local bus service registrations. They can also take action against the vocational entitlement of bus, coach and lorry drivers who commit road and certain other offences.

4. Traffic commissioners have the power to revoke, suspend or curtail an operator's licence to operate commercial vehicles and to impose a condition limiting the number of vehicles authorised on licences held by bus and coach operators, if they are satisfied that the operator is failing to comply with its licence obligations such as failing to maintain vehicles in a fit and serviceable condition or failing to observe the drivers' hours' rules and tachograph regulations.
5. Action can also be taken against public service vehicle operators who fail to operate local bus services properly or in contravention of the registered particulars. Traffic commissioners have the power to cancel or restrict local bus services, or to impose a fine if services have not been operated, or operated improperly, to a significant extent.
6. Traffic commissioners rely mainly on evidence from DVSA but also from the police, local authorities, and the public to decide whether an operator is fit to hold a licence, or of good repute.
7. Public inquiries are judicial in nature and are called where concerns have been raised about the financial standing, professional competence or good repute of operator licence holders and where there appears to be a breach of any condition previously applied to the licence. Traffic commissioners can also consider environmental concerns expressed about the location of (or operations from) the applicant's operating base.
8. Where concerns are raised about a lorry, bus or coach driver's behaviour or actions – or evidence is submitted about convictions or other serious misdemeanours – commissioners will consider whether to take action against the driver. Commissioners have the power to revoke and suspend a driver's entitlement and are also tasked with considering all applications for HGV and PSV vocational driving licence entitlements. Drivers can be called before a commissioner to consider evidence relating to their driving standards and previous conduct.

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