

# Woodfines Transport Conference 2019

## Mock Public Inquiry

The tale of ...

# WoodSigns Limited



# The Public Inquiry

  
Office of the  
Traffic Commissioner

Eastbrook  
Shaftesbury Road  
Cambridge  
CB2 8BF  
[www.gov.uk/traffic-commissioners](http://www.gov.uk/traffic-commissioners)

T: 01223 531038  
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The Directors  
Wood Signs Ltd  
(Address)

Our Ref: OF1234567  
Date: 29 March 2019

Dear Madams

**GOODS VEHICLES (LICENSING OF OPERATORS) ACT 1995 (the Act)  
PUBLIC INQUIRY FOR GOODS VEHICLES OPERATOR'S LICENCE OF1234567**

**THIS LETTER REQUIRES URGENT ATTENTION**

I refer to the DVSA investigation that occurred on X and the Notice of Shortcomings issued to you.

The traffic commissioner has reviewed your case, and he is concerned about aspects of the company's operation. Therefore, it has been decided to hold a public inquiry to investigate the apparent shortcomings and to let you explain, with evidence, what the company is doing to improve compliance with the rules and fulfil the undertakings that were given when the company applied for the licence. The traffic commissioner will decide whether he can trust the company to comply in the future, whether he should take action against the operator's licence of the company and, if so, what action he should take.

The inquiry will be held in Tribunal Room 1, Office of the Traffic Commissioner, Eastbrook, Shaftesbury Road, Cambridge, CB2 8BF on **2 May 2019 at 9.30am**.

You should identify competent legal or professional help and representation quickly, unless you are confident you do not need it. These are serious matters. Your licence and your business are at stake. You will need to comply with the directions in the call up letter and provide documents in advance of the hearing.

Further information, including how to obtain the appropriate support, can be found in "A Guide to Public Inquiries" is available at the gov.uk website using the link below.

[gov.uk/government/publications/a-guide-to-public-inquiries](http://gov.uk/government/publications/a-guide-to-public-inquiries)

The Senior Traffic Commissioner's statutory guidance and statutory directions contain information on the requirements that operators are expected to meet and explain the legislation. These are available at the gov.uk website using the link below.

[gov.uk/government/collections/senior-traffic-commissioners-statutory-guidance-and-statutory-directions](http://gov.uk/government/collections/senior-traffic-commissioners-statutory-guidance-and-statutory-directions)



# The Problems



# Financial Standing

- Financial Standing will always be dealt with first, regardless of the issue(s). It is a continuous requirement.
- It is the cornerstone on which an Operator Licence is held. In most cases, if it cannot be satisfied, an Operator Licence must be revoked.
- This can be a complex area and the calculations required by the Statutory Guidance can be easily misinterpreted. If you are unsure, seek advice.



# The Director

What is a Director of a company, such as Wood Signs Ltd, responsible for? Does their responsibility change if they had the title 'Creative Director'?

No. If you are a Director of a company which holds an Operator Licence, you have collective responsibility for all transport management.

This is regardless of the specific role a director may have in the company. Directors are equally responsible for the management of a company and therefore equally culpable for any non-compliance.

Transport responsibilities cannot be delegated, even to specific directors.



## Vehicle Documents

How would you be able to show that you are complying with your undertakings and that you have effective and continuous management of the transport operation?

*“The devil is in the detail”*

Ensure you have checks and balances in place for all documents coming into the transport office including when they are reviewed by the TM, actioned (if needed) and further reviewed.

Having a paper trail will help show diligent transport management.



# Transport Management

Within your company, are you spending sufficient time to enable effective and continuous management?

If you have a Standard National Licence:

- Check the TM's hours
- Don't be tripped up by overlooking the detail i.e. the Statutory Guidance referring to the minimum number of hours

If you have a Restricted Licence:

- The standards expected are the same, it is important to ensure you have sufficient knowledge and systems to uphold them



## Walk-round Checks: DDRs

Walk-round checks go to the heart of road safety. What systems would you be able to demonstrate are in place?

- 20 minutes is the recommended time for an effective walk-round check.
- Ensure you have sufficient reporting systems in place.
- Do you have a satisfactory paper trail?
- By having efficient systems in place, you are minimising the risk to your business by creating various layers of safety nets to ultimately ensure road safety.





# Maintenance: PMIs

Who is checking that your maintenance providers are carrying out their duties to the requisite standard? Have you ensured this is in line with the latest version of the Guide to Maintaining Roadworthiness?

- Your maintenance providers will not be held accountable at a PI, you will be.
- Are your brakes being checked as they should be? Make sure that the brake section of the PMI sheet is completed! This is often omitted!



# Drivers

It is important to provide your drivers with information about how you expect them to conduct themselves. Could you evidence this?

- Drivers are professionals in their own right.
- Three strike disciplinary process should act as a deterrent.
- Driver handbook specifically tailored to your business which references your specific reporting systems.
- You can't control what your drivers do on the road, but you can limit the business risk.



# Hindsight...

At which point should professional advice have been sought?

- Call up letter received?
- DVSA visit?
- When the vehicle was stopped at the roadside?
- Before any issues were identified?
- Be **PROACTIVE** rather than reactive.
- The cost of getting compliance wrong can be unlimited. Making sure you are compliant now will save your business time and money in the future.



# Decisions, decisions, decisions

What regulatory action, if any, would you take if you were the Traffic Commissioner hearing Woodsigns case?

## Operator Licence

- No action, new undertakings, curtailment, suspension or revocation?

## Director

- Disqualify, repute lost/tarnished, OLAC?

## Transport Manager

- Who believes Ms Anderson is no longer of good repute or professionally competent? Would you decide to disqualify as a TM. Would that be indefinitely?



# “Traffic Commissioner Taylor-Allkins” Decision

## The Operator

- Suspension of licence for 7 days
- Independent maintenance audit within 3 months of the date of the Public Inquiry AND further audit within 6 months
- Seek independent assistance in relation to the running of the operation
- Suggest no application to increase fleet made until properly managed

## The Director

- OLAC and repute tarnished

## Transport Manager

- Refresher course and repute tarnished



# Lessons Learnt

What can you learn from WoodSigns Ltd and the Transport Managers failings?

- Take **proactive** action before any issues become apparent.
- Ensure adequate **checks and balances** are in place.
- **Keep up to date** with your compliance obligations.
- Paying **attention to the detail** and making sure you have a **paper trail** is crucial.
- Embed your undertakings into the decisions you make every day.
- If you are unsure, seek professional assistance.



# Thank you for listening



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