



Traffic Commissioners  
for Great Britain



# ROAD SAFETY & SHARING BEST PRACTICE

**Miss Sarah Bell**

Traffic Commissioner  
for London & South East England



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# THE UK LOGISTICS SECTOR

- **178,295 logistics enterprises**
- **Annual turnover £1 trillion**
- **UK Workforce: 8% (2.54 million people)**
- **Contributes £124 billion gross value added (GVA) to UK economy**

Source: Freight Transport Association Logistics Report 2017



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# **OPERATOR LICENCES: THE CRITERIA**

- **Fitness or Repute**
- **Financial Standing**
- **Professional Competence**
- **Effective Preventative Maintenance**
- **Suitable Operating Centre(s)**



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# **OPERATOR LICENCES: THE UNDERTAKINGS**

- **Observe rules on drivers' hours & tachographs**
- **Ensure vehicles & trailers are not overloaded**
- **Operate vehicles within the speed limits**
- **Keep vehicles and trailers fit and serviceable**



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# **MATTERS AFFECTING GOOD REPUTE**

## **Include:**

- **Unsafe operation of vehicles – maintenance & drivers' hours**
- **Unfair commercial advantage e.g. lack of attention to monitoring and controlling staff**
- **Convictions & infringements**
- **Failure to comply with licence conditions & undertakings**



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# **MATTERS AFFECTING GOOD REPUTE**

## **Offending examples:**

- **Lending licences**
- **Transport Manager in name only**
- **Wheel loss**
- **Lending driver digi cards**
- **Interrupter devices e.g. magnets**
- **Abdication of responsibility**
- **Tail wagging dog - drivers**



# TRANSPORT MANAGERS

## Requirements:

- **Good repute**
- **Qualification –  
Certificate of Professional Competence**
- **Ability to exercise effective and  
continuous management of the transport  
operation**
- **Real person with a genuine link to the  
transport business**



# TC POWERS

## OPERATOR:

- Warning
- Curtailment
- Suspension
- Revocation (disqualification including Directors)
- Suspension /withdrawal Community Authorisations

## TRANSPORT MANAGER:

- Disqualification
- Rehabilitation Measure including resit of CPC







# 2016/17 STATISTICS

- **73,458 live Goods Operator Licences**
- **370,606 vehicles specified**
- **261 Licences revoked**
- **114 Licences where suspension imposed**
- **193 where curtailment or conditions imposed**
- **92 Operators disqualifications**
- **69 Transport Manager disqualifications**



# DRIVERS - examples

**Falsification: by failure to keep required records (EC and domestic driver' hours & WTD)**

Deliberate falsification (e.g. deliberately driving without using a tachograph, deliberately failing to keep records or pulling tachograph chart(s)/ digicard(s) or using a digicard belonging to another

4 week suspension per offence up to 6 offences & revoke and disqualify for 12 months for more than 6 offences

**Falsification: domestic drivers' hours & WTD**

Deliberate falsification or forgery of records

Revoke and disqualify for 12 months for a single offence - longer for 2 or more offences

**Falsification: tachographs**

Use of any device to interfere with the recording equipment (e.g. use of a magnet or interrupter)

Revoke and disqualify for 12 months for a single offence - longer for 2 or more offences



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# TC Focus 2017/8

**Gatekeeping &  
Removing the  
serious and  
serially non-  
compliant**

**Maintaining clear  
statutory  
guidance on what  
is expected**

**Taking  
appropriate  
regulatory  
action**

**Using individual  
cases to influence  
wider behaviours**

**Being even more  
transparent in our  
decision making**



# **CASE STUDY: FATALITY 2015**

**16 December 2013: Licence granted with undertakings**

**16 January 2014: Monthly analysis of tachograph charts and drivers' hours records due to commence. Operator fails to comply**

**1 September 2014: Transport Manager resigns**

**1 December 2014: Central Licensing Office receives application to appoint new TM**

**31 December 2014: Last day for Operator to comply with finance undertaking. Nothing received by OTC**



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## **CASE STUDY: Contd**

**9 February 2015: Tipper has catastrophic brake failure  
– 4 killed and others seriously injured**

**15 May 2015: Call in letter issued to Operator**

**1 June 2015: Operator applies to adjourn pending  
criminal case**

**Operator joins a trade association & commences some  
'tapley' brake testing**

**23 June 2015: Application hearing**

**3 August 2015: Adjournment refused & case  
management for PI**



## CASE STUDY: Contd

**16 August 2015: Operator sentenced for 40 drivers' hours offences before Bath Magistrates' Court**

**8 September 2015: Public Inquiry commences**

**9 September 2015: PI concludes with 14 days for Operator and DVSA to lodge closing submissions**

**15 October 2015: Written decision issued (embargoed)**

**11 December 2015: Licence revoked. Company and Director disqualified for 2 years**



## CASE STUDY: Contd

**22 December 2016**: Director, Matthew Gordon, and mechanic, Peter Wood, found guilty of manslaughter before the Bristol Crown Court

**27 January 2017**: Director jailed for 7.5 years & disqualified from being a company director for 12 years. Mechanic jailed for 5 years and 3 months

### The Victims:

Philip Allen (aged 52)

Robert Parker (aged 59)

Mitzi Steady (aged 4)

Stephen Vaughan (aged 34)



# HOW TO STAY ON SIDE

## What I hope to see:

- **Operating professionally (within the law)**
- **Complying with all conditions & undertakings**
- **Enhancing the industry's public image**
- **An understanding of the reason for road safety rules**
- **Reacting promptly to DVSA, police etc concerns and advice**
- **Prompt notification to OTC of any changes**