



Traffic Commissioners
for Great Britain



APSE Transport Seminar 2018

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Traffic Commissioner



Approach to Management



Promises to comply - Conditions & Undertakings

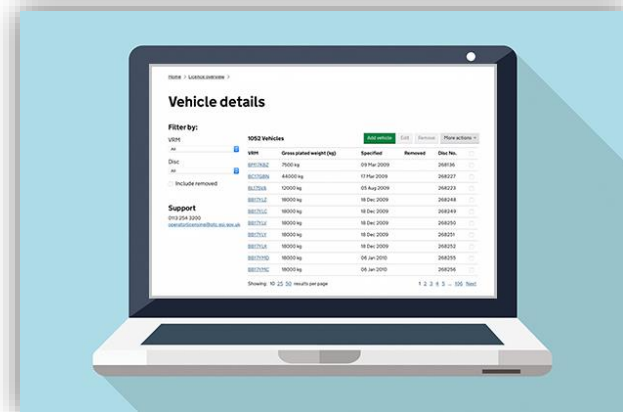
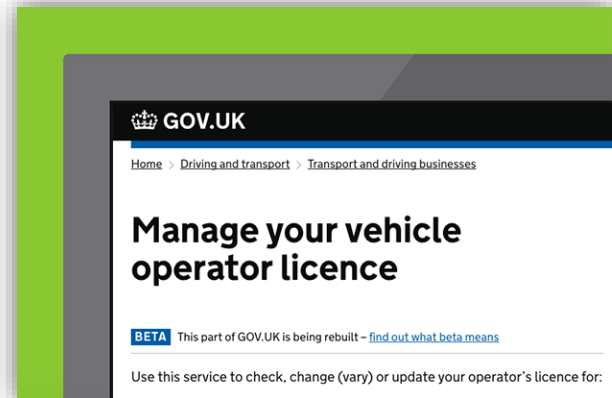
- **PLAN**
- **DO**
- **CHECK**
- **ACT**



Improving Licensing

Vehicle Operator Licensing

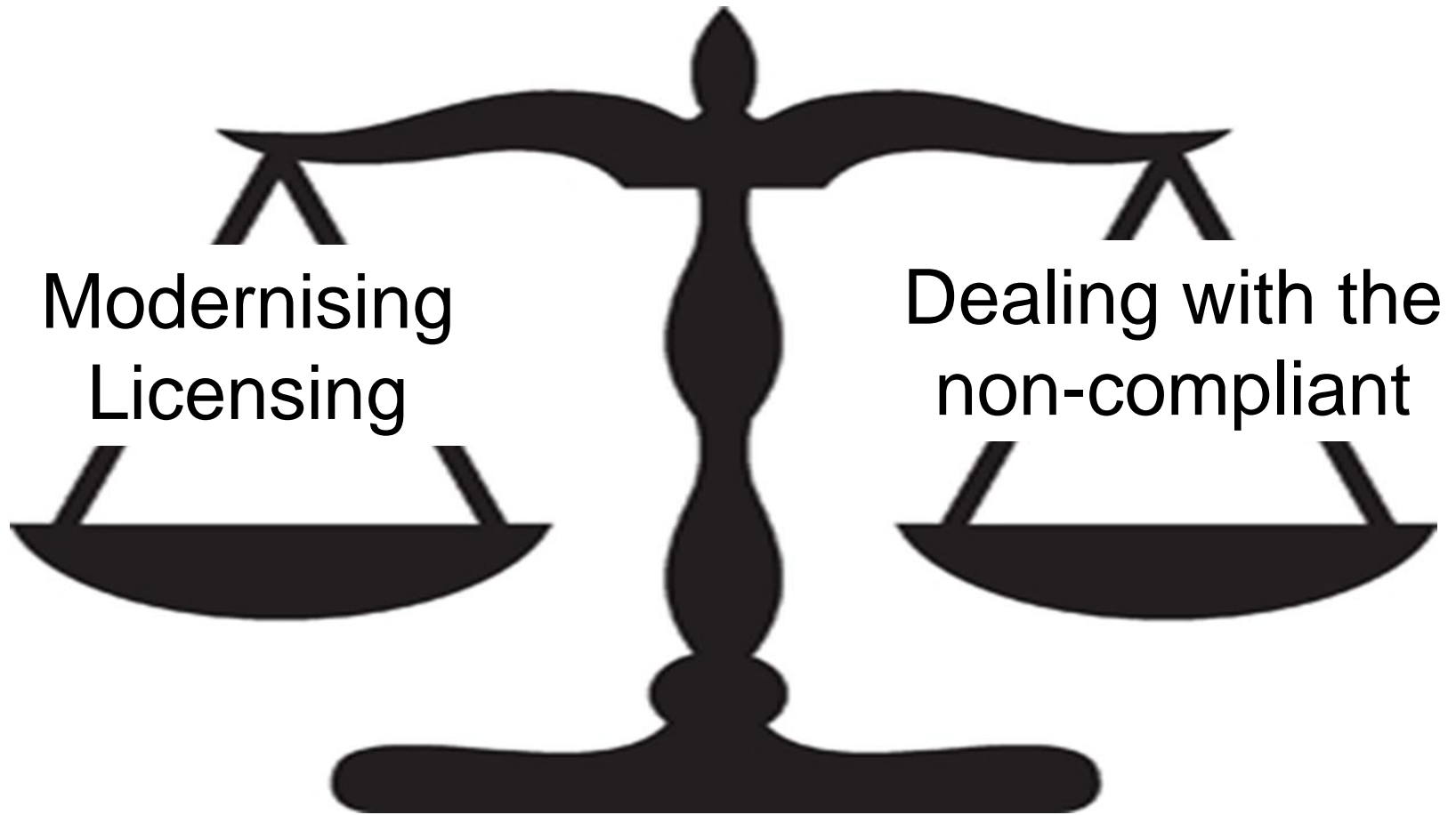
- Digital applications processed in just under 6 weeks on average;
- 5 weeks for variations;
- Digital take up is over 50% and growing;
- The more it grows, the quicker the process;
- **So use it!**





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Getting the Balance Right





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The Basics

- **Keep vehicles taxed, insured and MoTd** 
- **Check that drivers have the right licence to drive HGVs** 
- **Keep vehicles and trailers roadworthy** 
- **Obey drivers' hours and tachograph rules (know them!)** 
- **Keep vehicle maintenance and driver check records for 15 months** 
- **Drivers must do a daily vehicle walk-round (in writing) before driving** 
- **Not to operate more than the max number of vehicles on the licence** 
- **Operate from the authorised OC** 



Know your responsibilities

- **Health & Safety**
- **Annual Governance Statement (AGS)**
- **Review effectiveness of system of internal control**
- **Council consider findings**
- **Council approve AGS**
- **AGS accompanies Statement of Accounts**
- **Other regulators – ICO for GDPR**



Targeted intervention

GB (Goods): 1.4.17 – 31.3.18

- O/Ls: R- 37514, SN – 26682, SI – 8351
- **729 public inquiries**
- **261 licence revocations**
- **104 suspended**
- **203 curtailed**
- **82 disqualifications -operator/directors**
- **105 disqualifications of TMs**





Targeted intervention

GB (PSV): 1.4.167 – 31.3.18

- O/Ls: R 3807, SN – 2904, SI – 2045
- **161 public inquiries**
- **79 licence revocations**
- **9 suspended**
- **25 reduced vehicles, plus 5 conditions**
- **25 disqualifications -operator/directors**
- **32 disqualifications of TMs**





Oversight



- **Manage, audit and review compliance systems to ensure that they are effective;**
- **Review any shortcomings such as prohibitions, annual test failures, MSIs;**
- **Keep up to date on relevant changes in standards and legislation;**
- **Ensure that relevant changes are notified in accordance with operator licence requirements.**



Material Changes

Negative - **Periods of Grace**

Standard Operators can ask for up to 6 months to address:

- Stable & Effective Establishment;
- Financial Standing
- Loss of Professional Competence,

but must show that there is a likelihood of addressing the issue permanently. O/L will be terminated at the end of the PoG if it is not.

Positive - **Interims**

An Interim licence *is a licence* so there must be prima facie evidence that the applicant meets the licence requirements.
Think and prepare for an application and use digital.



The risks

Top 5 HGV Prohibition Defects

GB	Foreign
Condition of tyres	Spray suppression
Brake systems & components	Brake systems & components
Direction indicators	Direction indicators
Suspension	Condition of tyres
Service brake operation	Steering mechanism



TM1 - Small Print

13a . Transport manager's declaration:

By signing the for the relevant declaration below (as per your answer to section 5) you are confirming your status as an internal transport manager, an external transport manager, or both, and understand that your duties include;

- **Drivers administration** - including the checking of drivers' licences and driver CPC qualifications (DQC), ensuring that the retention of drivers hours records (no less than 12 months) and working time records (no less than 24 months) and both are made available upon request;
- **Drivers management** - ensuring compliance with the driving hours rules (EU or Domestic Hours rules); that drivers record their duty, driving time and rest breaks; to download and store digital tachograph unit data (at least every 90 days) and from the drivers' smart cards (at least every 28 days); ensuring that the following records are retained - drivers' hours, Working Time Directive (WTD), and that they are available to be produced during the relevant period; ensuring that drivers are adequately trained and competent to operate relevant vehicles and equipment.
- **Drivers operations** - ensuring drivers are completing and returning their driver defect reporting sheets and that defects are recorded correctly and cross checked, and that drivers and mobile workers take adequate breaks and appropriate periods of daily and weekly rest;
- **Vehicle administration** - including ensuring that vehicle maintenance records are retained for a period of no less than 15 months, ensuring that vehicles are specified as required and that operator licence discs are current and displayed correctly; ensuring safe loading with appropriate indicators fitted, that tachograph calibrations are up to date and displayed, that there are up to date insurance certificates; a suitable maintenance planner is complete and displayed with preventative maintenance inspection dates at least 6 months in advance, to include the Annual Test and other testing or calibration dates;
- **Vehicle management** - ensuring that vehicles and trailers are kept in a fit and roadworthy condition, that defects are either recorded and repaired promptly and where not roadworthy are taken out of service; to make vehicles and towed equipment for safety inspections, service, repair and statutory testing available at the appropriate times and within the notified O-licence maintenance intervals; to liaise with maintenance contractors, manufacturers, hire companies as might be appropriate. Ensuring that vehicles and trailers are parked at the nominated operating centre(s) when not in use.
- **Licence administration** – ensuring that the traffic commissioner is made aware of any relevant matters within 28 days including convictions and prosecutions of the transport manager(s) or drivers and also of my own resignation should I leave the employment of the operator



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The Big Promise

I will exercise

CONTINUOUS AND EFFECTIVE MANAGEMENT

of the operator's transport activities



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Load Security





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Emissions Cheats





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Historic Drivers' Hours Offences



SO ANALYSE

- Do it
- Do it frequently - risk assess
- Unaccounted driving report
- Check software parameters



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EU Roadworthiness Directive

Sept 2017 - MoT Inspection Manual circulated for review

Nov 2017 - Categorisation of defects circulated for review

Nov 2017 - Published new MoT manuals for training

Jan 2018 – Publish Categorisation of Defects

20th May 2018 – Deirective in force



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Employment



HM Revenue
& Customs

Employment Status and Tax

HMRC concerned by increasing pressure on haulage operators to wrongly treat workers as self-employed, or to hire workers through their own companies – in ways that are not compliant with tax laws.....

It is unfair that operators are being undercut....

In road haulage, it is rare for someone to be genuinely self-employed unless they are an owner-driver.

Whether someone is employed or self-employed, is not a matter of choice but is determined by the particular terms and conditions under which a person works.....

HMRC publishes detailed guidance about employment status to help people who want to get it right.

<https://www.gov.uk/hmrc-internal-manuals/employment-status-manual/esm4210>

<https://www.gov.uk/hmrc-internal-manuals/employment-status-manual/esm4211>



Advice & resources

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- Drivers management - ensuring compliance with the driving hours rules (EU or Domestic per duty, driving time and rest breaks; to download and store every 90 days) and from the drivers' smart cards (at least

Maintenance Supplier Assessment

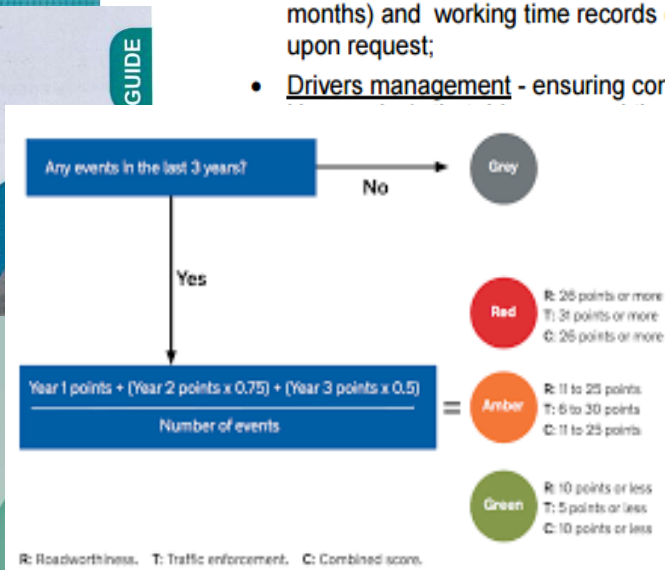
Vehicle & Operator Services Agency

Preparing your heavy vehicle for brake test

Guide to maintaining roadworthiness

Commercial goods and passenger carrying vehicles

(Revised 2014)



INSPECTION DOCUMENT PG14/2
Rev Feb 05

VOSA Vehicle & Operator Services Agency

11 Load Required Dangerous Load
M/F Query ADR
Tachograph Exempt Speed Limiter Exempt

PSV	A-15	B-15	C-15	D-15
1	40	60		
2	41	61		
3	42	62		
4	43	63		
5	44	64		
6	45	65		
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35	74	94		
36	75	95		
37	76	96		
38	77	97		
39	78	98		
40	79	99		
41	80	100		

16 Inspector Code
Stage A
Stage B
Stage C
Stage D

17 DTP / Brake Code

18 Axle Weight
1
2

19 GVW (GV) ULW (PSV)
3
4

20 Notes Relating to Defect Marking

- include the Annual Test and
- Vehicle management - ensure condition, that defects are repaired and taken out of service; to ensure repair and statutory testing maintenance intervals; to liaise with operating centre(s) when not
- Licence administration - ensure



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Guide to Maintaining Roadworthiness 2018

- Revised April 2018
- Removed PMI graph
- Incorporate guidance on maintenance systems & EBPMS
- What facilities are required
- Tyres
- RBT again.



Helping you stay safe on Britain's roads



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**Any
Questions?**