



Office of the Traffic Commissioner

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Sent by Recorded delivery and email

Dear Sir or Madam,

EARLY RESPONSE REQUIRED BY 08/09/2023

LOSS OF TRANSPORT MANAGER

Please note: failure to address the concerns raised in this letter by the due date will result in the traffic commissioner revoking the licence. This applies even if you have already submitted an application to nominate a new transport manager which has not yet been granted by the traffic commissioner. Operation of vehicles without a valid operator's licence is unlawful.

It is a requirement of holding an operator's licence that you either have a transport manager or a period of grace. It is also a condition of your operator's licence that you notify the traffic commissioner of any change, which affects your ability to fulfill the requirement within 28 days. It has been brought to the attention of the Traffic Commissioner that there is currently no transport manager specified on your licence to satisfy the requirement to have a suitable number of individuals who meet paragraphs 14A(1) and (2) or 14A(1) and (3) of Schedule 3 of the Goods Vehicles (Licensing of Operators) Act 1995 (the Act).

Section 27(1) of the Act states that the traffic commissioner shall direct that a standard licence be revoked if at any time it appears that the licence-holder no longer satisfies the requirement to designate a suitable number of transport managers.

In view of the evidence currently available, it appears to the traffic commissioner that you may no longer satisfy the requirement to designate a suitable number of transport managers satisfying the requirements of paragraph 14A(1) and (2) or 14A(1) and (3) of Schedule 3 of the Act. In accordance with Section 27(2) of the Act, this office is serving notice that the traffic commissioner is considering the revocation of your operator's licence on the grounds detailed above. Under Section 27(3) you are entitled to make written representations to the traffic commissioner. Section 29(1) allows you to request a public inquiry, in order to offer further evidence as to why the licence should not be revoked.

Any written representations must be made to this office by **08/09/2023** for the traffic commissioner's consideration.

Your representations may include an application to add a replacement transport manager to your licence. If you have not already submitted an application, you can do this by using the online facility at:

www.gov.uk/manage-vehicle-operator-licence

However, applications to nominate a new transport manager must be complete. You must return any further information requested by this office in connection with the application promptly. Guidance to help you to submit a complete transport manager application can be found at Annex A.

Even if you apply to nominate a transport manager (using the online facility) you must still respond to this letter by the date specified. The licence is at risk if a replacement transport manager has not been approved by the traffic commissioner. Responding with incomplete information could still result in the revocation of the licence.

The requirement is only met once the traffic commissioner has approved the transport manager(s).

Further information about the transport manager requirements is set out in the Senior Traffic Commissioner's Statutory Document No.3 on Transport Managers which can be found online at:

<https://www.gov.uk/government/collections/senior-traffic-commissioners-statutory-guidance-and-statutory-directions> and which includes a general list of transport manager responsibilities.

A summary of the responsibilities is also available on gov.uk at:

<https://www.gov.uk/government/publications/whats-involved-in-being-a-road-transport-manager/being-a-road-transport-manager-your-responsibilities>.

The traffic commissioner may consider granting a period of grace to enable you to find a replacement or whilst your nomination of a new transport manager is being considered, but you need to ask. The traffic commissioner is not obliged to grant a period of grace and is unlikely to do so unless there is evidence that a replacement will be recruited and that the licence requirements will be met in the meantime. An application for a period of grace must be in writing and set out what you are doing to resolve the matter. Guidance to request a period of grace whilst you recruit a new transport manager is attached at Annex B.

If you did not notify the traffic commissioner of the loss of your transport manager, you should also provide an explanation as to why you failed to comply with the condition on the operator's licence.

This letter has been sent by recorded delivery post.

Yours faithfully

Compliance Team

Sign up to [the Vehicle Operator Licensing system](http://www.gov.uk/manage-vehicle-operator-licence) at www.gov.uk/manage-vehicle-operator-licence to make applications, vehicle changes, and manage your licence.

VOL username and passwords must not be shared, you can always add additional new users.

Annex A: Guidance to submitting a complete transport manager application

The following guidance is to assist you to send a complete and accurate application for a new transport manager to the Office of the Traffic Commissioner.

For further information about transport manager requirements, please refer to:
www.gov.uk/government/publications/traffic-commissioners-transport-managers-november-2018

<https://www.gov.uk/guidance/goods-vehicle-operator-licensing-guide#transportmanagers>

Sending your application

When you submit your application, as a minimum, you must ensure that the Office of the Traffic Commissioner receives the following:

a completed online transport manager application, which has been signed digitally by both parties. Alternatively, the declaration will need to be printed, signed and returned to the Office of the Traffic Commissioner by post.

the nominated transport manager's original certificate(s) of qualification of professional competence in road haulage, or evidence of any relevant exemption.

Further information may be required, depending upon the answers provided in your application and information held by the Office of the Traffic Commissioner.

You should anticipate having to supply additional information with your application, if any of the following apply. This list is not exhaustive but failure to prepare will delay a decision being made.

Continuous and effective management

When you make your application, the traffic commissioner must be satisfied that the proposed transport manager can exercise continuous and effective management across all licences they are specified on. The contract with your nominated transport manager should specify the detailed activities which will be undertaken. All transport managers are responsible for fulfilling the general responsibilities set out in the Senior Traffic Commissioner's Statutory Document on transport managers:

<https://www.gov.uk/government/publications/traffic-commissioners-transport-managers-november-2018/statutory-document-3-transport-managers#generalresponsibilities>

You will be asked to supply details if:

the proposed transport manager will be on four licences.

the proposed transport manager will be responsible for more than 50 authorised vehicles. An external lone transport manager will not be accepted on a licence specifying more than 50 vehicles.

the proposed transport manager has other work as a driver.

the proposed transport manager has other work/duties which may impact on their availability.

the proposed transport manager has been involved with any licences with adverse compliance.

there has been recent adverse compliance on your licence which might suggest that an incoming transport manager may need to do more to ensure compliance.

the proposed transport manager is committing to less hours to support your licence than the starting points set out by the traffic commissioner and/or there is a significant distance between all the relevant operating centres and the transport manager's home address:

Number of vehicles	Hours per week
2 vehicles or less	2 to 4 hours
3 to 5 vehicles	4 to 8 hours
6 to 10 vehicles	8 to 12 hours
11 to 14 vehicles	12 to 20 hours
15 to 29 vehicles	20 to 30 hours
30 to 50 vehicles	30 hours to full time
More than 50 vehicles	Full time and another staff member needed
Additional hours may be required for trailers	

The suggested amounts of time above are a starting point as to what traffic commissioners might expect in terms of hours worked. They are intended as a guide to operators and the nominated CPC holder to discuss what time is actually required to carry out the General Responsibilities linked above.

Keeping knowledge up to date – continuing professional development

Further information about the relevant skills and knowledge to carry out the transport manager role can be found at <https://www.gov.uk/government/publications/whats-involved-in-being-a-road-transport-manager/being-a-road-transport-manager-skills-and-knowledge-you-need>

A transport manager needs to keep up to date through Continuing Professional Development (CPD). You might be asked to provide evidence to demonstrate this if:
your proposed transport manager has not been listed on a licence within the previous five years.
your proposed transport manager attained their CPC qualification more than 10 years ago.
you are required to provide a more detailed explanation of how you will ensure continuous and effective management, as above.

Evidence which could be submitted to show this includes:

certificates of any training courses, including transport manager refresher courses, attended, including e-learning.

evidence of attendance at events or conferences about managing fleets of vehicles.

evidence of where you have shared your knowledge with others, for example by giving presentations.

Annex B: Guidance for requesting a period of grace to satisfy the transport manager requirements

You have been sent this letter as it would appear that you no longer meet the mandatory requirement to have a suitable number of individuals who meet the requirements for transport managers as specified at Schedule 3 of the Goods Vehicles (Licensing Of Operators) Act 1995. A transport manager is required to be able to manage effectively and continuously the operator's transport service and is an important means by which a transport business maintains compliance. It is a condition of an operator's licence that changes affecting the ability of the licence holder to meet the transport manager requirements, including the availability of a transport manager, are notified to the traffic commissioner.

A traffic commissioner has discretion to consider granting a period of grace in circumstances where it is found that there is no authorised transport manager in place. This could allow a period of up to 6 months for you to find a replacement transport manager that allows you to meet the requirement to continue to hold an operator's licence.

In order to allow a period of grace the traffic commissioner must establish that the requirement for a transport manager is no longer met. An application for a period of grace invites a traffic commissioner to make an adverse finding that the requirement for designating a suitable number of transport manager is no longer met.

There must be tangible evidence that a period of grace will be worthwhile, in other words, there are reasonable prospects that the mandatory requirement will be met before expiry of the specified period of grace.

On application you may wish to invite the traffic commissioner to decide how long to allow within the maximum periods permitted by the legislation.

Although the period will depend on the individual merits of the case before the commissioner, the Senior Traffic Commissioner has set a starting point of three months, which allows for an extension where required.

Please make any period of grace requests in writing and specify:

why your last transport manager has left and the circumstances.
what measures were taken to prevent loss of a suitable number of transport managers.
the period of time you seek for your period of grace.
how will you cover the duties of a transport manager during the period of grace.
what action you are taking to meet the transport manager requirement as soon as possible.

Operators who are granted a period of grace should understand that if, upon expiry of a period of grace, the transport manager requirements have still not been met then the operator's licence will be revoked.

Further information about the transport manager requirements can be found at:

www.gov.uk/government/publications/traffic-commissioners-transport-managers-november-2018