Review of the Senior Traffic Commissioner's Statutory Document: Vocational Driver Conduct

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About Logistics UK

Logistics UK is one of the country's largest business groups, and the only trade association which represents all of logistics. Our mission is to support, shape and stand up for a safe, sustainable and efficient logistics sector. Our membership of more than 20,000 includes global, national and regional businesses and SMEs spanning road, rail, inland waterways, sea and air as well as the customers of freight services, such as retailers and manufacturers. We deliver services, representation and thought leadership, helping members and policymakers to seize new opportunities for the sector and the economy, right across the country.

Consultation response

This consultation response has been drawn up following discussions with the Logistics UK membership across the country at our regional and devolved member meetings.

1. Does the revised draft guidance better explain the role of the traffic commissioner with regards to their LGV/PCV driving entitlement? If not, how could it be improved.

Yes, the revised guidance contains numerous additional sections of text that expand upon the role of the traffic commissioner at various stages of their intervention in vocational driver entitlement, for example new paragraphs 5 and 7.

A common comment from the Logistics UK members, generally the employers or Transport Managers of vocational drivers, was that there is very little awareness of the role of the traffic commissioner within the operator licence regime, and this is also highlighted within the consultation document. This comment will equally apply to the Statutory Documents available of Gov.uk, where members reported a lack of knowledge of these documents. Members suggested that the OTC and DVSA ask the DVLA to use their driver communication channels to push out mentions of the Statutory Documents, and the role of the OTC/TCs to vocational licence holders with the aim of increasing awareness in the driver community.

2. Are the processes for considering whether regulatory intervention against a driver who holds LGV/PCV entitlement clear and appropriate, particularly the starting points and guidelines for specific offences? If not, how could it be improved.

The addition of new paragraphs 78 and 79 clearly set out the process that a traffic commissioner must consider when deciding whether regulatory action, notably a risk assessment based on the conduct of the vocational licence holder.

The starting points and guidelines for specific offences, outlined in Annexes A and B, and clear and understandable.

As in the answer above, a common comment from the membership was that drivers are simply not aware of the gravity of the situation in certain circumstances following an incident; a familiar example is that of the minimum level for action of 6 months suspension of vocational entitlement following a bridge strike. Increasing driver awareness of the starting points and guidelines could offer a means of ensuring greater levels of compliance.

3. Is the introduction of a risk-based consideration appropriate to determining whether a driver is fit (by way of conduct) to hold LGV/PCV entitlement? Are there any other positive or negative features that should be included.

Logistics UK members support the introduction of a risk-based consideration to determining whether a driver is fit, by way of conduct, to hold a vocational entitlement. This mirrors the approach taken generally in roadside enforcement, for example with DVSA's Operator Compliance Risk Score (OCRS) which indicates to traffic officers the vehicles that should be pulled for a roadside check, taken on a risk-based approach.

One potential negative feature that could be included would be if the driver has had a bridge strike in the past. This would be coherent with the explicit references to bridge strikes contained in the section on '*Collisions with infrastructure'* in the new paragraphs 90 and 91 in the section entitled ***Starting Points for Submissions***, and in paragraph 115 related to *Driver Conduct Hearings.*

4. Is the use of technology to hear cases remotely helpful and are the starting points for when a case is suitable for a virtual hearing appropriate? If not, please provide additional comment.

Yes, Logistics UK members would support the careful use of technology to hear cases, where appropriate, and a number indicated, during our discussions, that they would work to ensure the driver is properly supported at such a hearing, with the provision of required technology and a dedicated quiet place in which the virtual hearing could take place.

This would need to be balanced against the need for the driver conduct hearing to act and feel like a deterrent for future negative behaviour, by ensuring the driver truly understands the importance of such a hearing. We support the actions of the traffic commissioners to ensure the image the driver sees on the screen reflects the real nature of the hearing room.

5. Are the case examples useful and clear? Please comment on whether there are any other case examples which would be useful.

Yes, Logistics UK members are clear on the usefulness of case examples to help them remain compliant at moments where their repute and the driver entitlement is under discussion by the traffic commissioner, by giving clear examples of when issues are considered notifiable, and the timeframe for doing so.

6. Please provide any ideas on how we may provide useful information directly to drivers without the benefit of being able to write or email them directly.

As previously mentioned in answer 1, Logistics UK members suggested using DVLA to communicate with vocational licence holders to inform them of their rights and responsibilities, and also to give links to where they can find information regarding traffic commissioners and driver conduct hearings.

There has been precedent for this channel of communication being used; during the acute driver shortage, the government wrote to all holders of an expired vocational licence asking if they would consider a return to driving as a profession.

Logistics UK will always be supportive in using our own messaging channels to our members as a means of pushing messages from traffic commissioners to the sector.

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