

# CONTENTS

*About the authors* xi

*Preface* xiii

*Acknowledgements* xv

## **Introduction** 1

### **01 Types of operator licence** 11

Licence categories 11

Displaying discs 13

Standard national operator licence 14

Standard international operator licence 15

Restricted operator licence 15

Community permits and authorities 17

Changing licence category 19

### **02 Who needs an operator licence?** 23

Goods vehicles 23

Passenger vehicles 29

Limousines and novelty vehicles 29

Hire and reward 30

### **03 Requirements for an operator licence** 37

Repute and fitness 38

Financial standing 41

Facilities and systems 44

Proper establishment 47

Access to a vehicle 48

Professional competence – the transport manager 48

**04 Applying for and varying an operator licence 53**

- Applications 53
- Advertisements 57
- Objections 59
- Varying a licence 62
- Notifying changes 63
- Surrendering a licence 64
- Appealing refusal of licence 65

**05 Operator undertakings 67**

- Undertakings on the application form 67
- List of undertakings 68
- Observe laws on vehicle operation and driving 69
- No overloading/more than permitted passengers 70
- Operate within speed limits 71
- Ensure vehicles and trailers (including hired ones) are fit and serviceable 72
- Driver defect reporting system in place with defect and maintenance records kept at least 15 months 77
- No unauthorized centre use/exceed vehicles allowed 78
- Notify all convictions, changes and events to the Traffic Commissioner 79

**06 Role of the Traffic Commissioners 83**

- Regulation of the licensing system 83
- Multiple licence holders 84
- Informal meetings 85
- Regulation of operators and transport managers 86
- Vocational driver conduct 87
- Licence applications and variations – the Commissioner’s powers 88
- Impounding 90
- Relationship with DVSA – current review 90
- Relationship with new operators 90
- Guidance 91

- 07 The role of the DVSA 93**  
DVSA examiners 93  
Prohibitions 94  
DVSA examiner site visits 98  
Enforcement and prosecution 99  
Other DVSA responsibilities 100  
Earned recognition and remote enforcement 102
- 08 Operator compliance risk score (OCRS) 105**  
How the OCRS system works 106  
Three-year period and ‘weighting’ 108  
Points recorded for defects and offences 109  
Registration and monitoring 110  
Improving and amending the score 111
- 09 Managing the risk of not complying with operator undertakings 115**  
Planning ahead 115  
Applications to vary 117  
Surrendering the licence 118  
Financial difficulties and phoenix operations 119  
Overlap with health and safety, environment,  
HR/employment and risk/claims management 120
- 10 Anticipating a public inquiry 123**  
The warning signs 123  
Actions speak louder than promises 126  
Compliance reviews and ‘health checks’ 129  
Reports, training and documented strategy 132
- 11 How to prepare for a public inquiry 137**  
A public inquiry 137  
The ‘calling-in’ letter 138  
Notice 139  
Possible sanctions 140

- Traffic Commissioner's brief 142
- Statement of the vehicle or traffic examiner 143
- Statement of the operator 144
- What to bring to the inquiry 146

## **12 What happens at a public inquiry 151**

- On the day of the hearing 151
- Before the hearing 152
- The hearing begins 152
- DVSA evidence 153
- Operator evidence 154
- Environmental objections 155
- Financial information 156
- Closing speech 156
- Decision of the Traffic Commissioner 157
- Appealing and staying the decision 158

## **13 Coping with the outcome of a public inquiry 161**

- Formal warning 162
- Curtailement 163
- Suspension 165
- Revocation 166
- Surrender and re-application 171
- Stay and appeal 172

## **14 Appealing a decision of the Traffic Commissioner to the Upper Tribunal 175**

- Should an operator appeal? 175
- Requesting a stay 176
- How to appeal 177
- The appeal hearing 178

### ***Practical tools and checklists***

- Useful lists* 181
- 1 *Main legislation relating to operator licences* 183
- 2 *Forms for HGV and PSV operator licensing* 185

- 3 *Undertakings for goods and passenger operators* 187
- 4 *Senior Traffic Commissioner guidance, January 2016* 191
- 5 *Notifiable convictions* 193
- 6 *What to report to the Traffic Commissioner and when* 197
- Sample policies and forms* 199
- 7 *Accident procedure policy* 201
- 8 *Alcohol and drugs policy* 203
- 9 *Mobile phone and electronic device policy* 205
- 10 *Wheel off procedure and instructions* 207
- 11 *Sample maintenance contract* 209
- 12 *Sample maintenance forward planner* 211
- 13 *Sample goods vehicle PMI sheet* 213
- 14 *Sample PSV PMI sheet* 217
- 15 *Sample daily defect report form for walk-around check (goods vehicles)* 221
- 16 *Sample daily defect report form for walk-around check (passenger vehicles)* 223
- 17 *Specimen external transport manager contract (goods vehicles)* 225
- 18 *Specimen external transport manager contract (passenger vehicles)* 227
- 19 *Example of statement for transport public inquiry (goods operator)* 229
- 20 *Example of statement for transport public inquiry (PSV operator)* 237

*Index* 247