

UTTLESFORD DISTRICT COUNCIL

Council Offices, London Road, Saffron Walden, Essex CB11 4ER
Telephone (01799) 510510
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Compliance Team
Office of the Traffic Commissioner
East of England
Hillcrest House
386 Harehills Lane
Leeds
LS9 6NF

7 September 2023

Your ref: **OF0216604**

Our ref:

Please ask for: Ben Brown on [REDACTED]
email: b [REDACTED]

Dear Sir or Madam,

LOSS OF TRANSPORT MANAGER APPLICATION FOR A PERIOD OF GRACE

Thank you for your letter dated 18 August 2023 regarding the fact that we have removed our Transport Manager. I believe this came to your attention because I updated our online records on the www.gov.uk/manage-vehicle-operator-licence website. However, the Commissioner may have also notification via a third party.

In this letter I am formally exercising our right under Section 27(3) of Goods Vehicles (Licensing of Operators) Act 1995 (the Act) to make written representations to the Traffic Commissioner to consider not revoking our licence.

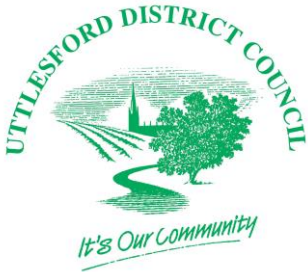
I am also formally applying for a six-month period of grace to enable us to nominate and appoint replacement Transport manager(s).

Annex B of your letter, set out several questions that would assist the Commissioner, in considering our application and I have provided this information below after repeating each question.

Uttlesford District Council is a small local authority with limited resources; however it does take responsibilities around transport operations very seriously and has historically invested in the service to ensure legal compliance and that we are a good operator. We currently have 29 vehicles on our LGV fleet and in May 2022 amalgamated our two operating centres to one central location. Our fleet is used to carry out environmental services to district residents and businesses. It is limited to the operation of waste collection vehicles.

Commissioner's Question - Why your last transport manager has left and the circumstances?

Our Transport Manager, [REDACTED] left the organisation on 31 July 2023 and chose to resign with immediate effect, with the Council's agreement. I notified the Commissioner of this via the gov.uk/manage-vehicle-operator-license webpage and submitted amendments that removed [REDACTED] and updated some other



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records on the system. I believe this was on 9 August. It is possible that a third party, including [REDACTED], may have notified the Commissioner prior to this date. I was not clear that removal of the transport manager on the website was possibly not sufficient notification. If this was the case then I can only apologise. The amendments to the license were done in good faith that this was the correct process.

It was [REDACTED] personal decision to leave after over 20 years at UDC as he wanted to make a fresh start. He was a qualified Transport Manager and had just undertaken refresher training with Logistics UK. Prior to his departure he was working on a project to update our systems to achieve the Fleet Operator Recognition Scheme, bronze standard. His departure from the Council, was not directly related to any Operator License compliance issues.

Commissioner's Question - what measures were taken to prevent loss of a suitable number of transport managers?

The fact that the Council had only one nominated and formally qualified transport manager has left us in a vulnerable position. I had identified that it was possible [REDACTED] future employment was a risk earlier in the summer and on 17 July 2023 had booked myself onto training to obtain the Transport Manager Certificate of Professional Competence qualification and help mitigate the risk of being left without a transport manager. I am booked to attend between 7-17 November 2023 (APPENDIX 1). When [REDACTED] chose to resign, I did attempt to attend an earlier course, however the dates clashed with my planned annual leave and that of other colleagues. It would have meant that there was no management supervision of our operations for the best part of two weeks. I did not consider this an acceptable risk.

Commissioner's Question - the period of time you seek for your period of grace?

I am seeking a period of six months grace covering the period since 1 August (the day after [REDACTED] last day with us to 31 January 2024. This will enable me to attend and obtain the Transport Manager Certificate of Professional Competence and allow further time to apply to the Office of the Traffic Commissioner for consideration. There are further plans to increase resilience which are set out below.

Commissioner's Question - how will you cover the duties of a transport manager during the period of grace?

As the Director responsible for the service, I have a sound background knowledge of the requirements in relation to transport, although perhaps not yet some of the detailed processes. As highlighted above I am due to attend Transport Manager CPC training in November and assuming that I successfully pass, I propose to apply to be our transport manager immediately after obtaining the qualification.



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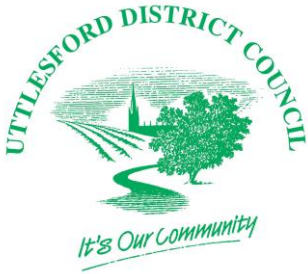
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I am supported by [REDACTED], Workshop Team Leader, who is our nominated safety inspector. [REDACTED] has extensive experience in maintaining and operating vehicles, although he does not hold transport manager CPC.

As a result of [REDACTED] departure and another vacancy with my service, I am reviewing our management team structure, with the aim of giving greater priority to compliance. As part of this I will create a refreshed assistant manager position (title to be confirmed) who will provide support to me in ensuring compliance, both in terms of transport and health and safety. They will also be tasked with completing the FORS accreditation project that I mentioned earlier. They will not manage our workshop team or [REDACTED] to ensure a degree of separation of duties. This post will be expected to hold a transport manager CPC qualification.

In terms of covering the duties of a transport manager, the Council already has robust systems in place to ensure that we have a positive safe culture and comply with license requirements. By way of summary, we have the following measures in place :-

1. Operator Compliance Risk Score of Green (detailed report attached as APPENDIX2)
2. Safety inspection of all LGVs carried out every 6 weeks.
3. Daily driver walk around checks carried out using R2C app enabling defects to be reported directly to our workshop team in real time.
4. Full driver induction programme in place including inhouse driving assessments.
5. All drivers licenses, CPCs are checked every six months after starting work with us.
6. Fleet performance indicators are monitored by corporate management team on a quarterly basis including :-
 - a. Percentage of vehicles service or inspected on target week,
 - b. Percentage of vehicles passing MOT without additional work,
 - c. Percentage of drivers license and CPC checks carried out,
 - d. Percentage of overweight vehicles tipped,
 - e. Percentage of vehicle defects reported which are not rectified or signed off.
8. At a service level we monitor compliance with the number of pre-use checks undertaken and enforcement on drivers hours records, highlighting contraventions.
9. The majority of our fleet is fitted with digital tachographs and we monitor drivers hours electronically.
10. Our front-line vehicles are fitted with regularly calibrated onboard weighing systems with automatic cut outs to prevent overloading.
11. Vehicle maintenance plans are in place for every vehicle in the fleet. Inspections, services and MOTs are planned 12 months in advance.
12. Our current management team have previously received Operators



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License Awareness training however I will organise a refresher to be undertaken.

The measures above will be managed by myself and the assistant manager, when appointed. For the sake of clarity, I am present at the operating centre at least 3 days per week and work full time. I have a team reporting to me that are able to provide management information in relation to all aspects of our operation including the measures highlighted above. I recognise that there are, as in many organisations, improvements to make and I am committed to ensuring that we operate to a high standard.

It will be my intention that the new assistant manager will undertake Transport Manager CPC if they do not already hold the qualification.

We are a member of Logistics UK and able to access professional support and advice as required. If recommended by the Commissioner, I would put in place a transport consultant to assist us during the interim period. As a local authority we also seek advice from our peers and certainly took on board learning from our neighbours, Braintree District Council in relation to their previous inspection.

Commissioner's Question - what action you are taking to meet the transport manager requirement as soon as possible.

As already highlighted, I am booked on Transport manager CPC training for November, this was booked prior to [REDACTED] decision to leave. I am currently reviewing the overall structure of the service to ensure that we have more resilience in future and will ensure that we have two qualified transport managers in future.

I fully recognise the importance of maintaining excellent standards and would welcome comments from the Commissioner on the proposed interim arrangements.

Yours sincerely

[REDACTED]

[REDACTED]
Director - Environmental Services

