



Department
for Transport



Traffic Commissioners
for Great Britain



Llywodraeth Cymru
Welsh Government

RECRUITMENT PACK FOR
1X TRAFFIC COMMISSIONER FOR THE NORTH
WEST OF ENGLAND
1X TRAFFIC COMMISSOINER FOR WALES

Advertising Date: 2019

Closing Date: 28 August 2019

JOB VACANCY ADVERT

MAKING AN APPLICATION

It is essential that you address and provide clear supporting evidence for each of the criteria in Part 1 and Part 2 below. Please cover each item separately with clear headings.

You must provide clear written supporting evidence, with examples, on how you meet each of the essential criteria and, where you are able, the desirable criteria set out in the Person Specification: Qualifications and Experience section below.

You must cover each criterion separately, with clear headings, in no more than **250** words per criterion.

You must also supply a one-page CV.

You must provide at least two references one of which must be from your current or most recent employer. You will also need to declare any convictions, which include convictions under the Road Traffic Act and any disciplinary or regulatory action either currently underway at the time of the application or prior to the application being made and the outcome of that action where that action has ended.

For monitoring purposes please complete the attached diversity monitoring questionnaire at **Annex F**. This will be treated in strict confidence and does not form part of your application.

Your application, CV and diversity questionnaire should be sent to: Paul Wainwright, Department for Transport, Freight Operator Licensing and Roadworthiness Division, Zone 3/28, Great Minister House, 33 Horseferry Road, London, SW1P 4DR or Paul.wainwright@dft.gov.uk

You should state at the beginning of your application which role you are applying for, or whether you wish to be considered for both roles.

The closing date for applications is 28 August 2019.

Following an initial sift selected candidates will be invited to undertake a written case study. Candidates may then be selected for formal interview.

Contact Information

Should you wish to have an informal, confidential discussion about the post, please email your contact details and the nature of your query to Paul.wainwright@dft.gov.uk

Guaranteed Interview for Disabled Persons

Disabled applicants who meet the minimum criteria in the job specification are guaranteed an interview. Selection will be on merit. If you wish to claim a guaranteed interview under the disability commitment, you should attach a statement to this effect to your application. It is not necessary to state the nature of your disability.

Equal Opportunities

The Department for Transport values equality and diversity and employment and a socially inclusive transport system. We are committed to being an organisation in which fairness and equality of opportunity is central to the approach in business and working relationships and where the organisational culture reflects and supports these values. You have the right to a working environment free from discrimination, harassment, bullying and victimisation regardless of race, ethnic or national origin, age, religion, sex, gender identity, marital status, disability, sexual orientation, working hours, union membership, union office or union activity.

PERSON SPECIFICATION FOR THE ROLE OF TRAFFIC COMMISSIONER FOR THE NORTH WEST REGION:

It is essential that you address and provide clear supporting evidence for each of the criteria in Part 1 and Part 2 below. Please cover each item separately with clear headings.

Part One: Qualifications & Experience

Essential

- Demonstrate an ability to understand complex legal issues, to reach fair, evidence-based decisions and to communicate effectively with individuals at all levels.
- Sound understanding or interest in the road transport sector or relevant experience in related areas.

Desirable

- Qualified as a solicitor, barrister or lawyer (candidates are not required to hold a current certificate to practice).
 - Experience dealing with legal issues
- or

Either would be potentially advantageous but is not essential.

- Knowledge of operator licensing and road transport law.

Part Two: Key competencies and behaviours

Essential

- Ability to grasp the principles of administrative law and to conduct legal proceedings and investigations in public.
- Exceptional analytical skills, the ability to work with others' analysis of complex written and numerical data and the ability to express complex issues clearly.
- Able to question insightfully and get to the heart of the matter quickly; able to put complex legal issues or proceedings into clear and concise language (both verbally and in writing).
- Sound judgement skills; able to reach clear, reasoned, fair, impartial and evidence-based decisions.
- Able to engage and communicate effectively with a wide variety of audiences including handling media interest. Self-confident and politically astute.
- Willingness to embrace and contribute to the development and modernisation of the operator licensing system.
- Commitment to continuous improvement and maintaining the quality and consistency of service standards.
- Able to work in a highly collegiate manner including with other public authorities.

PERSON SPECIFICATION FOR THE ROLE OF TRAFFIC COMMISSIONER FOR WALES:

It is essential that you address and provide clear supporting evidence for each of the criteria in Part 1 and Part 2 below. Please cover each item separately with clear headings.

Part One: Qualifications & Experience

Essential

- Candidates should be a qualified solicitor, barrister or lawyer (candidates are not required to hold a current certificate to practice).
- Welsh skills are essential but candidates who do not possess this essential skill but are willing to commit to learning the Welsh language will be considered.

The successful candidate will in time be required to:

- Understand routine work-related conversations
 - Read some routine work-related material with support e.g. dictionary
 - Converse in simple work-related conversations
 - Prepare routine work-related material with checking
- Demonstrate an ability to understand complex legal issues, to reach fair, evidence-based decisions and to communicate effectively with individuals at all levels.
 - Sound understanding or interest in the road transport sector or relevant experience in related areas.

Desirable

- Knowledge of operator licensing and road transport law.

Part Two: Key competencies and behaviours

Essential

- Ability to grasp the principles of administrative law and to conduct legal proceedings and investigations in public.
- Exceptional analytical skills, the ability to work with others' analysis of complex written and numerical data and the ability to express complex issues clearly.
- Able to question insightfully and get to the heart of the matter quickly; able to put complex legal issues or proceedings into clear and concise language (both verbally and in writing).
- Sound judgement skills; able to reach clear, reasoned, fair, impartial and evidence-based decisions.
- Able to engage and communicate effectively with a wide variety of audiences including handling media interest. Self-confident and politically astute.
- Willingness to embrace and contribute to the development and modernisation of the operator licensing system.

- Commitment to continuous improvement and maintaining the quality and consistency of service standards.
- Able to work in a highly collegiate manner including with other public authorities.

FURTHER INFORMATION - about traffic commissioners and the operator licensing system

This is set out in the following annexes:

- Annex A: Background
- Annex B: Key stakeholders
- Annex C: Operator licensing system
- Annex D: Other traffic commissioner functions
- Annex E: Framework for the Commissioners
- Annex F: Public Appointments Monitoring Form

Annex A

BACKGROUND

Traffic Commissioners are appointed by the Secretary of State for Transport but are independent public post holders. They act both as independent regulators and in a quasi - judicial role, as single person tribunals when conducting public inquiries in relation to licence applications and disciplinary matters and demonstrate impartiality in all aspects of decision making.

The European Union requires through EU Regulation 1071/2009 that each Member State should have a 'competent authority' to regulate commercial road transport undertakings. The regulation specifies a body with power to set conditions, impose sanctions and remove the authorisation to operate. Traffic Commissioners are the 'competent authority' in Great Britain. The UK Government will continue to appoint Traffic Commissioners after our departure from the European Union.

Through deployment each Traffic Commissioner has a responsibility for a defined geographical area and is regionally based. There are eight traffic areas in Great Britain. Traffic Commissioners work together to deliver a consistent and transparent national regulation, whilst maintaining localised service and knowledge.

Traffic Commissioners are supported by a team of staff in their own traffic area (who are DVSA employees) plus a centralised team of DVSA staff in Leeds. The team deals with the administration of the licensing systems and carries out routine licensing functions under the delegated authority of the Traffic Commissioners.

Main Duties & Responsibilities

Traffic Commissioners have responsibility in their traffic area for:

- The licensing of the operators of large goods vehicles (LGVs) and of buses and coaches (public service vehicles or PSVs);
- The registration of local bus services;
- Granting vocational licences and taking action against drivers of LGVs and PSVs;
- The environmental suitability of centres designated as parking locations for LGVs;

Traffic Commissioners promote:

- The safe operation of LGVs and PSVs;
- Fair competition between operators;
- Reducing the burden on compliant operators;
- The safe and responsible conduct of LGV and PSV drivers

The Traffic Commissioners' main functions can be summarised as follows:

- To ensure that people operating LGVs and PSVs are reputable (fit), competent, and adequately funded;
- To encourage all operators to adopt robust systems, so that there is fair competition and that the operation of goods and public service vehicles is safe;
- To consider on behalf of the Secretary of State for Transport the fitness of drivers or those applying for public service vehicle or large goods vehicle driving licences based on their conduct;
- To consider, and where appropriate impose traffic regulation conditions to prevent danger to road users and/or reduce traffic congestion and/or pollution;
- To ensure public inquiry proceedings are fair and free from any unjustified interference or bias;
- To engage with stakeholders - listening to industry, meeting with local authorities, trade organisations, passenger groups and operators and presenting seminars

The Traffic Commissioners' role is important to both commercial vehicle operators and the wider public. Commissioners operate in an exposed and sensitive position. They must maintain the confidence of a wide range of stakeholders and ensure personal integrity as well as sound judgement and impartiality in all aspects of decision-making. Traffic Commissioners must also have regard to helping the growth of the economy through the Regulators Code and The Economic Growth (Regulatory Functions) Order 2017.

In the performance of their duties Traffic Commissioners seek to act in accordance with the standards expected of those in public life, namely proportionality; accountability; consistency; transparency and targeting. Those values underpin their approach as modern regulators. Traffic Commissioners are subject to regular appraisals and peer review in line with the competencies identified for equivalent members of the tribunal judiciary.

Note: If a candidate holds or acquires a financial interest in a transport undertaking which carries passengers or goods by road or rail within Great Britain it is required that they within four weeks give notice of that acquisition in writing to the Secretary of State specifying the interest you have acquired. This is required in accordance with paragraph 2 of schedule 2 to the Passenger Vehicles Act 1981.

KEY STAKEHOLDERS

The role of key stakeholders and their relationship with Traffic Commissioners is described in the Framework Document:

<https://www.gov.uk/government/publications/framework-document-for-the-traffic-commissioners-and-department-for-transport-including-its-agencies>

Department for Transport

The Secretary of State for Transport is ultimately responsible to Parliament for the legislation concerning the LGV and PSV operator licensing system. The Secretary of State is also responsible for ensuring that Traffic Commissioners are properly resourced. At official level, this function is undertaken by civil servants in two divisions within the Department for Transport (DfT). Freight, Operator Licensing and Roadworthiness Division is responsible for existing and future policy on Goods Vehicle Operator Licensing, and Traffic Commissioner recruitment. Buses and Taxis Division is responsible for policy on Public Service Vehicle Operator Licensing, Local Bus Service Registration and Voluntary Sector Transport. The Driver and Vehicle Licensing Agency (DVLA), part of DfT, is responsible for policy on driver licensing issues for bus and lorry drivers.

Traffic Commissioners work closely with DfT officials to ensure that the operator licensing system works effectively and minimises the burden on the transport industry.

More information on the role of Traffic Commissioners is available at: www.gov.uk/traffic-commissioners

Driver and Vehicle Standards Agency

The Driver and Vehicle Standards Agency (DVSA) provides a range of licensing, testing and enforcement services with the aim of improving the roadworthiness standards of vehicles ensuring the compliance of operators and drivers with road traffic legislation, and supporting the Traffic Commissioners.

Fees collected in the name of Traffic Commissioners are paid in to the DVSA trading fund. DVSA then provide the administrative staff to support Traffic Commissioners in considering and processing applications for licences to operate lorries, buses and coaches, as well as other support functions. This ensures that licence holders meet the standards set for entry into the commercial vehicle operator industry and seeks to minimise the environmental and road safety impact around goods vehicle operating centres.

More information on the role of DVSA is available at:

<https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency>

Appeals against decisions of Traffic Commissioners (or their Deputies)

Appeals to Traffic Commissioner or Deputy Traffic Commissioner rulings can be made to the Administrative Appeals Chamber of the Upper Tribunal (formerly the Transport Tribunal). A right of appeal arises when, for example, a Traffic Commissioner or their Deputy:

- Refuses to grant a licence;
- Refuses to vary an existing licence;
- Attaches conditions to the licence, or grants a licence which allows fewer vehicles than the number applied for;
- In public service vehicles cases, determines that registered local bus services have not been operated properly, and imposes financial penalties;
- Revokes, suspends or curtails an existing licence;
- Disqualifies an individual or a company;

There is a President of the Administrative Appeals Chamber of the Upper Tribunal. There are also 31 other full-time Upper Tribunal Judges and 23 Deputy Upper Tribunal Judges who sit part-time. High Court and other court judges can sit in the Upper Tribunal.

Upper Tribunal Judges dealing with Traffic Commissioner appeals normally sit with two specialist lay members and produce written decisions.

More information on the Upper Tribunal is available at: <https://www.gov.uk/courts-tribunals/upper-tribunal-administrative-appeals-chamber>

Driver conduct appeals have a separate appellate jurisdiction. Appeals against Traffic Commissioner decisions in relation to driving entitlement are made to the Magistrates' Court in the locality where the individual driver resides.

OPERATOR LICENSING SYSTEM

This is a high-level summary of how the operator licensing system operates in Great Britain. Further information is available on the Government's website at www.gov.uk/traffic-commissioners. Successful applicants would be expected to become familiar with the detailed legal framework and relevant case law.

Overview of Operator Licensing

A goods vehicle operators' licence is needed to carry goods connected with any trade or business if they use a motor vehicle on a road with:

- A gross plated weight of more than 3.5 tonnes; or
- An unladen weight of more than 1525kg.

A public service vehicle operator's licence is needed to carry passengers in a PSV for hire or reward. A PSV is usually a vehicle with nine or more passenger seats but in certain circumstances smaller vehicles can be regarded as a PSV.

Licences are obtained from the Traffic Commissioner that covers the relevant traffic area. The main purpose of operator licensing is to ensure the transport sector operates safely, whilst minimising the regulatory burden on the industry. The entire operator licensing regime, including the work of Traffic Commissioners, is funded through fees paid by industry.

There are three categories of licence:

- **National:** This allows the licence holder to operate only within Great Britain.
- **International:** This allows the licence holder to operate throughout the EU as well as within Great Britain.
- **Restricted:** For lorries, this only allows the operator to carry their own goods. For buses, it allows the operation of up to two PSVs, with a maximum of 16 passenger seats.

In all cases, licences specify a maximum number of vehicles that can be used under the licence.

Holders of the first two types of licence are required to meet (and continue to meet) four mandatory criteria set out in European legislation:

- Good repute;
- Appropriate financial standing;
- Professional competence;
- Stable establishment

In considering whether an operator is of **good repute**, Traffic Commissioners can consider a wide range of matters including, but not limited to, convictions of the operator, or the operator's directors (if a company), servants or agents for road transport or other criminal offences. However, convictions which are "spent" under the provisions of the Rehabilitation of Offenders Act 1974 cannot be taken into account. If an individual is convicted of two or more "serious offences" the Traffic Commissioner must determine that the person is not of good repute.

The **financial standing** requirement is intended to ensure that an operator has adequate working capital. This is specified in EU law as 9,000 euros for the first vehicle and 5,000 euros for each additional vehicle.

Professional competence must be met by an individual. An individual operator may meet the requirement personally. Otherwise, an operator must have one or more transport managers who meet the requirement and have "continuous and effective responsibility for the management of the transport operations" of the business. The transport manager will normally be an employee but does not have to be. A suitably qualified person may act as transport manager for more than one operator so long as he/she is able to exercise "continuous and effective management".

The qualified person must hold a Certificate of Professional Competence issued by an approved body in any member state. Certain other qualifications issued by professional bodies are also required or an equivalent standard. There are also "grandfather's rights" provisions.

Stable establishment requires any undertaking engaged in the occupation of road transport operation to have an effective and stable establishment in a Member State. That establishment must be in the Member State in which it is licensed. This is the address where it must keep its core business documents and in particular accounting documents, personnel management documents, documents containing data relating to driving time and rest periods and any other document to which the Traffic Commissioner or enforcing authorities may require access in order to verify compliance with the requirements of the licence.

In addition to these mandatory criteria, all operators are also required to satisfy the Traffic Commissioner that they comply with the legislation covering overloading of vehicles, how long drivers may spend driving and ensuring that vehicles used under the licence will be maintained in a roadworthy condition.

All operators are required to keep vehicles at an operating centre when not in use. Traffic Commissioners may determine the suitability of operating centres, using specified criteria (size, safe access to a public road, environmental effects etc).

Holders of restricted licences have to satisfy the Traffic Commissioner that they are fit persons to hold a licence and have sufficient resources to ensure that vehicles will be maintained in a roadworthy condition.

OTHER TRAFFIC COMMISSIONER FUNCTIONS

Vocational Driver licensing

Traffic Commissioners are responsible for determining on behalf of the Secretary of State for Transport whether lorry and bus licence holders are fit persons to hold vocational licences with regard to their conduct. Drivers can be refused a licence if they have been convicted of road safety offences (and in the case of bus drivers for other offences). Existing licence holders can have their lorry or bus entitlement withdrawn for a period or indefinitely in the event of convictions.

The general approach is based on the expectation that professional drivers are expected to meet a higher standard than drivers generally and that suspension of large goods vehicle or passenger carrying entitlements may be appropriate even if the holder has not accumulated sufficient penalty points to attract disqualification from driving by the criminal courts. It is worth noting that offences such as drivers' hours are not endorseable and do not lead to penalty points on a licence. In the case of bus drivers, convictions for theft or of a sexual or violent nature may indicate that a person is unsuitable to be in charge of potentially vulnerable members of the public.

Impounded vehicles

DVSA have powers to impound (and ultimately dispose of) lorries that are operated unlawfully without an operator's licence. Owners of impounded vehicles may appeal to a Traffic Commissioner for the return of their vehicle.

Local Bus Services

Traffic Commissioners are also responsible for local bus service registration. Any bus service carrying fare-paying passengers on short journeys (less than 15 miles) must register, among other things, the route, timetable and stopping arrangements with the Traffic Commissioner for their area. Traffic Commissioners can take regulatory action and impose financial penalties against operators who fail to run registered services on time or at all.

Voluntary Sector Transport

Charities and other non-profit making organisations may run minibuses carrying fare-paying passengers using special permits issued by Traffic Commissioners or one of a number of 'designated bodies' (e.g. local authorities and national charities). These are used to provide, for example, church and club minibuses, dial-a-ride type services for disabled people, and even local bus services. Traffic Commissioners have the power to revoke permits if they are not used properly.

Annex E

FRAMEWORK FOR THE COMMISSIONERS

The [Local Transport Act 2008](#) (the '2008 Act') created a statutory post of Senior Traffic Commissioner, with powers to: issue general directions and guidance to the other Traffic Commissioners, and to deploy Traffic Commissioners to carry out reserved functions in particular places in Great Britain. The Act removed the restriction allocating a Traffic Commissioner to a particular traffic area. The benefit of local knowledge is recognised through the administrative deployment of Traffic Commissioners to a particular geographical area. Consistency of approach is achieved through the Senior Traffic Commissioner's guidance, which Traffic Commissioners must have regard to, and through the Senior Traffic Commissioner's directions, which Traffic Commissioners must follow. In addition, Traffic Commissioners meet as a Board to discuss and agree strategic objectives and other administrative policies. Individual Traffic Commissioners may be deployed for instance to lead in certain subject areas, in the development of distinct policy areas, or in the liaison with key stakeholders.

The independence of Traffic Commissioners as regulators is highly valued by industry and Ministers. The Local Transport Act 2008 introduced changes to the way in which Traffic Commissioners engage with Government in a bid to achieve greater transparency, accessibility and efficiency but their independence as a tribunal is guaranteed under statute and the common law. The Act amended provisions on when Traffic Commissioners might be removed from office but nothing was included in the Act that could compromise their independence. A [Framework Document](#), signed by the Minister, summarises the legal principles within which Traffic Commissioners carry out their functions. The Department for Transport recognises that nothing can jeopardise the fairness and trust, which lie at the heart of the licensing system.

The Traffic Commissioner Appraisal Scheme covers some of the key qualities, competencies and abilities needed for the role. It specifically considers:

- Exercising judgement;
- Communicating effectively;
- Assimilating and clarifying information;
- Managing work efficiently;
- Working with others;
- Conduct of hearings;
- How they deal with evidence;
- The process of decision-making

It is published at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/4370/tc-appraisal-scheme.pdf

PUBLIC APPOINTMENTS MONITORING FORM

All Government Departments aim to provide fair and equal access to public appointments and to ensure that all sectors of society are represented. The questions set out in this form help us to monitor the effectiveness of this policy by gaining a picture of all those applying for and obtaining appointments.

The Office of the Commissioner for Public Appointments (OCPA) requires us to collect information on the gender, age, ethnic origin and disability of all those appointed. OCPA also requires information on whether appointees have been politically active in the past five years and whether other public appointments are held.

In addition, we may also be asked to provide information – in summary form only that does not identify individuals – in response to Parliamentary Questions and other public enquiries. In line with Government policy, and in accordance with the provisions of the Data Protection Act, the information you provide will be held confidentially and can only be used if you give us your consent. This form therefore includes a question asking you whether you are happy for this information to be made publicly available.

Your diversity information will be kept separate from your application form and will not be seen by the selection panel. Political activity information will be made available to the panel but only for short listed candidates. Assessment of your suitability for the post is made purely on the information you give on the application form and your performance at the assessment and interview should you be invited. Appointments are made strictly on merit. We hope that this encourages you to complete the form.