

TM1G: Guidance notes to help you complete your application to be a transport manager

How to use the notes

These notes are in sections in the same way as the application form, to make it easier for you to find the right information. For example guidance note 1 refers to Section 1 on application form TM1 and there is a guidance note which corresponds to each question on the application form. The notes describe what you need to tell the traffic commissioner and also give details of any supporting documents that you must send with the form.

You can help the traffic commissioner to reach a decision on your application as quickly as possible by completing the application form correctly and submitting the correct supporting documents. You should use these guidance notes to help you to do this.

Further information

If you have read the guidance notes and are still not sure how to complete any part of this form, please call the contact centre on 0300 123 9000 for advice, **before** you submit your application.

The guidance notes only contain the information necessary for you to complete the form. For general information on operator licensing you should read the Guides for Operators which are available at www.businesslink.gov.uk/transport. It is important that you understand the responsibilities of being a transport manager before you apply as you will be expected to meet the obligations immediately if your application is successful. You should also read the Senior Traffic Commissioner's statutory direction and statutory guidance on transport managers, available at www.dft.gov.uk. This explains in detail what traffic commissioners expect of transport managers and the criteria they apply when deciding whether someone can be one.

Guidance note 1 – Your details

Please complete every box.

Specific guidance for individual boxes.

- a) Please enter **all** your first names.
- b) Please enter the place of birth as recorded on your birth certificate. This should be the general location e.g. Westminster, London not the actual hospital.
- c) Please enter your current home address. This must be one of the member states of the European Community. In practice, traffic commissioners would expect to see an address in Great Britain within reasonable distance of the operating centre(s) for which you will be responsible.

Guidance note 2 – Licences on which you are applying to be the transport manager

Please list all the licences on which you wish to be the transport manager, as part of this application. If you are already the transport manager on other licences you should complete sections 7 and 8 as well.

Please note that there may be limits on the number of operators for whom you can work as a transport manager as well as limits on the number of vehicles for which you can be responsible. This is explained in section 5.

Guidance note 3 – Operating centres for which you will be responsible

For the licence(s) listed in section 2 please indicate all the operating centres for which you will be responsible. Traffic commissioners have strict criteria which they apply when considering the suitability of transport managers. These may include the number of operating centres for which the transport manager is or will be responsible on all licences. Of particular relevance is the geographical location of the transport manager in relation to those operating centres.

Guidance note 4 – Address of place of work

The criteria mentioned above also include whether the applicant works somewhere other than the operating centre(s) listed in section 3. If this applies to you please complete this section.

Guidance note 5 – Which type of transport manager will you be?

There are two distinct types of transport manager:

Internal – you must have a genuine link to the licence holder or applicant. You will meet this requirement if:

- You are the licence holder/applicant;
- You are one of the partners in whose name the licence is/will be held; or
- You are a director of the company in whose name the licence is/will be held.

You are also likely to meet the requirement if you are a full-time or part-time employee of the licence holder/applicant. You must be able to show proof of employment if requested.

External – you are hired-in to fulfil the role of transport manager under a contract that specifies the tasks you will perform as transport manager. As an external transport manager you can only work for a maximum of **4** operators (not licences) with a combined total fleet of up to a maximum of **50** authorised vehicles.

If you are applying to be an external transport manager you must be able to provide a copy of the contract upon request.

Please indicate which type of transport manager you will be, for the licence(s) listed in section 2, by ticking the appropriate box.

NB It may be possible to be an internal transport manager for one operator and an external transport manager for another. However, in that case, there may be limits on the number of operators and vehicles described above.

Ultimately the determination of the internal/external status of a transport manager is at the discretion of a traffic commissioner, if you have doubts as to your status it is recommended that you contact the office of the traffic commissioner at the central licensing office.

Guidance note 6 – How many hours per week will you spend on your transport manager duties?

The statutory guidance documents give a broad guideline as to what might be expected in terms of hours worked by a transport manager relative to the number of vehicles specified on a licence. Please note that this is a starting point only and the traffic commissioner will consider each case on its own facts and its own merits.

| Vehicles | Guideline hours (per week) |
|---|--|
| 2 or less | 8 |
| 3 to 5 | 15 |
| 6 to 10 | 20 |
| 11 to 14 | 25 |
| 15 to 29 | Full time |
| 30 and above | (Full time) Additional assistance required |
| For goods vehicle licences additional hours may be required for trailers. | |

Please give full details of the hours you will work in the relevant boxes. If you will not be devoting the amount of time to the relevant licence(s) as shown in the table above, you should provide a written explanation as to how you will carry out all your responsibilities effectively in the time allocated. This should include details such as what systems are in place; how often you intend to visit each operating centre; the hours per week you will devote to each operator; who checks tachographs and where records are kept; and whether there are any other employees to help you. The transport manager(s) on your licence are responsible for the continuous and effective control of the management of the transport operations of the business.

Guidance note 7 – Are you the holder of, an applicant for, or the transport manager on, any other licence?

Please tick the appropriate box and then go to the relevant section – yes, section 8; no, section 9.

Guidance note 8 – List the other licence(s)

If you tick the yes box in section 7 you must give full details of the other licences here. Please list:

- All the relevant licence numbers;
- For each licence, whether you are the licence applicant, the licence holder or the transport manager;
- For each licence which operating centre(s) on the licence you are responsible for;
- For each operating centre the total number of authorised vehicles;
- For each licence the total number of hours worked.

Guidance note 9 – List all other permanent or regular employment

Please give details of any other permanent or regular employment, whether transport related or not, including where you are self employed. This will enable the traffic commissioners to assess whether you will have enough time to fulfil the duties required of a transport manager.

Guidance note 10 – Evidence of professional competence

There are only two ways of demonstrating professional competence. Either you hold a certificate of professional competence (CPC) or you have acquired rights previously known as grandfather rights.

CPC

Only CPCs issued by those bodies accredited by the Department for Transport will be accepted as evidence of professional competence.

If you are applying to be the transport manager on a standard international licence you must hold a standard international CPC.

'Acquired Rights' formerly known as grandfather rights

There are new rules in effect from 4th December 2011 which mean that the current 'Grandfather Rights' exemptions need to be renewed to remain valid after that date.

A new 'Acquired Rights' certificate (to replace Grandfather Rights) will automatically be issued by the Department for Transport to all transport managers with grandfather rights that are currently listed on an operator's licence who return a completed questionnaire.

If you believe that you qualify for acquired rights, **and have not already done so**, please contact Steve Blackmore, Department for Transport, Zone 3/21 Great Minster House, 67 Marsham Street, London SW1P 4DR or e-mail freight@dft.gsi.gov.uk Attn: GFR Acquired Rights. **Acquired rights cannot be claimed after 4th December 2013.**

Please note that existing grandfather rights are no longer valid after 4th December 2011.

Guidance note 11 – Convictions and penalties

You must declare all relevant convictions and penalties on the application form.

You are reminded that it is a criminal offence to make a false declaration on the application. A more general explanation of what a traffic commissioner can take into account is detailed below. You should provide full details of the background circumstances of any convictions or penalties declared on a separate piece of paper.

Failure to provide information may influence a decision that could subsequently lead to regulatory action.

Spent convictions

You do not have to declare convictions which are "spent" under the Rehabilitation of Offenders Act 1974. The table below shows the rehabilitation period, at the end of which convictions will become spent. The rehabilitation period depends on the sentence for the original offence and runs from the date of conviction.

A sentence of imprisonment for life or a sentence of imprisonment, detention in a YOI, a sentence of preventative detention or a sentence of detention during Her Majesty's pleasure for terms exceeding 30 months are excluded from rehabilitation. Otherwise:

| Where on a conviction the sentence (or equivalent) imposed is: | The rehabilitation period begins on conviction and lasts for: |
|---|--|
| Life imprisonment or imprisonment/ detention in a Young Offenders Institute (YOI)/ a sentence of preventative detention or a sentence of detention during Her Majesty's pleasure, FOR TERMS EXCEEDING 30 MONTHS | Excluded from rehabilitation |
| Imprisonment in a YOI, Corrective Training for MORE THAN 6 MONTHS but not exceeding 30 months | 10 years* |
| Imprisonment NOT EXCEEDING 6 MONTHS | 7 years* |
| Fine (or other order not specified below) | 5 years* |
| Borstal Training | 7 years |
| Detention (PCC(S)A 2000, s.91) under CYPA 933, s.53 for MORE THAN 6 MONTHS but not exceeding 30 months | 3 years |
| DETENTION under PCC(S)A 2000, s.91, s.53 for NOT MORE THAN 6 MONTHS | 3 years |
| Detention in a YOI | 3 years |
| Probation (Community) Order, where offender 18 years or over at date of conviction; Where offender under 18 at date of conviction | 5 years 2½ years from conviction or a period beginning with date of conviction and ending when order ceases to have effect (whichever is the longer) |
| Detention and Training Order under CDA 1998, S.73 | In the case of a person aged 15 or over a date of conviction, 5 years if order was, 3½ years if it was not, for a term exceeding 6 months. In the case of a person under 15, a period beginning with date of conviction, and ending 1 year after the date on which the order ceases to have effect |
| Secure Training Order. Bind Over (to keep the peace or be of good behaviour), Care Order, Supervision Order under PCC(S)A 2000, s.63(1), Care order under CYPA 1933, S.57, Supervision order under CYPA 1933 or CYPA 1963 | 1 year or duration of order (whichever is longer) |
| Attendance at an Attendance Centre | Duration of the order plus 1 year |
| Hospital Order (with or without restriction order) | 5 years or duration of the order plus 2 years (whichever is longer) |
| Disqualification, disability, prohibition or other penalty | The duration of the order |

* Reduced by half if the offender was under 18 at the date of conviction.

A later conviction may affect the rehabilitation period for an earlier conviction if it happens before the first period has run out.

If you are not sure whether your convictions are “spent”, you should declare it and the traffic commissioner will then consider each case on its merits.

Guidance note 12 – Previous licence history

If you have ever been associated, in any way, with a licence that has been revoked, suspended or curtailed* please tick the relevant box(es) and provide full details. If you cannot remember the licence number please give details of the licence holder's name and address.

The answers you give in this section will be checked against records. If you are unsure, please include the detail and if it is not relevant it will be noted before your application is determined.

*Please note that curtailment also means a reduction of authorisation imposed by the traffic commissioner.

Guidance note 13 – Transport manager declaration

Please read this carefully and ensure that you fully understand the obligations you are making before signing the declaration. By signing the application you are accepting that you are responsible for ensuring that you comply with them at all times.

If you are applying to be an internal transport manager, external transport manager or both (see section 5) please sign the declaration at section 13a.

Guidance note 14 – Declaration by the licence applicant/holder

The application must be signed by the person who is or will be the licensed operator:

- If that is as a sole trader you must sign the form yourself, even if you are applying to be an internal transport manager;
- If that is as a partnership it may be signed by all the partners or by one partner with the authority of the others;
- If that is as a limited company or limited liability partnership it must be signed by one or more of the directors/partners;
- If that is as any other organisation, it must be signed by one or more of the people who is authorised to sign applications for an operator's licence on behalf of that body.