



TRAFFIC COMMISSIONERS' PRACTICE DIRECTION No. 8

OPERATOR LICENSING REFORM THE ALLOCATION OF BUSINESS BETWEEN TRAFFIC COMMISSIONERS:

MULTIPLE LICENCE HOLDERS AND LEAD TRAFFIC COMMISSIONERS

1. BACKGROUND

- 1.1 As part of the Government's proposals for the reform of the operator licensing system for goods vehicles and public service vehicles, holders of operators' licences in more than one traffic area will be allocated to a "Lead Traffic Commissioner" (LTC) to whom all applications relating to those licences will be referred.
- 1.2 All matters of non-compliance relating to a multiple licence holder will also be referred to the LTC in the first instance.
- 1.3 What follows is an outline of the process by which the holders of operators' licences in more than one traffic area (a multiple licence holder "MLH") will be allocated to the LTC.
- 1.4 The allocation of business between the LTC and other Traffic Commissioners (TC) in whose area(s) MLHs hold licences is also dealt with in this Practice Direction.

2. THE LEAD TRAFFIC COMMISSIONER (LTC) AND MULTIPLE LICENCE HOLDERS (MLH)

- 2.1 Traffic Commissioners will determine who is to be the LTC for a MLH in accordance with the following criteria:
 - 2.1.1 The location of the operator's correspondence address/business headquarters on 1 January 2007, provided the operator holds an operator's licence in that traffic area.
 - 2.1.2 Where paragraph 2.1.1. above does not apply the location and number of operating centres and the number of authorised vehicles in a particular traffic area.

2.1.3 The licence holder may make representations to be allocated to a different LTC.

2.2 The final decision will remain with the Traffic Commissioners.

3. MLHs AND THE ALLOCATION OF BUSINESS BETWEEN TRAFFIC COMMISSIONERS

3.1 New and variation applications.

3.1.1 All applications made by a MLH will be made to the LTC for that operator.

3.1.2 The LTC will decide whether he/she should deal with the application, or whether to allocate the case to the TC in whose traffic area the (proposed) operating centre(s) is/are located.

3.1.3 The LTC will normally allocate cases relating to operating centres to the TC in which the operating centre is located.

3.1.4 If necessary, a public inquiry will be held in the traffic area to which the MLH's application relates and will be heard by the TC or a Deputy TC for that area.

3.1.5 Where the LTC considers applications for a MLH which relate to other traffic areas, the LTC will act as a Deputy TC for those areas.

3.1.6 All Traffic Commissioners will be appointed as Deputy Traffic Commissioners by the Secretary of State for Transport in all Traffic areas.

3.2 MLHs and Compliance: The allocation of cases between TCs.

3.2.1 All cases of non-compliance relating to a MLH will be referred to the LTC for that MLH who will then consider what action to take.

4. CONCLUSION

4.1 Because bus operators tend to operate as separate companies in each traffic area, it is anticipated that this Practice Direction will be most applicable to the holders of Goods Vehicle Operators Licences.

4.2 Traffic Commissioners believe that by developing this new procedure in exercising their jurisdiction, both the administrative and judicial processes will provide a clearer and more consistent approach to decisions involving multiple licence holders.

5. COMMENCEMENT

- 5.1** There will be staged implementation of this Practice Direction commencing on 1 August 2007.

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Senior Traffic Commissioner
15 June 2007