



SENIOR TRAFFIC COMMISSIONER

Administrative Policy Guidance

2016 No. 6

GOVERNANCE AND INTERNAL REPORTING

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Issued:	

Beverly Bell

Senior Traffic Commissioner
31 December 2016

1. Introduction

- 1.1. Traffic commissioners (TCs) operate at arm's length from the [Department for Transport \(DfT\)](#) as independent regulators and a specialist tribunal.
- 1.2. TCs rely heavily on dedicated staff members who not only assist them but also carry out delegated functions on their behalf, understand the way that they work so that important lines of communication remain open and ensure that TCs remain sighted and engaged. TCs also rely on staff employed by DfT and its Agencies in delivering their statutory functions. The legal position can present challenges for those supporting TCs. The relationship with the Secretary of State, officials and departmental agencies is therefore set out in the [Traffic Commissioner Framework Document](#).
- 1.3. Each TC is an appointee of the Secretary of State. The governance and delegations of functions, within the statutory and legal framework is therefore a matter for the TCs themselves.

The Traffic Commissioners for Great Britain

2. The Senior Traffic Commissioner

- 2.1. The amendments made to the Public Passenger Vehicles Act 1981 by the Local Transport Act 2008 provide the Senior Traffic Commissioner (STC) with four statutory powers. The law requires TCs to act under general directions of the STC and to have regard to the STC's guidance. Whilst both provisions are directed at traffic commissioners they are separate powers. The legislation provides an indication of what might be the subject of guidance, and general directions. Whilst these lists are not exhaustive there is a clear implication that Parliament intended that those matters covered by guidance, should not be the subject of directions and vice versa. Through guidance the STC can indicate the meaning and operation of any enactment or instrument.
- 2.2. The STC is therefore akin to a tribunal Chamber President who might exercise judicial and pastoral leadership. In addition to the four statutory powers the Secretary of State requests the STC to take 'an appropriate role' in business and budget planning so that decisions on overall budgets, fee levels and resourcing considerations can be made on an informed basis. The STC will, on behalf of TCs, advise the DfT and DVSA generally and on the following specific areas to enable funding to be provided:
 - Deputy Traffic Commissioner (DTC) resource;
 - DTC fees and T&S;
 - TC salaries and T&S;
 - Publications;
 - Training of TCs and DTCs;
 - Continuing Professional Development (CPD);
 - Subscriptions;
 - Information Governance;
 - Any matters that affect or are capable of affecting the health, safety and well being of TCs and DTCs;
 - Legal contingency fund;
 - Any other matter considered relevant including adherence to the Framework.
- 2.3. In addition the TCs have delegated the following tasks to the STC recognising the need for a coordinated approach and that the STC is better resourced to deliver the required outcomes:
 - Publication of agreed Administrative Policy Guidance documents
 - Welfare and pastoral care of TCs and DTCs and advise DfT on its statutory duties
 - Co-ordination of the submission of the Annual Reports to the Secretary of State

- Delivery and management of the TC Appraisal Scheme
- Training and skills development of TCs and DTCs including delivery of the Annual Professional Development Seminar
- Dealing with complaints against TCs and DTCs in accordance with the TCs' Complaints Protocol
- Maintaining a TC risk register
- Dealing with PQs and Ministerial correspondence in consultation with TCs
- To be alive to and respect any devolved settlement.
- Co-ordinate TC responses to external consultations
- Ensure transparent accounting for operator licence fees and other TC income, to oversee the OTCAL Scheme accounts on behalf of all TCs and to bring any concerns to theirs and DfT's attention
- Stakeholder engagement on behalf of TCs at a senior/national level (Ministers, DVSA director level, DfT and industry) to deliver the TCs' agreed messages.
- Secure independent legal advice in respect of identified legal risk.

3. Traffic Commissioners

- 3.1. TCs are responsible for the licensing and regulation of those who operate heavy goods vehicles, buses and coaches; the registration of local bus services and the regulation of vocational drivers in the commercial vehicle industries. Sections 4(3A) and (3B) of the Public Passenger Vehicles Act 1981 define the jurisdiction of TCs. TCs in England and Wales are granted full jurisdiction in respect of all their statutory functions throughout England and Wales, and also in relation to "reserved matters" (within the meaning of the Scotland Act 1998) in Scotland. The TC for the Scottish Traffic Area is granted full jurisdiction in respect of all devolved and reserved statutory functions in Scotland, and also in relation to reserved matters in England and Wales. The TC for the Welsh Traffic Area is appointed, funded and acts under a Memorandum of Understanding between the Secretary of State and Welsh Ministers.
- 3.2. TCs are deployed by the STC to the various traffic areas in England and Wales. The presiding TC for the area will be responsible for providing judicial leadership in that traffic area.
- 3.3. The TC Appraisal Scheme refers to the professional standards expected in relation to each of the core competencies and the performance measures by which those standards will be measured.

4. Deputy Traffic Commissioners

- 4.1 TCs are assisted in their statutory functions by DTCs as per paragraph 2A of Schedule 2 of the Public Passenger Vehicles Act 1981. Whilst TCs are recognised as separate public bodies for the purposes of data handling, DTCs are not. The reason for this distinction is that DTCs are specifically appointed to deputise for TCs in the following areas of responsibility:
- a) holding public inquiries pursuant to the Goods Vehicles (Licensing of Operators) Act 1995 and the Public Passenger Vehicles Act 1981 in respect of applications for goods vehicle and public service vehicle operator licences respectively and regulatory matters;
 - b) holding regulatory public inquiries pursuant to the Transport Act 1985 in respect of local bus service registration;
 - c) conducting hearings pursuant to the Road Traffic Act 1988 in respect of HGV and PCV driver licence applications and driver conduct, and
 - d) for deputies appointed in Scotland, conducting hearings pursuant to the Civic Government (Scotland) Act 1982 in respect of taxi fare scale appeals

- 4.2 Paragraph 2A of Schedule 2 of the Public Passenger Vehicles Act 1981 makes clear that a DTC for England and Wales shall carry out such of those functions as the STC may determine under section 4B at such places in England and Wales, or, in the case of Scotland, reserved functions which are exercisable in relation to Scotland. The Secretary of State has set out in writing the expectation that DTCs will:
- undertake public inquiries and hearings in place of the TC;
 - prepare for public inquiries and hearings through the examination of case papers supplied by the Office of the Traffic Commissioners (Traffic Area Offices and the Central Licensing Office)
 - be familiar with all aspects of relevant legislation; and
 - consider evidence and issue reasoned judgment on individual cases either orally or in writing.
- 4.3 The use of DTCs is subject to the demands of the licensing regime. This may include but is not limited to the availability of finance, the demands on full-time TCs, and the availability and competency of the individual DTC. As the letter of appointment issued on behalf of the Secretary of State indicates, a DTC may be engaged for a whole day or half a day. This may be to conduct public inquiries and preliminary hearings or to deal with cases by way of electronic and paper submissions (box work). The STC has issued Statutory Guidance under section 4C, which a DTC is required to consider, indicating the need to manage cases by reference to the 'overriding objective' so as to deal with cases in a way which is proportionate to the issues involved. That Statutory Guidance notes that invariably cases can be dealt with expeditiously and efficiently within the usual time frame of half a day.
- 4.4 In deploying TCs under section 4B to a particular Traffic Area, the STC has directed the relevant DTCs to carry out any function as delegated by the presiding full-time TC. The presiding TC is also the data controller for that traffic area. In order to meet the above responsibilities the DTC must therefore comply with the requirements of the data controller and the TC Information Governance Framework and policies failing which delegated access may be removed and the DTC will have to be redeployed.
- 4.5 As with TCs the DTCs are the subject of appraisal to ensure that they have the necessary competency in order to fulfill those responsibilities delegated to them. The TC Appraisal Scheme refers to the professional standards expected in relation to each of the core competencies and the performance measures by which those standards will be measured. A TC is entitled to expect that any DTC will meet those standards. If a DTC fails to adhere to the given standards, the STC may deploy the DTC to other areas of responsibility or not at all and/or refer the issue to the Secretary of State by reference to paragraph 1 of Schedule 2 of the Public Passenger Vehicles Act 1981.

The Office of the Traffic Commissioner

5. Compliance (Traffic Area Network) and Licensing (Central Licensing Office) Teams

- 5.1. The OTC, comprising Compliance and Licensing teams is staffed by civil servants who work to and on behalf of the TCs either with regard to administrative matters or with regard to the exercise of delegated functions. TCs do not actually manage any staff but delegate and oversee work undertaken on their behalf within the OTC.
- 5.2. The Head of the Office of the Traffic Commissioner (HOTC) is required to ensure the smooth running of the administrative support for TCs, the lawful use of delegations, staff compliance with the Statutory Guidance and Statutory Directions, implementation and compliance of the TC Information Governance Framework and policies, proper financial management of fee income, the provision of sufficient resources and the proper support of TCs in carrying out their functions. The strategic objectives for the OTC will be signed off by the TC Board.

- 5.3. HOTC will, with the support and oversight of the TC Assurance and Risk Committee, also act as the nominated SIRO for TCs.
- 5.4. With these objectives in mind, HOTC will do the following:
- Attend TC Board meetings;
 - Meet with the STC on a monthly basis;
 - Keep and maintain a Delegation Register (which is to be updated not more than every six months);
 - Ensure that the necessary audits take place to deliver the desired quality and SLA targets;
 - Produce a monthly written highlight report to each TC for their own traffic area dealing with the following matters:-
 - Compliance with the current service level agreement;
 - Statistics for the numbers of submissions prepared and completed by the staff to and from TCs, including average application times;
 - Any issues relating to information and data security;
 - Any staffing issues that may impact upon the work of the TCs and compliance with the service level agreement;
 - Any matters regarding the delegation of authority to any member of staff that need to be referred to the TC;
 - Any IT matters that may impact upon the work of the TCs;
 - Any significant matters regarding the CLO or the individual OTCs;
 - Allocation of money spent against budgets including any matters that will have a significant impact upon either the budget or subsequent spend;
 - Any proposed significant staff, procedure or process changes;
 - A copy of any OTC reports sent to the DVSA Board will be included;
 - Every quarter the monthly report will include the HOTC Audit report;
 - Any other relevant matters.
- 5.5. It is anticipated that the individual TC will deal with the matters in the monthly report direct with the HOTC and that fellow TCs will not be involved in this process. However, if an individual TC or the STC needs to raise a matter as a result of the report that will affect all TCs that they want to take to the TC Board, this must be notified to the chair of the TC Board meeting and HOTC may be asked to provide further information or attend any given meeting. HOTC should ideally be given 5 working days notice of the issues to be raised in order to prepare.

6. Office of the Senior Traffic Commissioner (OSTC)

- 6.1. The Office of the Senior Traffic Commissioner has a number of separate responsibilities in addition to providing direct support to the STC. It is funded by fees generated through the work of all the traffic areas. The OSTC includes the TC Press Office and the TC Information Access Team. It is in effect the TCs' Corporate Office but line managed through HOTC.
- 6.2. The OSTC is expected to support TCs in their portfolio and other work. Its functions reflect some of the STC's non-statutory role but members of OSTC will be expected to deliver objectives in line with the priorities and strategy set by the TC Board. The support functions of the OSTC broadly fall within the following headings:

Policy

- Delivery e.g. assisting with the development of relevant service level agreements
- General policy in respect of PSV and Goods operation
- Liaison with DfT and DVSA equivalents
- The preparation of relevant Impact Assessments
- Portfolio support
- Project Support

Engagement

- Coordinating responses to PQs
- MP Correspondence
- Complaints Management
- Consultations
- Miscellaneous correspondence
- Co-Ordinate stakeholder engagement
- Co-ordination of TC presentation

Press Office

- Supporting TC stakeholder engagement.
- Administering the TC publication scheme.
- Provision of the TC Press Office including media monitoring and the issue of press releases and dealing with press enquiries.
- Coordinating publicity for the work of TCs including publication of the TCs' annual report and coordinating the TC web presence.
- Media Monitoring
- TC Briefings for third party engagement
- Reputation management

Data

- Providing information management to TCs including drafting responses to requests for information and subject access requests within statutory time limits.
- Advising on data risks and control measures.
- Coordinating data sharing agreements with third parties.
- Data Training
- Support for Information Governance and Data Risk Management
- Oversee Records Management, SLA & MOUs

Executive Assistance

- STC Administrative Support
- Providing administrative support for the TC Complaints Process.
- Providing administrative support for the TC/DTC annual professional development seminar
- Coordinating the issue and publication of the STC Statutory Documents including the consultation process and, where appropriate, obtaining access to legal advice
- TC Board Secretariat
- Administrative Assurance Support
- Maintaining the TC risk register and control measures.
- Coordinating TC responses to external consultations.

6.3. The OSTC meets on a monthly basis to review its progress against the strategic objectives and priorities set by the TC Board. The meeting allows members of the team to provide an update on actions and to highlight any risks to the work being completed including potential delays. HOTC, the Deputy Head of Licensing and Deputy Head of Compliance may be invited to the meeting and any TC may attend. A note on progress against the priorities will be made available to TCs.

Governance

7. TC Board Meetings

7.1. As indicated above, TCs are separate public bodies and much of the activity carried out in the name of TCs takes place under delegations. In agreeing to this Administrative Policy, the TCs have recognised the need to operate efficiently and consistently and the advantages of joint decision making.

7.2. Section 45 of the Goods Vehicles (Licensing of Operators) Act 1995 and section 52 of the Public Passenger Vehicles Act 1981 give the power to charge fees for licence related activities to the relevant TC. However the fee income from operator licensing is collected and administered by the [Driver and Vehicle Standards Agency \(DVSA\)](#). TCs currently have no direct control over how this is spent. The responsibilities of the Accounting Officer in relation to the TCs' independent regulatory and specialist tribunal functions are set out in the Legal Framework. TCs are entitled to expect transparency in the way in which fees collected in their name are used.

7.3. TCs have always met regularly with the purpose of establishing consistent, lawful delivery of services and functions across the jurisdiction and to monitor and manage the effective delivery of agreed actions and to respond to any major change. The TCs have agreed to formalise those arrangements by working together as a TC Board to focus on the following:

7.3.1. Strategy

- To discuss and agree the strategic and business priorities for the current reporting year;
- To discuss and agree medium and long term strategic objectives;
- To approve an annual communication and engagement strategy, including priorities and indicative resources;
- To agree an approach to fee structures and rates and inform DfT and its executive agencies accordingly;

7.3.2. Finance

- To monitor levels of income and to exercise oversight of those delegated with TC budgetary governance, including:
- To agree individual traffic area budget allocation for DTC use and subsequent T&S, subscriptions, training and CPD;
- To monitor the allocation of resource funded by operator licence fees and other TC income;

7.3.3. Legal Compliance

- To consult with the STC on the content of [Statutory Guidance Documents](#) and [Administrative Policy Guidance Documents](#);
- To support TCs in fulfilling their legal obligations arising from their role as specialist independent regulators;
- To monitor the arrangements for Information Governance

7.3.4. Management

- To inform and subsequently agree annual OSTC priorities taking account of the agreed strategic and business priorities;
- Thereafter, to agree individual portfolios and where appropriate identify and agree which TC will lead that portfolio, the degree of delegated authority and the resources required for delivery;
- To review the performance of services provided to operators and external stakeholders by and on behalf of TCs;
- To review the performance of services provided to TCs (including compliance with service level agreements);

- To review and consider the application of DfT policies insofar as they relate to TC functions;
- To ensure appropriate and practical risk management;
- To ensure that the agreed annual engagement and communications strategy is followed;

7.3.5. TC Performance

- To agree and implement the appraisal scheme for TCs and DTCs;
- To agree and implement the arrangements for the delivery of CPD of TCs and where appropriate DTCs;
- To agree and implement the format and content of the Annual Professional Development Seminar (APDS).

7.4. As per the commitment set out in the Administrative Policy document, all TCs will attend all meetings save in exceptional circumstances. OSTC staff members may be invited to attend in support of the TC Board and in doing so will maintain the discretion and confidentiality which applies to all TC discussions. There may be occasions which require the withdrawal of those staff from particular discussions, which will be determined by the Chair for the relevant meeting or the STC. The TCs may also invite others to attend as and when required including the HOTC.

7.5. By agreement of all TCs the Board meetings will be chaired by the STC, although this arrangement may be subject to review.

7.6. The secretariat will prepare the agenda at least a week ahead of each meeting and accurate, action-orientated notes will be circulated within 14 days of the meeting for agreement by the TCs ideally 7 days thereafter.

7.7. In recognition of the legal position, more fully explained in the Legal Framework Document, the TC Board consists of all of the current TCs including the STC.

7.8. The TC Board will work by majority agreement unless legal obstacles (including the Memorandum of Understanding with Welsh Ministers) prevent this or the decision impacts on an individual's terms of appointment. Examples where majority decisions might apply include:

- Strategic Objectives and Priority Planning, including OSTC (Corporate Office) priorities, to be reviewed at each meeting;
- Portfolio Management including the delegation of Portfolios and setting of TORs, and STC reporting;
- Board Procedures;
- Risk Management;
- OTC management, including the format and content of OTC Management Reports;
- Allocation of fee income, including the budget formulae for DTC usage and staff allocation. Income and expenditure will be reviewed at each meeting;
- Legal compliance including the impact on SGSDs and agree lines to take such as on the format and content of OTC public inquiry correspondence;
- External engagement including Annual Report arrangements, Press, media and shareholder engagement (subject to statutory duties)
- Quarterly review TC/DTC training portfolio, including induction and continuing development; If no majority agreement is reached by the Board then it is for individual TCs to address.

7.9. As indicated above, unanimous agreement is required for any decision which might impact on individual terms of appointment, for example:

- Complaint/professional conduct
- Health, safety and security
- Expenses
- Leave
- Gifts and Hospitality

If no unanimous agreement is reached by the Board then it is for individual TCs to address.

- 7.10. In addition the TC Board meetings allow opportunity for TCs to partake in legal discussions. Time will be allocated within the meeting:
- To provide a forum for the discussion and examination of general approaches to legal issues and the sharing of judicial and procedural good practice;
 - To ensure that TCs continue to adopt a consistent approach to their regulatory functions;
- 7.11. TCs also take part in a weekly telephone conference arranged by the STC so that TCs can remain sighted on relevant matters and so that any urgent matters can be brought to the attention of all TCs. It is understood that not all TCs will be able to dial into all telephone calls and so the STC will ensure that in those cases that TCs are made aware of anything urgent.

8. TC Portfolios

- 8.1. TCs undertake work outside their judicial role that promotes the continuous improvement, development and smooth running of the operator and vocational driver licensing regimes. This work is consistent with obligations of the Regulators' Code. To ensure the efficient use of limited resources the TC Board may delegate work to one or two TC colleagues to take forward as a distinct portfolio.
- 8.2. The TC Board will agree the objectives and extent of delegated authority. In engaging with others on this work the TC portfolio holder will speak with the agreed authority of the TC Board and will be free to progress matters within the terms of reference, reporting back at Board meetings or in between as priorities require.

9. Reporting on other issues

- 9.1. **Low level or one-off incidents:** TCs often provide positive feedback and may provide comments to support continuous improvement. That feedback may also record exceptionally good performance which does not often require a formal response. A low level incident might be discussed at Team Leader (EO) level. Assurances that any underlying training issue will be dealt with or care taken to avoid a repeat in the future may be sufficient to allay the concerns of the individual TC. In the majority of minor cases, local management will be best placed to resolve a complaint the first time the issue is brought to their attention.
- 9.2. **Serious or recurring concerns:** It is, of course, important for OTC managers to monitor all feedback collectively, particularly to ensure that similar issues do not occur across the OTCs. It is unacceptable for individual TCs to be left with the impression that they are alone in raising issues when this may not be the case.
- 9.3. TCs may also have more serious concerns, which should be escalated up the management chain. Those might include, for example, concerns about training or general resilience of a team, recurring issues with the time it takes to implement a decision, or a failure to act on a previous report.
- 9.4. Any action by a member of OTC staff which exceeds their delegated authority must be treated as a serious concern and investigated accordingly. Wherever a member of staff has been found to have acted in excess of their delegated powers, a report must be completed by the relevant STL or their line manager, if the STL was involved. The report will record where action was taken outside permitted parameters. The report will highlight the differences between the actual delegation and the action by that member of staff. The report should contain a recommendation as to whether it is necessary to remove the delegation, which must be signed off by the relevant TC. Any disciplinary action remains with DVSA. If the TC accepts that the incident does not reflect the usual standard of work or is a one-off incident the TC should be invited to sign-off an 'exception report' which records that there are no recurring concerns.

However all exception reports must be copied to the STC, who can then notify the relevant managers or DVSA if issues are recurring across OTC.

- 9.5. The Chief Executive of the DVSA is Accounting Officer for the related trading fund and is responsible under the Framework Document for ensuring that processes are in place and for reporting on the work carried out by staff acting on behalf of the TCs. An incident where a member of staff exceeds their delegated authority might leave DVSA vulnerable to complaint or more serious action. This may require the release of TC data so a suitable reporting process is set out below.
- 9.6. The DVSA's published Corporate Service Standard is to acknowledge receipt of any external correspondence within 5 working days and to provide a substantive response within 10 working days. There is no reason why a TC should not receive a similar standard; indeed in serious cases a swifter response may be necessary. If an issue requires more time for response then the TC must be advised accordingly and given a date for the expected response. If upon receipt of a response the TC is still unhappy then the issue can be referred to the STC.
- 9.7. In the case of serious or recurring concerns raised by TCs, they should be included in the HOTC monthly Highlight Report. The STC can then discuss with TC colleagues whether they need to be raised at the Tripartite liaison meeting and/or added to the TC Risk Register. They might also inform the TC Issues Register. The STC is also required as part of the assurance process to report on DVSA's compliance as against principles explained in the legal Framework Document.

External Engagement

10. Tripartite liaison meetings

- 10.1. The STC meets with representatives from the DfT and DVSA to ensure that all relevant cross cutting issues are fully discussed and so that the principles of the Framework Document are complied with. It is a useful mechanism to ensure TCs set strategic objectives and key priorities in alignment with those for DfT, DVSA and other Government agencies. It is also the ultimate forum for escalating matters of risk for the TCs to DfT and where appropriate DVSA.
- 10.2. Invitations will be extended to the Deputy Head of DfT Freight and Logistics Division, Head of DfT Buses and Taxis Division and the DVSA Operations Director who will be expected to attend or nominate a substitute by agreement with the Senior Traffic Commissioner. Any TC may attend.
- 10.3. The meetings will be chaired by the STC. Secretariat support will be provided by the OSTC.
- 10.4. The meetings will receive update reports from DfT, DVSA and STC. Attendees will be expected to be in a position to address queries raised in respect of items notified via the agenda. Where they are unable to do so they are expected to provide a written response and/or update within 14 days of the date of the meeting and to provide a substantive date for response.
- 10.5. The agenda and any accompanying papers will be sent to all attendees at least 5 working days prior to meetings. Standing agenda items will be:
 - Previous Minutes and actions arising;
 - Reports from the STC, DVSA, and DfT on any cross-cutting issues including adherence to the Framework;
 - Finance;
 - Risks and Issues;
 - Health and Safety.
- 10.6. Notes will be distributed within 2 weeks of the meetings and will be treated as agreed unless any party states otherwise within 7 days. The STC is responsible for ensuring that they

accurately reflect not only agreed matters and actions but also that they properly convey the content of those discussions for the information of TC colleagues. Any suggested amendments to the minutes are therefore entirely at the discretion of the STC. The agreed minutes will be distributed to all TCs within 7 days of agreement.

10.7. The meetings will be held quarterly or at such intervals as are considered necessary.

11. TC and DVSA Enforcement Liaison Meetings

11.1 These meetings now form part of the TC Enforcement Portfolio. TCs and DVSA share the aim of delivering safer roads and fairer competition. The meetings arise from recognition of the TCs' statutory independence from DVSA and DfT and TCs rely on the enforcement agency to carry out a number of enforcement and compliance functions.

11.2 The meetings will involve the DVSA Head of Policy Development and Product (Vehicle), DVSA Head of Operations (Vehicle), DVSA Head of Business Operations, the lead TCs for enforcement (supported by the OTC), OTC Head of Compliance and the relevant Compliance Product Manager. The Head of Policy Development and Product (Vehicle) will chair the group. Membership may be delegated but not where this will reduce the decision-making capability of the group. Additional members will be co-opted or invited as appropriate in line with the group's priorities and agreed by the group in advance.

11.3 Both DVSA and TCs act under resource constraints so they aim to focus their limited resources on those seriously and serially non-compliant operators and drivers who pose the greatest risk to road safety and/or fair competition. The terms of reference include

- coordination between DVSA's enforcement activities and TCs' regulatory work;
- development and delivery of modernised practices to maximise the impact of both organisations on improving the compliance of the seriously and serially non-compliant and/or those posing the greatest risk or, alternatively, removing them;
- overseeing the definition and delivery of a core agreed annual plan aligned with and formed to contribute significantly to DVSA and TC strategic and operational priorities.
- The meetings provide a forum to raise relevant issues concerning existing and proposed practices and to promote consistent enforcement, education and compliance policies and processes pertaining to operator licensing, transport managers and drivers who hold a vocational qualification.

12. STC Stakeholder Engagement Meetings

12.1. Each TC engages with stakeholders in their own traffic area but the STC meets with representatives at a national level on behalf of all TCs. The purpose of these meetings is to provide a forum for the commercial vehicle industry and licensed operators to discuss cross cutting operator licensing issues with the STC on behalf of the TCs.

12.2. These shall take place twice a year with the following standing invitees: Freight Transport Association (FTA), Road Haulage Association (RHA), the British Vehicle Rental and Leasing Association (BVRLA), the Confederation of Passenger Transport (CPT), the Chartered Institute of Logistics and Transport (CILT) and the Association of Road Transport Lawyers (AORTL). Other parties will be invited to attend as and when necessary. Any TC may attend.

12.3. The meetings will be chaired by the STC and secretariat support will be provided by the OSTC. Agenda items and any accompanying papers will be sent to all attendees at least 5 working days prior to meetings. Minutes will be distributed within 2 weeks of the meetings and sufficiently detailed to convey the nature of the discussions.

This publication was withdrawn on 22 February 2021

ANNEX A



Traffic Commissioners
for Great Britain

**1.1.1. Protective
Marking:**

1.1.3. NONE or OFFICIAL or OFFICIAL SENSITIVE

**1.1.2. (delete as
applicable)**

1.1.4. Papers marked 'None' may be published externally.

Circulation: TC Board

Title:

Date of Board:

TC or Sponsor TC:

Recommendations:

(Insert clear, concise and unambiguous wording of proposed resolution that the Board is asked to approve or note.)

Options Summary: (Briefly outline the options that were considered in the main paper)

Has a Privacy Impact Assessment been conducted?

Board Decision:

The decision of the board is to be recorded here and kept on file along with the associated paper.

(Your paper and annexes should follow on page 2 so that only one complete document is forwarded to the TC Board Secretariat for inclusion in the Board papers 3 weeks prior to the TC Board meeting via SSTC@otc.gsi.gov.uk)

The entire paper should be no more than **four** A4 sides plus appendices. Your paper must be agreed by a sponsoring TC before submission to the Board Secretariat. The following template is to guide the structure of Board papers. Please add or remove any applicable headings for your paper as required. (Please delete the information in brackets once you have entered the information for your paper)

1. **Issue** (Explain the purpose of the paper. The paragraph should be clear and concise and should state whether the paper is being submitted for the Board's information or is seeking the Board's approval for to spend, action, etc.)
2. **Options** (Outline the options to be considered)
3. **Recommendations** (Where there is a recommended option, outline the recommendation to the Board explaining why the preferred option has been presented. Also detail the outcomes of what is to be achieved from the proposal)
4. **Background** (Outline the background to what is being proposed to the Board providing the information necessary. Identify any external advice/consultants/information that has been used in the development of the paper.)
5. **Significant Wider Impacts**
 - 5.1. Financial Impact (including whether accounted for in Budget and the proposed timing of the expenditure)
 - 5.2. Resources (including whether this work will detract from other deliverables)
 - 5.3. Customers
 - 5.4. Stakeholders (e.g Trade, Operators, Public, Ministers, Government Depts)
 - 5.5. Legal (including data governance)
 - 5.6. Communications (Internal + External)
 - 5.7. Impact on TC Reputation
 - 5.8. Economic/ VFM implications
 - 5.9. Other Scrutiny (If your paper has already been presented through external boards/forums such as relevant DVSA boards or Compliance Forum, the outcome of the presentations should be highlighted here.)
6. **Risks** (Analyse the major risks associated with the proposal and explain how these risks will be managed.)
7. **Consideration of Benefits** (Analyse any major benefits associated with the matter or the recommended option)
8. **Critical Success Factors/ Key Performance Indicators** (Explain how successful implementation will be measured)
9. **Options** (Provide details of the options that were considered by management. Outline the benefits/opportunities and any disadvantages for each option.)
10. **Next Steps** (Explain what will happen next, who will carry this out and in what timeframe)
11. **Appendices (if any)**

ANNEX B

Traffic Commissioner Budgetary Governance

In 2014 a Management Instruction was set up between DfT and DVSA in respect of the “Transfer of payment of salaries and expenses for the Traffic Commissioners and Deputy Traffic Commissioners”. This identified the budgetary items which will be held by and paid by DfT. However issues arose with budgetary visibility.

In addition to the expectation that DVSA will provide transparent accounts for all income, including merged fees, and expenditure collected and incurred on behalf of TCs, the TC Board has determined to adopt the following clarification to the Management Instruction between DfT and DVSA.

The following budget lines and the allocation of management responsibilities allow DVSA to comply with Government accounting rules but should also deliver effective accounting to the TC Board for the expenditure of income obtained using legal powers allocated to individual TCs. In that way the DVSA Chief Executive, TCs and OTCAL staff will be aware of the financial position.

Whilst the Local Transport Act 2008 amended the Public Passenger Vehicles Act 1981 so that DTCs no longer act under the immediate direction of the local TC, the deployment of DTCs needs to take into account local needs. A reduced pool of DTCs may result in competing demand for a given DTC between traffic areas. The listing of public inquiries and other hearings is a judicial function but the administration is not. In practice individual TCs and STLs have worked together to balance the competing needs of ensuring financial prudence and timely and effective compliance. It will be for the TC Board to agree the allocation of relevant fee income, such as the budget formulae for DTC usage. The allocation of funds may be on the basis of a core number of DTC days being made available to each traffic area and then an additional centralised fund, which would be managed by the Head of Compliance in conjunction with the OTC STLs. Following agreement by the TC Board the Head of Compliance Offices and the traffic area STLs (Compliance) will be tasked with implementing the TC Board’s decision and to assist the DVSA accounting officer’s in meeting those additional legal responsibilities. OTC staff will be required to work closely with the TC Board and individual TCs, but will be responsible for keeping expenditure within the budget allocation. Income and expenditure will be reviewed at each TC Board meeting.

Areas of budget in scope of this document:

- TC travel and subsistence;
- DTC budget allocation;
- DTC travel and subsistence;
- APDS and training budget
- legal services
- Publications
- miscellaneous budget

The following table sets out the individual budget lines and the proposed responsible individuals for budget allocation and management.

Budget line	Allocation responsibility	Management responsibility	Additional comments
1. TC T and S	Head of Compliance	Head of OSTC	Subject to terms of appointment. TCs will be consulted and their views will be taken into account prior to setting budgets and by reference to geographical and workload demands etc.
2. DTC budget allocation (national and local)	Head of Compliance	Local STLs	Subject to health and safety duties. TCs will agree the setting of budgets by reference to geographical and workload demands etc.
3. DTC T and S	Head of Compliance	Local STLs	As (1) comments
4. APDS budget	Head of OSTC	Head of OSTC	Head of OSTC will allocate the budget based on previous years' experience of costs following discussion with STC and TC Board agreement.

This publication was withdrawn on 22 February 2021