



Office of the Traffic Commissioner

(Traffic Commissioner Press Notice – 13th March 2018. Originally by email)

TC - responsible operators are entitled to expect regulatory time to be used properly

- Richard Turfitt warns licence holders not to request hearings just to delay inevitable action
- East of England Traffic Commissioner criticises negative impact on valuable inquiry time
- Fairness key to effective use of O licence fees

A Leighton Buzzard haulage firm has been criticised for wasting valuable tribunal time after failing to withdraw a public inquiry request.

Richard Turfitt, the East of England Traffic Commissioner, concluded that the actions of NCH Logistics Ltd had had a negative impact on the resources of the Office of the Traffic Commissioner.

The company failed to attend a public inquiry in Cambridge last month, despite having asked the Traffic Commissioner to hold one.

Mr Turfitt said he was satisfied that the company's actions – in ignoring the guidance on acceptable financial evidence and failing to seek legal advice – were not those of a responsible operator.

Remarking on the importance of fair competition to the licensing regime he said:
“The resources of this office are provided through Operator licence fees, which responsible Operators are entitled to expect will be used to best effect.

“At no point did the Operator or its Directors seek to withdraw the request for a Public Inquiry. In pursuing that request they incurred valuable tribunal time which might equally have been deployed to the hearing of other cases, including those seeking to enter the industry and who are willing to comply with the terms of the Operator licensing system, including undertakings given at grant.”

NCH Logistics Ltd requested a public inquiry after the Office of the Traffic Commissioner proposed to revoke its licence following a failure to provide acceptable evidence to satisfy the mandatory requirement to be of financial standing.

End of notice

Notes to editors

1. The Traffic Commissioner for the East of England is Mr Richard Turfitt. 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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