



Vehicle Operator Licence

To: All Chief Executives, Main Contacts and APSE Contacts in Scotland, England, Northern Ireland and Wales

Key Issues:

This briefing looks at raising awareness of the importance of the vehicle operator's licence (also known as the O licence) and the importance of the role and responsibilities of transport managers within local authorities.

Please note that this briefing does not constitute legal advice. Guidance should be consulted directly to ensure compliance.

1.0 What does being a Transport Manager involve?

General

The role of the Local Authority Transport Manager is critical to the safe and efficient delivery of many Council services and to the reputation of the LA. The Traffic Commissioner requires that the transport manager must be of good repute and professionally competent. They must exercise continuous and effective management of their transport activities. Their responsibilities and skills required to carry out their role are extremely varied and wide-ranging.

Responsibilities

Transport managers are responsible for ensuring:

- drivers have a valid licence and CPC where appropriate
- vehicles are taxed and insured

- vehicles have a valid MOT and are properly maintained through safety inspections
- vehicles are loaded safely and not overloaded
- drivers do not speed or break the drivers' hours rules
- the vehicle operator does not break safety rules
- records for vehicle maintenance, drivers' hours and working time are kept for the appropriate length of time

Qualifications

In order to qualify to become a transport manager, you must obtain a Transport Manager Certificate of Professional Competence (CPC) through one of the approved organisations listed [here](#).

Skills

The transport manager CPC includes the requirement for individuals to learn and understand the following subjects:

- requirements for managing an Operator's Licence
- how to develop structures for safely maintain vehicles
- road safety (e.g. drawing up instructions for drivers to check they meet requirements for the condition of vehicles, their equipment and cargo)
- drivers' hours and working time legislation
- safe vehicle loading regulations
- transporting dangerous goods
- civil law (e.g. negotiating legally valid transport contracts)
- commercial law (e.g. registration and record keeping)
- fiscal law (e.g. VAT, vehicle tax, income tax)
- business and financial management (e.g. preparing budgets, familiarity with cost elements of the business, insurance)
- access to the market (e.g. occupational regulations governing road transport for hire)
- technical standards and technical aspects of operation (e.g. being able to choose vehicles and components to meet the needs of the road transport operation)

Guidance documents

Below are links to some of the guidance that transport managers must take into consideration when carrying out their role:

- Statutory guidance – being a road transport manager: your responsibilities [\[link\]](#)
- Statutory guidance – being a road transport manager: skills and knowledge you need [\[link\]](#)
- Statutory guidance – Statutory document 3: transport managers [\[link\]](#)

2.0 What is a Vehicle Operator's Licence?

A Vehicle Operator's Licence ensures safe and proper use of goods vehicles and protects the environment around operating centres. Provisions for the licence can be found in the following legislation:

- the Goods Vehicles (Licensing of Operators) Act 1995
- the Goods Vehicles (Licensing of Operators) Regulations 1995
- the Road Transport Operator Regulations 2011, and
- the Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995

A licence is required for any organisation operating goods vehicles that have a maximum laden weight over 3.5 tonnes to transport goods and is an essential requirement for local authorities in the delivery of services such as refuse collection.

3.0 Why is the Vehicle Operator's Licence important?

The Vehicle Operator's Licence is important because it can be taken away, suspended or curtailed by a Traffic Commissioner restricting the services which can therefore be provided by the organisation. This can happen for a number of reasons including:

- If you break any of the terms or conditions of your licence
- If you do not meet health and safety conditions
- If you are convicted of certain offences
- If you use a place not listed on the licence as an operating centre
- If you are given a prohibition notice by DVSA following an inspection

A vehicle operator breaking the law can also result in the transport manager being temporarily or permanently disqualified from being a transport manager if the traffic commissioner finds that they are responsible; they also have the ability to require someone to complete further training before becoming a transport manager again.

Public inquiries

A Traffic Commissioner can call a transport manager to a public inquiry, which is a formal tribunal hearing where they can take a number of different actions. The traffic commissioner can decide to:

- refuse to grant a licence
- refuse to vary an existing licence
- attach conditions to a licence
- grant a licence allowing fewer vehicles than the number applied for
- impose financial penalties on registered bus service operators
- end or suspend an existing licence
- disqualify an individual or a company from having a licence
- disqualify transport managers

These actions can have significant impact on critical services and the council's reputation. More information can be found in the Traffic Commissioners for Great Britain's [guide to public inquiries](#).

4.0 How is the Vehicle Operator's Licence maintained?

Maintaining vehicles

Vehicles must be maintained and kept in good, safe condition at all times. Records of safety inspections and maintenance must be kept for a minimum of 15 months and must include vehicle details, a list of all items to be inspected, when and by whom the inspection is carried out, the result of the inspection, details of any work carried out, and a declaration that any defects have been properly repaired.

Guidance on how to keep commercial vehicles safe to drive can be found [here](#). "The

maintenance systems described in this guide will be accepted by the Traffic Commissioners, provided that the resulting condition of your vehicles remain satisfactory. If this is not the case, however, Traffic Commissioners reserve the right to require more stringent arrangements from you (e.g. shorter periods between inspections), and the competence of the persons who carry out safety checks may be challenged. There is an unlimited fine and prison sentence for using an HGV in a dangerous condition.

Driver walkaround checks

Drivers are required to carry out walkaround checks before driving vehicles for the first time each day. The DVSA found that up to half of all prohibitable defects it found at the roadside could be prevented by drivers conducting effective walkaround checks. There are 24 different standard checks – mirrors and glass, windscreen wipers and washers, front view, dashboard warning lights and gauges, steering, horn, brakes and air build-up, height marker, seatbelts, lights and indicators, fuel and oil leaks, battery security and conditions, diesel exhaust fluid (AdBlue), excessive engine exhaust smoke, security of body and winds, spray suppression, tyres and wheel fixing, brake lines and trailer parking brake, electrical connections, coupling security, security of load, number plate, reflectors, and markings and warning plates. Checks should also include checking any other specialist equipment on the vehicle. These checks need to be documented and retained for auditing purposes. Guidance on how to carry out HGV daily walkaround checks can be found [here](#). The DVSA has a video guide available [here](#).

5.0 Useful Resources

We have compiled a series of useful resources below from APSE events and from the websites of VOSA, DVSA and the UK Government.

Online resources

- The Office of the Traffic Commissioner has a useful guide for Operators called [Goods Vehicle Operator Licensing](#).
- The UK Government website also has a resource called [Being a goods vehicle operator](#).

- The Office of the Traffic Commissioner has a guide on [Public Service Vehicle Operator Licensing](#).
- Driver & Vehicle Standards Agency has a guide called [Careless Torque Costs Lives: Tighten up](#).

APSE resources

- Es Shepherd also from the FTA [presented](#) at the APSE National Transport event on this topic in 2015.
- Andy Jewitt presented on the FTA and compliance issues at a 2016 seminar on transport compliance in 2016. The presentation slides are available [here](#).
- Nick Denton, Transport Commissioner for the West Midlands wrote an article for APSE Direct in 2017 entitled Transport managers, operating licences, and the law which can be read online [here](#). Nick also presented at an APSE event on operator licensing in [2017](#) and [2020](#).
- Mags Simpson from the Freight Transport Association presented on the importance of operator licence compliance at the APSE Fleet, Waste and Grounds event in 2019. Her presentation slides can be found [here](#).
- Richard Turfitt, Traffic Commissioner presented at the 2018 APSE Transport seminar and covered vehicle operator licensing. His presentation can be found [here](#).
- Claire Gilmore, Traffic Commissioner for Scotland, presented at the APSE Scotland Fleet, Waste and Grounds seminar 2022 in Aviemore. Her presentation can be found [here](#).

6.0 Traffic Commissioner for Scotland Comment

The Traffic Commissioner for Scotland, Ms Claire Gilmore has kindly provided a comment for this briefing which is provided below:-

“I commend this briefing note to all within the public sector who have responsibility for providing transport services. Safe and effective management of those services is key in protecting road safety and in ensuring that organisations continue to deliver the highest quality services possible to the communities they serve”.

7.0 APSE Comment

APSE encourages all local authority services and elected members to review the resources outlined in this briefing to help provide further understanding of the importance of fully maintaining compliance with the requirements of the goods vehicle operator's licence. Having your vehicle operator licence restricted can have serious consequences for the functioning of local authorities, therefore it is important that transport management in councils is treated with the appropriate care and attention. APSE therefore hopes that this briefing helps to illustrate to those perhaps less familiar, the main roles and responsibilities of the transport manager.

APSE regularly tries to build in presentations and advice from Traffic and Transport Commissioners, the Freight Transport Association and others into our advisory groups and seminars to ensure our member's knowledge and understanding of the requirements of goods vehicle operator's licensing is up-to-date. We would encourage transport officers, managers and councillors to attend our national and Scottish Transport & Mechanical advisory groups which are free for member councils.

Reminder: APSE has set up a COVID-19 Information Hub to deal with frontline service issues as they arise, ensuring greater resilience and learning between each other during this difficult time. You can access this hub by clicking [here](#) and you can also join our WhatsApp Support Network by clicking [here](#).

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