



URBAN TRANSPORT GROUP

Consultation Response

Traffic Commissioner function

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1. How far do you agree or disagree that the function of processing vehicle operator licences for PSVs is necessary?

- 1.1. In general, this is a disappointing consultation exercise. It has restricted itself to details rather than to taking a more strategic view of how the regulation of safety of the bus sector could be improved. There are also no supporting explanatory documents which set out the thinking that lie behind the questions and there is no read across to the bus strategy. For example, the fact that all LTAs who pursue Enhanced Partnerships will have the option of taking over the service registration role from the Traffic Commissioners. It is inconceivable that a similarly flimsy exercise would have been judged sufficient if it concerned the safety of the rail sector.
- 1.2. Having said this we agree that there needs to be a function in place to process operator licences for PSVs.
- 1.3. However, it is our view that this function could be better utilised to include additional requirements, such as accident reporting. At present there is only a requirement for more serious accidents to be reported to the Traffic Commissioner, via the DVSA incident form. However, this is a missed opportunity in terms of understanding and improving safety across the sector.
- 1.4. In our view bus safety is currently under resourced and has fallen behind the safety regimes of comparable modes, such as that for rail. The processing of vehicle operator licences is one mechanism that could be used to improve safety standards.

2. How far do you agree or disagree that the TCs are best placed to process vehicle operator licences for PSVs?

- 2.1. There is a case for an overarching transport safety body which would raise the standards of regulation of safety of buses and lorries (and other road-based transport) to nearer to that which applies to rail-based transport. However, in the absence of any interest by DfT in even exploring such an option we agree that the TC is currently best placed to process vehicle operator licences for PSVs.

3. Who would you prefer to process vehicle operator licences for PSVs?

- 3.1. See above.

4. How far do you agree or disagree that the function of processing vehicle operator licences for HGVs is necessary?

- 4.1. As is the case for buses the safety regulation of HGVs is under-resourced and is failing to prevent very high levels of over-loading and poor maintenance (as DVSA spot checks at roadsides and at premises show). There is also a lack of data-driven analysis and systematic action and leadership to improve the safety of HGVs. There is therefore a case for a wider transport safety body designed to raise the standards of safety regulation of HGVs to closer to that which exists for rail.



5. How far do you agree or disagree that that TCs are best placed to process vehicle operator licences for HGVs?

5.1. See above

6. Who would you prefer to process operator vehicle licences for HGVs?

6.1. See above

7. How far do you agree or disagree the function of registering local bus services (outside of London) is necessary?

7.1. We agree that there needs to be a function of registering local bus services outside of London within the current deregulated market. This may change in the future as more local transport authorities move to a franchised approach to bus services (as is the case in London).

8. How far do you agree or disagree that the TCs are best placed to register local bus services (outside of London)?

8.1. LTAs can already take on the registration process under the Enhanced Partnerships that the DfT has asked LTAs to implement by April 2022 (unless they are pursuing franchising). So we agree with DfT on this policy. However, whilst there needs to be a requirement for services to be formally registered, the actual process for doing this should not be overly prescriptive where powers are devolved to the registration authority so that this process can be integrated into wider governance structures pertaining to Enhanced Partnerships and/or Franchising to avoid unnecessary bureaucratic duplication.

8.2. Consideration also needs to be given to enforcement powers in relation to non-compliance and also the resourcing requirements.

9. Who would you prefer to process vehicle operator licences for local bus services (outside London)?

9.1. We believe that the Traffic Commissioners are best placed to process vehicle operator licences for local bus services.

10. How far do you agree or disagree that the function of holding public inquiries is necessary?

10.1. We agree that the function of holding public inquiries is necessary.

10.2. However, it is our view that the current safety regulatory system for buses and HGVs is under-resourced and ineffective compared with that for rail, aviation and maritime.

10.3. For example, there is no proper system for accident reporting or risk analysis for the bus sector and no overall analysis of the main areas of risk and cause of accidents for the bus sector.



11. How far do you agree or disagree that the TCs are best placed to hold public inquiries?

11.1. We believe that the Traffic Commissioner, or a wider successor transport safety body, is best placed to hold public inquiries.

12. Who would you prefer to hold public inquiries?

12.1. A wider successor transport safety body if one were to be created, would be an option.

13. How far do you agree or disagree the function of holding conduct hearings is necessary?

13.1. We agree that this function is necessary, subject to our wider critique of the regulation of bus safety (see answers above).

14. How far do you agree or disagree that the TCs are best placed to hold conduct hearings?

14.1. We agree that the Traffic Commissioner or a successor body is best placed to carry out this function, subject to our wider critique of the regulation of bus safety (see answers above).

15. Who would you prefer to hold conduct hearings?

15.1. A wider successor transport safety body if one were to be created, would be an option.

16. How far do you agree or disagree the function of overseeing operator licensing services is necessary?

16.1. We agree the function of overseeing operator licencing is necessary.

17. How far do you agree or disagree that the TCs are best placed to oversee operator licensing services?

17.1. Subject to previous comments on the case for a wider and properly resourced transport safety body.

18. Who would you prefer to oversee operator licensing services?

18.1. See comments above on the case for a wider and properly resourced transport safety body

19. Do you think there are additional functions that the TCs should be providing?

19.1. In our view the bus sector lags behind other sectors (and aviation and rail in the transport sector) on accident reporting and risk analysis as well as the driving forward of best practice and high standards. It is also under-resourced, opaque, and split between the Traffic Commissioners and DVSA.

19.2. There is also currently inadequate linkage between the Traffic Commissioner and DVLA, hence a driver with a vocational licence has to notify the Traffic Commissioner if their licence is withdrawn for medical reasons, is banned from driving for any reason or is awarded points



on their licence. Likewise, there is no link to the court system so if a driver has been convicted of any offence, they are required to notify the Traffic Commissioner separately. Both of these areas are safety critical, and the Traffic Commissioner should be resourced to manage their responsibility to ensure vocational drivers are “fit and proper”.

19.3. We would also like to see the Traffic Commissioner, or a successor transport safety body, take on the responsibility for the reporting of all accidents. Currently there is only a requirement to report on serious accidents, meaning that data critical to the improvement of bus safety is not routinely reported on. Once this data is being collected, we would like to see annual reporting of statistics, and analysis of risks and trends. This analysis can be used to identify the main safety issues in the bus sector and can help to inform future safety developments.

20. What other functions?

20.1. See above.

21. How far do you agree or disagree that the TCs are sufficiently independent from central government?

21.1. We believe there is a strong case for an independent safety authority for buses and freight vehicles, be it the Transport Commissioner or a wider successor body.

21.2. Whilst government, and in particular the Department for Transport, has a strong role to play in developing bus safety regulations and strategy, we believe that the sector would continue to benefit from an independent safety authority such as exists for rail, aviation and maritime.

22. How do you think, if at all, that the provision of DVSA staff to the OTC affects the independence of the Traffic Commissioners function?

22.1. No response

23. How far do you agree or disagree that the TCs provide a good service?

23.1. We believe that the service provided by the Traffic Commissioner is limited by the lack of appropriate funding, the lack of any interest by the DfT (the absence of content in the national bus strategy on bus safety was remarkable but typical) and the patchwork approach to any kind of change to the antiquated framework for the regulation of bus and lorry safety. This limits the scope of their role and their ability to regulate the bus sector.

23.2. We would like to see the Traffic Commissioner, or a successor body, take on a much wider role in regulating safety in the bus industry. At present we content that the regulation of bus safety is based on setting low (and often unenforced) minimum standards rather than trying to drive best practice.

23.3. We would like to see a national system in place for the reporting and investigation of accidents as part of an increased emphasis on improving bus safety.



24. How far do you agree or disagree that the TCs offer good value for money to those who pay its fees?

24.1. No response

25. How far do you agree or disagree that Traffic Commissioners provide their services in a timely fashion?

25.1. No response

26. How far do you agree that the Traffic Commissioner function is accessible for people who require adjustments because of a disability?

26.1. No response

27. How far do you agree or disagree that the TCs provide good coverage of Great Britain?

27.1. We believe that the Traffic Commissioner provides a number of functions to a satisfactory level but is held back by a lack of a resourcing.

27.2. For this reason, we believe there is a strong case for a wider transport safety body to be set up.

28. How far do you agree or disagree that current fee levels are appropriate?

28.1. No response

29. You think the current fee levels are: - too high? - too low?

29.1. No response

30. Which of the existing functions would you like the TCs to prioritise in the future?

30.1. We believe there are a number of functions that the Traffic Commissioner should prioritise:

- Establishing a proper accident reporting system to record all accidents. This should be done with support from DfT.
- Providing data driven analysis of the causes of accidents and the sources of risk.

30.2. These functions should be prioritised as part of an enhanced regulation of bus safety, bringing it more into line with that on other modes, such as rail.

31. How do you think the priority areas you have chosen can be improved?

31.1. To provide these functions we believe that the bus safety regulatory framework needs to see wider reform and to be better resourced.



31.2. The collection of accidents data needs to be much more comprehensive, covering all accidents rather than just focusing on the most serious. If this was in place it would allow for a comprehensive dataset to be published on bus safety each year. This dataset could then be used for benchmarking and to provide trends on bus industry safety. We see this as a vital process in improving bus safety.

32. How likely would you support an increase in fees if it meant the TCs could perform a better service?

32.1. No response

33. Any other comments?

33.1. No response