

# Department for Transport response to the Triennial Review of the Traffic Commissioners



***The Department for Transport has published its response to the conclusions of the Triennial Review of the Traffic Commissioners. The response broadly supports the continuation of the Traffic Commissioners and the existing operators licensing regime in its current form, but does outline some changes that the Government intends to pursue, including some which will require amendment to primary legislation.***

The response categorises the recommendations of the Review report – 6 of which were proposed by the Department itself and 18 by the external consultants – into those where implementation has already begun, those under consideration of the Buses Bill which is already progressing, those which can be implemented in the next 12 months without legislative change, those where implementation is planned but will require legislative change, and finally those where the Department has considered that no further action is necessary or has decided that the recommendation should not be taken forward.

## Implementation is in progress

***TC function to continue in its present form***

***Work with TCs to provide better guidance and align policy delivery***

***Work with DVSA and TCs to address areas of services delivery, resource and expenditure***

***Work with STC and DVSA to improve level of financial information***

## Buses Bill

While FTA does not aim to influence policies which impact the PSV sector, burdens on the seven Traffic Commissioners outside the road freight sector are bound to impact upon the level of service they are able to offer. DfT indicates that the following three recommendations will be considered during the passage of the Buses Bill.

***The responsibility for bus registrations to be moved away from OTC to another body***

***TCs should remain consultees for statutory bus ticketing***

***TCs' involvement in the adjudication of Bus Quality Contract schemes should be removed***

## Implementation in the next 12 months without legislative change

***The framework document outlining the relationship between TCs and DfT should be given statutory force.*** The Department has stated that this is not necessary but has asked the STC to review the framework document before the end of 2016.

***The Traffic Commissioner function is too small to justify a stand-alone organisation, but OTC staff should be under their direct control, TCs should have direct control over a limited level of DVSA***

**enforcement resource to direct their own investigations, and the role of the Clerk to the Traffic Commissioner should be re-established.** The Department states that OTC will remain in its current relationship with DVSA and staff will not be brought under TCs' direct control; deployment of enforcement resources will remain wholly under the control of DVSA but the SLA between TCs and DVSA implies TCs' input in this; and the deployment of staff and precise roles are a matter for DVSA with due consideration, once again, to the SLA.

**Local Traffic Areas should continue to have a local traffic commissioner, but the boundaries should be re-considered.** Local Traffic Commissioners will continue – re-drawing of boundaries is considered later.

**OTC staff should have full authority to grant licences.** The latest review of the Senior Traffic Commissioners' guidance and directions significantly enhanced the level of powers which could be delegated to OTC staff. This will continue to be reviewed.

**STC should have a formal leadership role.** The Department maintains that the statutory basis of the STC gives the function and leadership role, particularly through the issuing of the Statutory Guidance Documents, albeit the STC does not have the power of direction over TCs. To give the STC a formal "managerial" role over other TCs would require significant legislative change and may jeopardise their tribunal role.

**An additional full time TC should be appointed to the traffic area of the STC.** The Department states that de facto this is currently the case with Deputy Simon Evans effectively taking on all of Beverley Bell's duties in the North Western Traffic Area. DfT will consider whether appointment of a new full time TC would be the more cost-effective approach.

**Number of DTCs should be reduced to be replaced by a full time TC.** This will be considered in conjunction with the previous recommendation

**Documents "Notices and Proceedings" and "Applications and Decisions" (known as "Ns&Ps" and "As&Ds") should be consolidated.** DfT states that these are different documents achieving different aims and serving different audiences therefore the case for their consolidation was unconvincing, however, their mechanism for delivery and production would be changed and enhanced by development of the new Operator Licensing and Compliance System chiefly by increasing publishing frequency to weekly rather than fortnightly.

## Implementation through legal change is planned

This section makes clear that any proposals requiring legislative change would be unlikely to be introduced before 2018.

**Single National Traffic Area.** Local traffic areas will be retained but a SNTA will be considered, although DfT does emphasise that only 2,500 of 90,000 licences are part of multiple-licence operations, and half of these are under legal entities which have only two licences. 8-licence national operations make up a small number of the operators licences by number but, it goes on to state, represent a higher proportion of the administrative costs OTC has to bear. The document states that the single national traffic area would not be considered without a review of fees

**The TCs' involvement in environmental matters is removed.** DfT will examine further the case for this change which will require legislative amendment. It will also review the existing legislative requirement to

advertise with a view to move it to local authorities. This could use procedures similar to the planning process with TCs seeking only the views of police and local authorities alongside on-line advertising.

***Introduce a set of formal tribunal rules to formalise processes at public inquiry which would also allow the potential to levy costs on non-compliant operators in respect of the PI.*** DfT will investigate this further with TCs.

Recommendations not being implemented

***Review TC length of appointment***

***Statutory documents should be legally binding on TCs***

***Statutory education sessions for new licence holders.***

***Freight Transport Association***

***February 2016***