



House of Commons
Transport Committee

The enforcement activities of the Vehicle and Operator Services Agency (VOSA)

Seventh Report of Session 2008–09

*Report, together with formal minutes, oral and
written evidence*

*Ordered by the House of Commons
to be printed 15 July 2009*

HC 39
Incorporating HC 1196, of Session 2007-08
Published on 24 August 2009
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

The Transport Committee

The Transport Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Transport and its associated public bodies.

Current membership

Mrs Louise Ellman MP (Labour/Co-operative, Liverpool Riverside) (Chairman)
Mr David Clelland MP (Labour, Tyne Bridge)
Mr Philip Hollobone MP (Conservative, Kettering)
Mr John Leech MP (Liberal Democrat, Manchester, Withington)
Mr Eric Martlew MP (Labour, Carlisle)
Mark Pritchard MP (Conservative, The Wrekin)
Ms Angela C. Smith MP (Labour, Sheffield, Hillsborough)
Sir Peter Soulsby MP (Labour, Leicester South)
Graham Stringer MP (Labour, Manchester Blackley)
Mr David Wilshire MP (Conservative, Spelthorne)
Sammy Wilson MP (Democratic Unionist, East Antrim)

The following were also members of the Committee during the period covered by this report:

Clive Efford MP (*Labour, Eltham*)
Mr Lee Scott MP (*Conservative, Ilford North*)
David Simpson MP (*Democratic Unionist, Upper Bann*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/transcom.

Committee staff

The current staff of the Committee are Annette Toft (Clerk), Jyoti Chandola (Second Clerk), David Davies (Committee Specialist), Marek Kubala (Inquiry Manager), Alison Mara (Senior Committee Assistant), Jacqueline Cooksey (Committee Assistant), Stewart McIlvenna (Committee Support Assistant) and Hannah Pearce (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Transport Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 6263; the Committee's email address is transcom@parliament.uk

Contents

| Report | <i>Page</i> |
|---|-------------|
| 1 Introduction | 3 |
| 2 HGV and PSV enforcement | 4 |
| Annual testing | 5 |
| Test sites | 6 |
| Fees and funding | 7 |
| Targeting non-compliant vehicles | 8 |
| 3 International vehicles | 10 |
| Graduated Fixed Penalty, Financial Penalty Deposit and Immobilisation Scheme | 12 |
| Developments in the European Union | 13 |
| 4 Public service vehicle operator licensing and reliability monitoring | 14 |
| Public service vehicle operator licensing | 14 |
| Reliability and punctuality monitoring | 16 |
| 5 Operational effectiveness | 17 |
| Working with other agencies | 17 |
| Traffic Commissioners | 17 |
| Ports | 18 |
| Other agencies | 19 |
| Data sharing | 20 |
| 6 Conclusion | 21 |
| Conclusions and recommendations | 22 |
| Formal Minutes | 26 |
| Witnesses | 27 |
| List of written evidence | 27 |
| List of unprinted evidence | 28 |
| List of Reports from the Committee during the current Parliament | 29 |

1 Introduction

1. The Vehicle and Operator Services Agency (VOSA) was created in 2003 as a result of the merger of the Vehicle Inspectorate and the Traffic Area Network Division within the Department for Transport. VOSA is an Executive Agency under the auspices of the DfT. Its primary functions are to enforce current legislation and standards for heavy goods vehicles and public service vehicles by means of licensing and testing. In doing so, the aims are to improve road safety and environmental standards and to ensure fair competition in the road haulage and passenger transport industries. VOSA is responsible for:

- a) supporting the work of the Traffic Commissioners relating to operator licensing for public service vehicles (PSVs)¹ and heavy goods vehicles (HGVs)² as well as PSV registrations;
- b) administering and supervising vehicle testing schemes, including the MOT test;
- c) enforcing vehicle standards and drivers' hours for HGVs and PSVs via annual and spot checks;
- d) administering the Single Vehicle Approval Scheme (SVA)³ and the Vehicle Identity Check Scheme (VIC)⁴;
- e) providing training and educational advice for commercial operators and drivers, and
- f) investigating vehicle defects and recalls, assisting the police with accident investigations, and conducting research related to these functions.⁵

2. VOSA's work is closely intertwined with that of the seven Traffic Commissioners, each of whom oversees a regional traffic area.⁶ Traffic Commissioners are responsible for the licensing of operators of heavy good vehicles (HGVs) and public service vehicles (PSVs), and for determining whether applicants for PSV and HGV licences are fit persons to hold such licences. Traffic Commissioners also play a key role in the registration and regulation of local bus services and the granting and revocation of vocational licences to drivers as well as permits to operators of not-for-profit community transport services. Finally, the

1 A public Service Vehicle (PSV) is a vehicle that is used to carry passengers in return for a fee. Busses and other vehicles with room for more than eight passengers are defined as *large PSVs*. Taxis, small minibuses or hackney carriages able to carry less than eight passengers are *small PSVs*.

2 Heavy goods vehicles (HGVs), also known as large goods vehicles (LGVs), are goods vehicles weighing in excess of 3.5 tonnes.

3 Checks that single vehicles brought into the UK without having been type-approved to British or European standards, it complies with UK legislation.

4 A scheme that seeks to prevent car 'ringing', whereby stolen cars are passed off as having been repaired following an accident.

5 <http://www.vosa.gov.uk>

6 The role of Traffic Commissioners was established under the Road Traffic Act 1960 and they are appointed by the Secretary of State for Transport. With the implementation of the Local Transport Act 2008, one Traffic Commissioner, Philip Brown, has been elevated to the new statutory function of Senior Traffic Commissioner. Mr Brown had held the position of non-statutory Senior Traffic Commissioner since March 2003. The Senior Traffic Commissioner is responsible for encouraging consistency in the procedures and decisions on licensing of the seven independent Commissioners.

Traffic Commissioners hear appeals against the impounding by VOSA of illegally-operated goods vehicles.

3. VOSA has been in operation for some six years, and we last looked at the performance of this agency as part of a wider inquiry into the Driver and Vehicle Operator Group of agencies four years ago.⁷ Since then, there have been several changes to the Agency's working practices and some shifts in its responsibilities. This inquiry therefore takes a timely look at the effectiveness of VOSA's enforcement activities, with particular emphasis on roadside enforcement checks and annual testing for PSVs and HGVs. Our report on VOSA's enforcement work is published alongside our report on *Taxes and charges on road users*⁸ which also contains important recommendations affecting the HGV sector. We would like to take this opportunity to thank everyone who has given evidence, both in writing and in person, and to the staff of the VOSA inspection site at Leatherhead, which the Chairman visited.

2 HGV and PSV enforcement

4. One of VOSA's primary responsibilities is to enforce vehicle and driver safety among operators in the road haulage industry and the bus and coach industries. As shown in Table 1 below, VOSA carried out more than half a million annual vehicle tests in 2007–08. Tests are carried out either at one of VOSA's 90 test sites or at 'designated sites' which are privately owned. About 20% of all annual tests are now performed at designated premises, despite the fact that fees tend to be higher than for tests performed on VOSA's own sites.

Table 1: Number of operator licences and vehicle tests in 2005–06 and 2007–08

| | 2005–06 | 2007–08 |
|--|---------|---------|
| Number of HGV operator licences in issue | 99,916 | 98,316 |
| Annual HGV tests carried out | 467,698 | 462,820 |
| Number of PSV operator licences in issue | 8,843 | 9,202 |
| Annual PSV tests carried out | 81,355 | 81,823 |

Source: VOSA: Effectiveness Report 2007–08

5. In addition to these regular tests, VOSA also carries out enforcement checks, in which potentially non-compliant vehicles are identified on the roads and brought in to a roadside inspection site for examination. In 2007–08, 97,394 HGV and PSV roadworthiness checks were performed and 85,559 heavy goods vehicles (HGVs) and public service vehicles (PSVs) were inspected for weight compliance, overloading and tachograph (drivers' hours) offences.⁹ Vehicles found to be non-compliant following such on-the-spot inspections are

7 Transport Committee, Ninth Report of Session 2005–06, *The work of the Department for Transport's Agencies - Driver and Vehicle Operator Group and the Highways Agency*, HC 907

8 Transport Committee, Sixth Report of Session 2008–09, *Taxes and charges on road users*, HC 103, July 2009

9 This breaks down into 83,032 HGV roadworthiness checks and 14,362 PSV roadworthiness checks; 76,931 HGVs and 8,628 PSVs respectively were inspected for weight compliance, overloading and tachograph (drivers' hours) offences. See VOSA: *Effectiveness Report 2007–08*, Tables A1.27 and A2.18; Tables A136 and A2.25.

required to have any defects resolved before continuing their journey. Drivers found to be in breach of drivers' hours regulations must remain at the test site until they have rested sufficiently so as to become compliant. Operators may also face a fine or, in very serious cases, inspectors may impound the vehicle. VOSA inspectors can also bring the case before the Traffic Commissioners for public inquiry. Traffic Commissioners have the power to revoke an operator licence or limit the number of vehicles an operator is permitted to run.

Annual testing

6. During the winter 2008–09, the DfT consulted on proposals to alter the structure and levels of fees charged by VOSA for several services, including the testing and inspection of HGVs and PSVs. The two key changes to annual testing proposed were a move towards delivering the majority of tests at private-sector-operated Authorised Testing Facilities (ATFs) and to merge the HGV operator licence fee and some PSV operator licence fees into test fees.¹⁰

7. The first change is to move rapidly towards delivering the majority of tests at private-sector-operated ATFs. This was first announced by the then Transport Minister, Jim Fitzpatrick, in a Ministerial Statement on 3 July 2008. The Minister said that the reasons for the change were to improve the service for customers and to enable improvements to take place at VOSA testing stations:

First, I want to facilitate more VOSA tests at operators' premises, and at more convenient times. This is a proven model of delivery, with recognised benefits in terms of reduced loss of productive time, and I believe industry will welcome removing constraints on its expansion. I also want to facilitate more VOSA tests at service and maintenance providers' premises, to improve quality of service and choice.

Secondly, for VOSA's own testing stations, the principle must be 'fewer, but better'. I aim quickly to identify those sites for which there is a continuing requirement, so that we can get on with investing and upgrading the service that they can provide.¹¹

We were told by the Minister that the target is for 85% of tests to be undertaken at private sites by 2012, compared to approximately 20% at present.¹² In March 2009 the Government published the consultation responses along with its own conclusions. This stated that, in order to encourage more operators to use non-VOSA sites, the Government would, as a first step, halve the supplement currently charged for testing at 'designated sites'.¹³

8. The second change outlined in the consultation was the removal of the vehicle-related operator licence vehicle fee (often known as O licences), and for PSVs some other O licence fees. The O licensing fees would then be collected with the testing fee. This was

10 Department for Transport: *VOSA, Delivering Better Services and Fairer Fees*, November 2008

11 HC Deb 3 July 2008, c62WS

12 Q 208 Jim Fitzpatrick MP, the then Parliamentary Under Secretary of State for Transport

13 Department for Transport, *Summary of responses: Consultation on delivering better services and fairer fees*, March 2009

previously trailed in the December 2005 consultation document *Modernising Operator Licensing*.¹⁴ The March 2009 summary document confirmed that this change would go ahead. With regard to the projected savings and implementation timetable, the summary document stated:

The merger of two fee transactions into a single one will save the industry around £1.5m a year in administrative costs. The intention is to phase delivery of this change over two years; making two equal transfers of the O licensing fees in April 2009 and April 2010, with the result that April 2010 sees the vehicle related O licence fees abolished and any pre-paid O licence fees re-paid. This change will produce fairer fees, and reduce collection costs.¹⁵

Test sites

9. The move towards greater private sector involvement is a significant change in policy regarding the provision of testing sites. While the use of ‘designated premises’ for some testing is well established within the industry, no specific attempt to encourage their use has been made and it has until now been more expensive for operators to opt for testing at designated sites than at VOSA sites. VOSA told us that the changes would result not only in lower net costs for the industry but would also reduce the capital outlay required to modernise all of VOSA’s own sites. We were told by representatives from VOSA that:

The overall task is to reduce the net cost of compliance to the industry and you do that by putting the tester as close as possible [...] to where the test needs to be done, which is normally in an operators’ premises or where the vehicle is being maintained. If you do that our experience is [that] you tend to get a greater compliance rate of the vehicle in the first place. If we continue in the way we have been doing, we have spent about £45 million over the last four years on improving our estate. That has meant we have rebuilt ten stations and completely built a new one, as I have just mentioned. We have actually got 90 stations. If we were to continue with a network of the size we have got at the moment it would take us an awfully long time to provide a modernised testing facility for the nation into the future.¹⁶

10. The move has received a mixed reaction. Industry groups such as the Road Haulage Association (RHA) and the Freight Transport Association (FTA) favour the use of private sites in order to improve flexibility of test provision. Witnesses representing the RHA told the Committee that their priorities lie in improving the flexibility of testing services. They would like to see more test slots available, with some out-of-hours slots, and easily accessible sites that do not require operators to travel great distances to attend tests. They believed that the move towards using authorised testing facilities has the potential to allow such flexibility and accepted that there may be additional costs involved in terms of operators upgrading their properties and paying more for out-of-hours services: “We should not underestimate the importance not only of the immediate testing charge but also

14 Department for Transport, *Modernising operator licensing: public consultation*, December 2005

15 Department for Transport, *Summary of responses: Consultation on delivering better services and fairer fees*, March 2009

16 Q 144

of the ease [and] proximity of testing when the vehicle is being maintained".¹⁷ However, the VOSA Trade Union Side expressed a great deal of concern regarding the move towards authorised testing facilities:

If you are sending the staff away from a test station to a Designated Premise, not only do they have the travelling time getting to and from there but when they get there on average they will do about 50% less work because of the layout of the Designated Premises.¹⁸

11. A key issue which was raised by both the VOSA Trade Union Side and industry groups is the effect of the changes on smaller operators, who may not have big enough sites to upgrade to VOSA authorised testing facility standards. The hope is that larger operators and private organisations will open up their sites to allow smaller operators to administer tests at their sites. However, currently in Britain, 85% of operators have five or fewer vehicles in their fleet; 93% have 10 or fewer.¹⁹ Therefore, if the majority of VOSA's own sites are to be closed, there will be a significant number of operators who are unable to upgrade their own sites and who will be required to use other private premises. This places a heavy requirement on private operators and businesses to provide adequate coverage of sites for testing. VOSA TUS also expressed reservations over the willingness of smaller operators to attend tests at premises owned by their competitors.²⁰

12. We recognise that the use of private sector sites may be helpful in cutting costs and ensuring that operators receive a flexible annual testing service. However, we believe that any move towards complete privatisation of test sites would disproportionately affect smaller operators who have fewer resources. We further believe that certain areas of the country would be less profitable and could consequently be under-served by the private sector. Therefore, we recommend that VOSA be required to retain a significant network of sites in order to maintain adequate coverage for annual testing throughout the UK and to safeguard VOSA's role as the independent enforcement agency.

Fees and funding

13. The 9% increase in fees for testing represents a very significant increase in costs for operators.²¹ As the test is compulsory, it is the responsibility of the Government to make sure that costs are minimised and that the fees charged reflect the real cost of providing the service. Witnesses expressed concern that some fee increases have not led to obvious improvements in services and that greater clarity is needed as to what the money is being spent on. There was a feeling that fees were used in part to cover the cost of past mistakes and under-funding rather than new innovation:

[the industry] is eagerly expecting VOSA to modernise [...] and we find it somewhat curious that the first thing that is announced is that the fees are going up by twice the

17 Qq 4 - 8

18 Q 63

19 VOSA: *Effectiveness Report 2007-08*

20 Q 71

21 The new fees came into force on 29 April 2009 via the Motor Vehicles (Approval) (Fees) (Amendment) Regulations 2009 (SI 2009/863)

rate of inflation [...]. We would certainly want to see much more evidence about delivery along the kinds of innovations and modernisation that we have been discussing.²²

14. The Committee acknowledges that fees for annual testing must reflect the costs of providing this service. However, changes in fees must be fair and above-inflation increases must be justified with real improvements in services. A move towards private sector involvement should reduce costs and therefore we will be looking for much greater flexibility in the numbers and times of test slots available before any future fee increases are proposed.

Targeting non-compliant vehicles

15. VOSA has taken steps to improve the effectiveness of its enforcement activities, particularly with its use of software which processes the live feed from VOSA cameras on motorways and alerts staff to vehicles which could be non-compliant. Such software includes automatic number plate recognition systems (ANPR); weigh-in-motion sensors (WIMS); and the Operators Compliance Risk Score (OCRS). The OCRS grades operators from 0 – 10 along with a ‘traffic light’ colour coding of red, yellow or green. The score is derived from historic data regarding an operator’s annual tests, fleet check inspections, roadside inspections and prosecution and legal records. The score is relative to other operators’ scores: those operators with no prohibitions or failed tests will have a score of zero and the worst 10% of operators will have a score of 10. In the case of new operators, or where there is no historic data available for the relevant period, predicted scores are used, based on the type of operator licence, age of operator licence and size of fleet.²³ Operators are able to access their scores online. We were able to see these targeting methods in action during our visit to the VOSA inspection site situated on the M25 at Leatherhead.

16. In general, VOSA has tended towards carrying out fewer checks on UK vehicles and more on foreign vehicles over the last few years. For example, the total number of UK-registered HGVs checked for overloading offences fell by 42.9%, from 26,802 to 15,316, between 2005–06 and 2007–08. Checks for the same offences on foreign vehicles increased by 25.9%, from 8,110 to 10,213, over the same period. However, the numbers of prohibitions issued following these checks increased from 13.1% to 28.6% for UK vehicles and from 17.5% to 33.1% for foreign-registered vehicles. The pattern was similar regarding PSVs.²⁴

17. The consensus among witnesses was that the trend towards increasing prohibition rates, observed over the past three years, represented an improvement in VOSA’s targeting techniques, rather than a decrease in vehicle compliance standards generally, indicating that the efficiency and effectiveness of VOSA’s methods are increasing. Industry representatives indicated that targeting through the OCRS score, WIMS and other techniques has produced important advances in enforcement, allowing VOSA to direct resources at those operators that are most likely to be in breach of regulations instead of

22 Q 11

23 <http://www.vosa.gov.uk/vosacorp/repository/08%20220%20OCRS%20Info%20Sheet.pdf>

24 *VOSA Effectiveness Report 2007/08*

inconveniencing those operators with a good record of compliance and wasting examiners' time:

[VOSA] are stopping known operators with whom they have had problems in the past, so their enforcement procedures are rather more focused than they have been in the recent past, and I would suggest that they are seeking out those operators with a bad track record and pulling those vehicles in. That does not reflect upon the UK fleet generally, but on those operators they know have a bad record²⁵

18. There was a general belief amongst many witnesses that the penalties to UK operators for non-compliance are high enough to negate any temptation among operators with a good record, who would not generally be the subject of frequent enforcement checks, towards becoming complacent and allowing standards to slip.²⁶ However, the Traffic Commissioners commented that the OCRS is not enough in itself to ensure that good standards are maintained:

[...] it is only a tool. If somebody looks up their own Risk Score and says "I am 5" they need to remind themselves that they are aware of their absolute obligation to maintain vehicles in a fit and serviceable condition and to comply with the legal requirements generally. An operator who says "I'm a Green 10" or whatever it is, that is absolutely fine but that is only one element.²⁷

19. The OCRS is a key aspect of effective targeting, but VOSA must not rely upon this device alone. For foreign operators, the repercussions of low standards are less of a deterrent, as non-British firms are outside the jurisdiction of the Traffic Commissioners and at present have no OCRS score because there is no database of information available regarding foreign operators' compliance history. The recently introduced Graduated Fixed Penalty, Financial Penalties Deposit and Immobilisation Scheme will increase the deterrents available against non-compliance among foreign operators.²⁸ However, VOSA must continue to make use of other techniques and technologies, such as WIMS and random spot checks, in order to encourage operators to maintain high standards. **We welcome the use of targeting mechanisms such as the Operators Compliance Risk Score in order to allocate resources most effectively and to apprehend successfully those most likely to be non-compliant. However, the OCRS mechanism is just one aspect of enforcement and VOSA should not rely on this score alone when targeting vehicles for inspection.**

20. Industry witnesses indicated that there are valid concerns about the wider use of the OCRS by third parties as a general indicator of operator reliability.²⁹ An operator's score is relative to those of other operators. It also depends on the length of time since the last inspection and will naturally be lower when an operator is due for annual vehicle tests.³⁰

25 Q 26, see also Qq 39 and 82

26 Q 27

27 Q 102

28 Brought into force on 31 March/1 April 2009 by seven Statutory Instruments: SIs 2009/483, 488, 491, 493, 494, 495, and 498

29 Q 28 – for example, use by insurance companies.

30 Q 39

Scores therefore need very careful interpretation, but the Road Haulage Association indicated that this did not always happen.³¹ **The Operators Compliance Risk Score is a valuable tool for enforcement purposes, but it should not be regarded as a direct indicator of operator reliability or quality for unrelated purposes. If OCRS scores are made available to third parties, VOSA needs to be sure that it indicates the limits for how such scores should be used, and how to interpret them appropriately.**

3 International vehicles

21. The number of foreign-registered vehicles being driven on UK roads continues to rise. The proxy often used to measure the volume of foreign-registered heavy goods traffic on Britain's roads is the number of foreign-registered vehicles leaving the country. In 2008, 1.67 million foreign-registered vehicles left the UK, having fallen back slightly from an all-time high of 1.72 million in 2007.³² Foreign-registered vehicles account for more than 80% of the heavy goods traffic leaving the UK, and the proportion of vehicles which are registered in the newest EU Member States has increased rapidly in recent years. In 2008, 35% of all powered goods vehicles leaving the UK were registered in the 12 newest EU Member States.

22. Foreign vehicles are statistically more likely to be non-compliant than UK vehicles. Since 2005–06, prohibition rates for foreign-registered vehicles have consistently been significantly higher than those for UK registered vehicles for all offences.³³ Foreign-registered HGVs are also, reportedly involved in more accidents than UK-registered vehicles.³⁴

Table 2: Prohibition rates for UK registered and foreign-registered HGV vehicles

| | UK-registered vehicles | Foreign-registered vehicles |
|---|------------------------|-----------------------------|
| Prohibition rate for vehicles and trailers tested for roadworthiness | 37.5% | 46.5% |
| Prohibition rate for vehicles tested for drivers' hours and tachograph offences | 15.8% | 23.9% |
| Prohibition rate for vehicles tested for overloading | 28.6% | 33.1% |

Source: VOSA: Effectiveness Report 2007–08, Tables A1.30 and A1.36

23. In 2007–08, the prohibition rate³⁵ among Czech HGVs subjected to roadworthiness tests was more than 60% with Polish and Hungarian vehicles also exceeding 50%. Belgian,

31 Q 29

32 Department for Transport, *Transport Statistics Bulletin: Road Goods Vehicles Travelling to Mainland Europe – 2008*

33 VOSA: *Effectiveness Report 2007–08*

34 Ev 64, Road Haulage Association, para 18; Q 174-175; Daily Mail, *Polish drivers are worst culprits as road accidents caused by foreign juggernauts soar*, 10 May 2009; see also paragraph 26 of this report.

35 There are several types of enforcement action that a VOSA Officer can take when confronted with a non compliant vehicle or driver. They are: a verbal warning; one of a range of prohibition notices, some of which come into effect immediately, whilst others come into force after a certain time; an inspection notice, an offence rectification notice, or a fixed penalty notice.

German and Italian vehicles all had prohibition rates of more than 40% of those tested.³⁶ These figures are all the more worrying when taking into account that sophisticated targeting techniques which are used to select UK vehicles for testing cannot be used for foreign-registered vehicles. VOSA is able to target known and likely UK registered offenders through the Operator Compliance Risk Score (OCRS), but examiners have to rely on weigh-in-motion sensors (WIMS) and Automatic Number Plate Recognition (ANPR) systems alone for foreign-registered vehicles.

24. Industry representatives also argued that the penalties for non-compliant foreign operators were unsatisfactory. They therefore welcomed the new system of graduated fixed penalties though the Road Haulage Association doubted whether even this would create a level playing field:

There is nothing more galling than to pull up a foreign truck, find there is something wrong and just tell the driver to rest up and [...] when he has had his four-hour break he can go on his way. To the UK operator, the penalties are much more severe. If he is apprehended by VOSA in any way he has to submit a letter to the Traffic Commissioner and say 'I have been a naughty boy' and the Traffic Commissioner can call them in for an interview and revoke his licence or reduce the number of vehicles that he can operate.³⁷

25. The rise in the number of foreign-registered heavy goods vehicles in the UK poses serious challenges to the Government and to VOSA. Our 2008 report on Freight Transport pointed to the damaging distortion of competition caused by foreign hauliers who are able to operate with a cost base that is significantly lower than that of their UK competitors.³⁸ An even more serious challenge is the high level of non-compliance with basic road safety standards of foreign-registered vehicles on UK roads. **The number of foreign-registered heavy goods vehicles on Britain's roads, particularly from the newer EU Member States, is rising. They bring unacceptable levels of non-compliance with basic road safety standards. We recognise that the Government and VOSA cannot specifically target foreign operators, but it is imperative that the Government works intensively to identify ways to improve enforcement and compliance among foreign-registered heavy goods vehicles.**

26. In April 2008, The Government announced additional funding of £24 million over three years to develop the High Risk Traffic Initiative (HRTI). The objective of HRTI is to target high risk traffic, much of which is international traffic, through a 50% increase in vehicle checks. 148 staff will run the scheme across 15 strategically located sites, with particular emphasis on international vehicles entering the UK through Dover and Folkestone, where 65% enter the UK.³⁹ This initiative followed a pilot in the South East of England in 2007, where VOSA had put additional resources into enforcement for high risk international traffic. In the course of this pilot, the number of accidents on the M25

36 VOSA: *Effectiveness Report 2007–08*, Table A1.30

37 Q 24

38 Transport Committee, Eighth Report of Session 2007–08, *Freight Transport*, HC249, para 112 ff

39 Ev 67, Department for Transport, paras 6.1 and 6.2; Qq 169-171

involving foreign-registered vehicles had declined very significantly.⁴⁰ Industry representatives expressed support for the renewed focus on enforcement in relation to non-compliant foreign-registered vehicles, including additional funding and staff.⁴¹ The VOSA Trade Union Side, however, raised concern that staffing and systems were inadequate to achieve the objective of 24/7 inspection services at all sites.⁴² **We are pleased to see the Government and VOSA initiating schemes, such as the High Risk Traffic Initiative (HRTI), which concentrate additional funding and staff resources on those vehicles that pose the greatest risk to road safety, often foreign-registered vehicles. It can only be right that resources are concentrated where they are most likely to save lives. This is a significant step in the right direction, but we are concerned whether the number of additional staff is adequate, and we urge the Government and VOSA to take immediate action if it becomes clear that more staff is required for such schemes.**

Graduated Fixed Penalty, Financial Penalty Deposit and Immobilisation Scheme

27. The Graduated Fixed Penalty, Financial Penalty Deposit and Immobilisation Scheme, which we have previously called for, was finally introduced in May 2009.⁴³ The Government hopes that the scheme will provide a robust deterrent against non-compliance among foreign vehicles.⁴⁴ The scheme enables police officers and VOSA examiners to:

- a) issue fixed penalties to UK and non-UK-resident offenders alike;
- b) request immediate financial deposits from non-UK-resident offenders and those without a credible address within the UK—either in respect of a fixed penalty or as a form of surety in respect of an offence which is subsequently to be prosecuted in court, and
- c) immobilise vehicles in any case where a driver or vehicle has been prohibited from continuing a journey or in any case where a driver declines to pay the requested deposit.⁴⁵

28. Stephen Tetlow, the then Chief Executive of VOSA, told us that the introduction of fixed penalties which could be used at the roadside gave inspectors a very important new weapon against foreign operators. He expected the deterrent impact of these new powers to be substantial.⁴⁶ The VOSA Trade Union Side expressed some concern about the safety of staff handling cash and imposing stricter regulations without a police presence.⁴⁷ These

40 Q 174-175

41 Ev 64, Road Haulage Association, para 17; VOSA 14 Freight Transport Association, para 1

42 Ev 56, VOSA Trade Union Side, para 8

43 Transport Committee, Eighth Report of Session 2007–08, *Freight Transport*, HC249, para 122

44 The scheme was initially legislated for in the Road Safety Act 2006 and a consultation on the implementing regulations was held in 2008, see: DFT *Graduated Fixed Penalties and Financial Penalty Deposit Schemes: A Consultation*, July 2008

45 Explanatory notes to Statutory Instruments 2009/483, 488, 491, 493, 494, 495, and 498

46 Q 155

47 Ev 56, VOSA TUS, para 17

concerns are valid and the safety of staff members must be a priority. However, despite these reservations, the scheme provides real new powers which will have a direct impact on VOSA's ability to penalise offending foreign operators. Witnesses were broadly in support of these new powers as a way of tackling foreign vehicle non-compliance, but we note that the range of fines available is small, i.e. up to £200,⁴⁸ and this instrument is therefore not likely to deter serious and repeat offenders.

29. We welcome the introduction of the Graduated Fixed Penalty, Financial Penalty Deposit and Immobilisation Schemes. We believe it will enhance VOSA's ability to punish and deter non-compliance among non-UK operators. However, the fines are small and we recommend that there should be increases so that there is a real level of deterrence. The Government and VOSA must continue to explore ways to strengthen VOSA's ability to enforce vehicle and drivers' hours standards among foreign operators on UK roads.

Developments in the European Union

30. The introduction of the Graduated Fixed Penalty, Financial Penalty Deposit and Immobilisation Schemes represent a step in the right direction. However, the only long-term solution to the disproportionate level of infringements of vehicle safety regulations by foreign-registered vehicles will be better co-operation with authorities at EU level and in other EU countries. The Freight Transport Association argued that the greatest improvement to VOSA's enforcement work could be achieved by inspectors having access to the vehicle registration databases of other EU Member States, in order that operators based in other countries could be traced and held to account, if necessary.⁴⁹

31. Britain has one of the best safety records and one of the strictest enforcement regimes in Europe. A number of witnesses highlighted that the regulation and enforcement of the haulage and public service vehicle industries in the UK is considered a model of best practice not only in Europe, but in the world.⁵⁰ Mr Philip Brown, the Senior Traffic Commissioner told the Committee that "quite clearly Great Britain comes up as the safest and best regulated within the European Union and that is down to both VOSA and the Traffic Commissioners".⁵¹ The Road Haulage Association (RHA) concurred:

I think there is a recognition in Brussels and parts of Europe that the UK is ahead on this. I think we are the only country that regularly puts companies out of the industry for non-compliance as opposed to just fining them. The drivers' hours regulation 56106 recognises that implicitly when it says that we should move to a system of banning companies who breach the drivers' hours regulation on a regular basis. We are the only country that does that. I think to a degree we are recognised as a role model in parts of Europe.⁵²

48 VOSA: *Enforcement Sanctions Policy*

49 Q 32

50 See for example Qq 22-23

51 Q 112

52 Q 23

The Freight Transport Association explained that they, supported by the RHA, and the Department for Transport had actively taken the message to Europe by organising a seminar for colleagues from other EU Member States to demonstrate the virtues of the British system:

That was so successful and it was such a well-attended [event] that we are going to repeat it again next year. We are doing all we think we can from the industry side to drive up those standards and make our colleagues on the Continent aware of the importance of this and the benefits of it.⁵³

32. We are pleased to hear that the Government, VOSA and the industry organisations have all been involved in working with European authorities and governments in other Member States to help unify transport policy throughout Europe and that Britain has been taking a lead in directing negotiations.⁵⁴ An agreement to create a Europe-wide database of safety performance records by 2013 was reached at the Transport Council in June 2008.⁵⁵ This development is most welcome. Such collaboration with European authorities is critical in order to help develop a Europe-wide consensus on HGV and PSV safety regulations and to address the problem of enforcing foreign vehicles travelling on British roads. **At European level, VOSA's enforcement work is seen as a model of best practice. We congratulate VOSA on this achievement.**

33. **We are pleased to learn that the UK is taking the lead on work to improve enforcement and vehicle safety within the European Union. We welcome the work that is being done by officials from both VOSA and the Department for Transport with the Transport Council and the European Commission to co-ordinate work and develop a Europe-wide database of information regarding the safety records of European operators. The implementation of a Europe-wide database is vital work which is urgently needed to help save lives across the continent. It is heartening that the Government and industry representatives are working together to educate colleagues elsewhere in Europe about the benefits of our system and standards.**

4 Public service vehicle operator licensing and reliability monitoring

Public service vehicle operator licensing

34. Regulations arising from the Goods Vehicles (Licensing of Operators) Act 1995 enable the relevant authorities to detain a goods vehicle and its contents if the person operating that vehicle is doing so without a vehicle operator's licence.⁵⁶ The Local Transport Act 2008 introduced a corresponding provision for the unauthorised use of public service vehicles

53 Q 23

54 Qq 23, 112, 158 & 217

55 Q 218; see also Ev 50, ITS UK

56 The Goods Vehicles (Enforcement Powers) Regulations 2001 came into force on 4 January 2002

(PSVs), adapted to carry more than eight passengers.⁵⁷ Under regulations which will enter into force on 1 October 2009, certain PSVs can be detained if the user does not hold a valid PSV operator's licence.⁵⁸

35. While this change is welcome, witnesses highlighted other areas of concern in relation to PSV licensing which the Government has not addressed. The Senior Traffic Commissioner told the Committee that, at present, PSVs are not specified on operator licences, meaning that if an operator holds a licence, they can transfer the licence from one vehicle to another. This makes it very hard to prove who was using a given vehicle at a particular time, or if a specific vehicle has passed the required annual test:

At the moment a bus operator is given a number of discs. They will apply for and get ten discs, but they can use any number of vehicles just by putting those discs in any window of any vehicle that they happen to be using, including vehicles which are used by somebody else. So when it comes down to VOSA having to try and establish who the user of that vehicle is on any particular day in a non-compliant state or with drivers committing offences it is quite difficult for VOSA to come up with evidence which indicates that a certain operator was operating illegally on a certain day.⁵⁹

36. The then Parliamentary Under Secretary of State for Transport, Mr Jim Fitzpatrick MP told us that the possibility of specifying vehicles to licences had been discussed in the past, but had been rejected due to the additional burden it would place on the industry. However, it seems perverse that a measure which could obviously help to improve standards should be rejected on the grounds of protecting the industry.

37. There is a further ongoing problem regarding operator licensing. If one division of an operator group has a licence revoked for non-compliance with the vehicle safety regulations, vehicles from another division of the group could be brought in to run on that route instead. The Local Transport Act 2008 attempted to resolve this issue by making licence conditions applicable to all licences within an operator group. The Traffic Commissioners suggested that while the Act did resolve the issue in relation to punctuality and reliability compliance, a loophole still existed regarding vehicle safety compliance:

If you have got First X and First Y within the First Group, for not running their buses on time then there is a provision in the Local Transport Act which prevents licensing First X from running routes which First Y is not allowed to run because it can apply to the whole group. However, if vehicles are not specified on an operator's licence, if you revoke First X's licence to operate in that traffic area, if there is another First company within that traffic area, then that company can run the route. That company, even if it is not within the traffic area, may also be able to run the route in X's traffic area, if you like, and I think that is the difficulty. It is to do with road safety.⁶⁰

57 Following a consultation in December 2008, the Government announced on 22 June 2009 that the relevant implementing regulations would be brought into force on 1 October 2009.

58 Department for Transport, PSV impounding: response to consultation paper, June 2009

59 Qq 87 & 91

60 Qq 114 - 119

38. This kind of behaviour limits other operators' ability to compete for the route and the specification of licences to vehicles may help prevent such behaviour. **We welcome the improvements to public service vehicle (PSV) operator licensing, but there are clear loopholes, which imperil the safety of passengers, that still need to be closed regarding the use of PSV operator licences on multiple vehicles. We recommend that appropriate legislation be introduced as soon as possible to make provision for the specification of vehicles on operator licences for public service vehicles.**

Reliability and punctuality monitoring

39. Through the Local Transport Act 2008, the powers of the Traffic Commissioners with regard to monitoring and regulation of bus service reliability and punctuality were enhanced. In practice, the monitoring of local bus services on the ground is carried out by Bus Compliance Officers, employed by VOSA. Ten Bus Compliance Officers serve the whole of England, with six in Scotland and three in Wales. These officers are funded directly from the Department for Transport, and the devolved administrations in Scotland and Wales.⁶¹ Our evidence indicates that VOSA is unlikely to receive additional resources to provide extra support for the enhanced powers of the Traffic Commissioners in this area. Neither VOSA nor the Department for Transport appeared clear about how the new provisions were going to be implemented.⁶² There was a feeling among some witnesses that the solution might in part be in new technology, for example GPS monitoring, rather than more staff.⁶³ Some witnesses also questioned whether VOSA was the most appropriate body to support the Traffic Commissioners in their reliability and punctuality monitoring function.⁶⁴ Mr Tetlow, VOSA's then Chief Executive, argued that local transport authorities would be better placed to carry out this task:

My own view is the Integrated Transport Authorities would be better doing [the monitoring] themselves. I think there is a role for VOSA which we could play if we are required to in providing targeted information or checking the validity of the information that they are being given. I do not think it would be our role to check the punctuality of bus routes all over the country.⁶⁵

40. Indeed, in their written evidence, pteg (the Passenger Transport Executive Group) suggested that there was a case for Transport Executives to take on a greater role in monitoring bus performance and reliability and that this could provide "an opportunity to improve the overall robustness and effectiveness of performance monitoring and enforcement".⁶⁶

41. The system of regulating bus services is certainly complicated, with a wide range of stakeholders involved: VOSA, the Traffic Commissioners, the Integrated Transport Authorities (ITAs), Passenger Focus (the new bus passenger watchdog), and even the

61 Ev 73, paras 6-10; Q 43 Ms Shaw

62 Q 95, Qq 176 – 180 and Q 229

63 Q 178 and Q 43

64 Q 121

65 Q 181

66 Ev 47, pp 8.1 – 8.2

police. Therefore, it must be clarified exactly where the responsibility for different aspects of enforcement lies. **If the new reliability and punctuality monitoring system is to be effective, the role of VOSA and all other relevant agencies must be clarified. However, we do not believe that VOSA currently has the resources to adequately undertake this responsibility on top of its existing remit. We recommend that the Government transfer the responsibility for monitoring punctuality and service reliability to local bodies such as Integrated Transport Authorities. At the same time, the possible efficiencies that might be achieved by a more high-tech approach to monitoring should be explored.**

5 Operational effectiveness

Working with other agencies

Traffic Commissioners

42. Several submissions to our inquiry acknowledged that relations between Traffic Commissioners and VOSA had been rather strained in the past,⁶⁷ particularly following the centralisation of the processing of operator licensing applications to Leeds.⁶⁸ Pteg noted that “it must be a distraction [...] when the two organisations responsible for delivering [vehicle safety] appear to have such a fractious relationship and what appears to be a clash of cultures and approach.”⁶⁹ However, Traffic Commissioners themselves indicated that relations were now effective and well-functioning, a view supported by evidence from most of our witnesses.⁷⁰ **We welcome the improvement in relations between VOSA and the Traffic Commissioners over the past two years. It is essential that they work seamlessly together, and that communication between them is effective.**

43. In our 2006 report, we expressed concern about the potential for VOSA’s internal performance measurement to distort priorities so that vital work was neglected. The Traffic Commissioners raised this issue again in this inquiry, noting that the Performance Gain Points scheme incentivises staff to prioritise certain jobs above others. In particular,

performance gain points may be high for an examiner who is engaged in a roadside check, but the allocation of performance gain points for the preparation of evidence and attendance to give evidence at a public inquiry is at a much lower level. Accordingly such a measure can have a negative and disproportionate effect if the allocation of the points awarded fails to reflect the types and wide range of compliance work undertaken by examiners⁷¹

67 Ev 64 para 28, Ev 40, paras 6.1 - 6.4

68 Traffic Commissioners, *Annual Reports 2007-08*

69 Ev 47, para 7.2

70 Qq 34, 73-74, 86 and 210

71 Ev 40, para 3.5; we previously expressed concern about this point in our 2006 report: Transport Committee, Ninth report of Session 2005–06, *The work of the Department for Transport's Agencies – Driver and Vehicle Operator Group and the Highways Agency*, HC907, paras 81-83

44. The then Chief Executive of VOSA, Mr Tetlow, acknowledged that the system was a “blunt instrument” and stated that the Agency was working continuously to improve the system.⁷² These comments are not particularly reassuring in light of the fact that we raised the same point in our 2006 report, when we recommended that the system be changed. We accept that an internal system to monitor effectiveness and performance is required, and we note that the system in place at VOSA is “independently audited and approved by the NAO”.⁷³ However, it is a serious issue if the work of VOSA inspectors to prepare evidence for public inquiry is seen as less important and worthwhile than roadside inspections. The diligent preparation of evidence is vital to the successful conviction of offending operators. If there is to be an effective deterrent against non-compliance, VOSA must be seen to take public inquiries seriously. Any performance-related benefits need to encourage excellence in all aspects of work, including desk-based functions in support of Traffic Commissioners. **We continue to have concerns about the operation of VOSA’s performance management system which may distort priorities so that crucial work in support of hearings by Traffic Commissioners is neglected. The system needs to be audited, and if necessary, adjusted to ensure that support for the enforcement work of Traffic Commissioners is given due priority.**

Ports

45. Ensuring the safety and compliance with UK and EU regulations of vehicles entering the UK has become a critical issue. Several witnesses highlighted that VOSA inspectors are hamstrung because they cannot carry out enforcement checks at ports without obtaining permission to enter from the port authorities. VOSA inspectors have been refused entry to ports in the past, and according to the then Chief Executive of VOSA, Mr Tetlow, this had occurred relatively recently at a port in Liverpool, because the port authorities believed they were being targeted disproportionately and unfairly.⁷⁴

46. Ports are private premises, but, under the Immigration Act 1971, immigration officials have the power to access ships, and thereby ports. It is anomalous that VOSA inspectors do not have an equivalent automatic right of access to UK Ports. As we heard from VOSA Trade Union Officials, enforcement in relation to foreign vehicles is most efficiently carried out at points of entry to the UK, before vehicles disperse onto the road network :

It is the hub in the spoke of the wheel before everything starts going out and the further away from that hub you get, the more sites you have to have scattered around to try and catch them. The closer to the point of entry you can get, the better.⁷⁵

47. If operators believe that VOSA are targeting a particular port at a particular time, they may well try to use other locations to enter the UK; either in order to avoid detection, or simply to minimise potential delay. It is understandable, therefore, that port authorities

72 Q 196

73 Transport Committee, Fifteenth Special Report of Session 2005–06, *The Work of the Department for Transport's Agencies-Driver and Vehicle Operator Group and the Highways Agency: Government Response to the Committee's Ninth Report of Session 2005–06*, HC1615

74 Q 201; the Committee previously expressed concerns about how VOSA targets individual ports in 2006, see paras 78-80 of HC 907, July 2006

75 Q 76

might view VOSA's work as an inconvenience which might lose them business. However, if VOSA had automatic access to all ports, port authorities would have no reason to feel unfairly targeted and operators could not predict at which ports VOSA would be operating on any given day. The issue of gaining access to ports to carry out inspections at the point of entry to the UK is particularly important, given a lack of enthusiasm from planning authorities in Kent for a proposed VOSA inspection site in Ashford, which would have captured a large volume of disembarking vehicles from Dover and Folkestone.⁷⁶

48. Witnesses acknowledged that extensive enforcement activity at ports might pose practical and logistical problems, such as a lack of space in which to carry out checks at some port premises. It was suggested that one possible solution might be to undertake more inspections prior to embarkation at ports outside the UK. This method is used at the Eurotunnel terminal at Coquelles in France, for example. According to the VOSA Trade Union Side, the inspection site at Coquelles is British territory.⁷⁷

49. It is an anomaly that, where immigration officials have a right to enter privately owned ports to discharge their duties, VOSA inspectors, who are also carrying out vital inspection work to prevent the most dangerous vehicles from accessing our roads, do not. It is unacceptable that port authorities should be allowed to prevent VOSA officials from targeting vehicles at the point of entry to the UK. **We recommend that VOSA be granted right of access to all port premises where road vehicles enter the UK. This could, of course, be achieved through legislation, but a quicker and more effective option could be to establish a Memorandum of Understanding between VOSA and all UK port authorities. If all UK ports where vehicles enter the UK are part of the agreement, no port would be at a disadvantage compared to others. We recommend that the Department for Transport and VOSA explore the options with ports operators, but if no voluntary agreement is forthcoming, Ministers should not shy away from legislative action. We also recommend that the possibility of carrying out inspections at ports outside the UK should be pursued where feasible and desirable.**

Other agencies

50. VOSA's enforcement work is often linked to the work of other agencies, such as the Police, Revenue and Customs, the Health and Safety Executive, the Highways Agency or the Environment Agency. Information and intelligence from one agency can be highly valuable to another, and joint operations may produce significant economies for all parties. The Senior Traffic Commissioner, Philip Brown, told us that VOSA is taking steps to improve its links and communication with other agencies,⁷⁸ and the Department for Transport highlighted the collaboration between the Highways Agency and VOSA to facilitate the High Risk Traffic Initiative (HRTI) which is used to target resources at high risk vehicles. The Freight Transport Association also highlighted VOSA's use of WIMS technology, which was originally employed by the Highways Agency as an example of good collaboration between agencies.⁷⁹ Our evidence also indicated strong support for a

76 Ev 62, para 4

77 Q 76

78 Qq 131 - 133

79 Q 34

further strengthening of the working relations between VOSA and other agencies.⁸⁰ It is particularly important that VOSA and the police work closely together and share information in an effective manner. Although such collaboration is smooth and effective in some regions, more could be achieved in others.⁸¹ Close collaboration with the police is also crucial to ensure the safety of VOSA staff who find themselves at the roadside, having to handle highly charged situations, including charging on-the-spot fines.⁸²

51. We welcome the progress which has been made by VOSA in terms of collaboration and information sharing with other agencies. These efforts must continue undiminished, with a particular emphasis on collaboration with the police. Collaboration facilitates optimal use of scarce resources. Also, information and intelligence is a key component of an enforcement policy which is based in significant measure on the targeting of the most likely offenders.

Data sharing

52. When we visited VOSA's inspection site at Leatherhead, we learnt that VOSA's targeting mechanisms could be improved if information collected by VOSA examiners could be shared more quickly across the system. At present, only the Operators Compliance Risk Score (OCRS) can be updated instantaneously. This means that a vehicle that is stopped for inspection in Dover may be stopped later in the journey by other VOSA inspectors who are unaware that the vehicle has already been checked. This is a waste of time and resources for VOSA inspectors and a potentially costly inconvenience for operators who are often working to tight schedules. VOSA staff told the Committee that resolving this issue would be a matter of technology and investment. **In order to maximise efficiency and reduce inconvenience to operators, VOSA examiners must have access to accurate and up-to-date information. Therefore, the adoption of an IT system which updates data instantly across the entire system must be a priority. If necessary, more resources should be made available to invest in better technology to achieve this.**

53. Our evidence suggests that data protection legislation poses a hindrance to effective vehicle safety enforcement.⁸³ VOSA cannot access certain information which is currently available to government agencies like HMRC on the grounds of data protection. For example, a Ship's Manifest, which every ship must carry, contains information regarding the nature and weight of all cargo on the ship. Access to such data might enable VOSA to identify accurately vehicles which are overweight even before they leave the ship. This would clearly improve VOSA's ability to prevent potentially unsafe vehicles from accessing UK roads.

54. The problem arises from Schedule 1 of the Data Protection Act 1998, where the principles of data protection state that information gathered for particular, specified purposes cannot be used for other purposes. Exemptions can be made to this principle,

80 Ev 44, para 4.2

81 Q 132, Mr Brown

82 Ev 56, VOSA Trade Union Side, para 17

83 Ev 62, para 5

where permission is given or where information is used for law enforcement purposes.⁸⁴ However, primary legislation would be needed to allow VOSA to access data collected by other agencies.

55. We believe that aspects of current data protection legislation are a hindrance to successful targeting of foreign-registered vehicles. While it is very important to protect personal data from inappropriate use, it is unacceptable that information which could greatly improve road safety cannot be shared with the agency responsible for enforcing vehicle safety standards. The Government should give priority to legislative adjustments which would facilitate secure and effective data sharing between key government agencies such as VOSA and HMRC. In order to discharge its core functions effectively, VOSA needs to have the same access to Ships' Manifests and other key documents as is enjoyed by the HMRC. The efficiency of regulation and enforcement in areas where the responsibilities of several bodies' overlap could be greatly improved through better information sharing arrangements.

6 Conclusion

56. VOSA has generally proved to be an effective enforcement agency. There was a clear consensus among the witnesses that the work done by VOSA is both important and effective and that VOSA retains the respect of the haulage, bus and coach industries.

57. Our evidence highlighted a number of issues relating to VOSA's activities that need to be addressed. Of particular concern were the unacceptably high levels of non-compliance with vehicle safety standards among foreign-registered vehicles, the lack of access to ports to carry out inspections and the sharing of information with other agencies both at UK and EU levels.

58. The fact that Britain has some of the safest roads in Europe is testament, among other things, to the success of VOSA's enforcement regime. It is crucial that VOSA has access to sufficient resources to continue to improve the standard of HGVs and PSVs on our roads. This can only be achieved through continued investment in technology and service improvements. However, it is clear from our evidence that significant improvement in enforcement activities is likely to result from better legislation and collaboration with other agencies and private companies such as ports, rather than simply from an increase in funding.

Conclusions and recommendations

HGV and PSV enforcement

1. We recognise that the use of private sector sites may be helpful in cutting costs and ensuring that operators receive a flexible annual testing service. However, we believe that any move towards complete privatisation of test sites would disproportionately affect smaller operators who have fewer resources. We further believe that certain areas of the country would be less profitable and could consequently be under-served by the private sector. Therefore, we recommend that VOSA be required to retain a significant network of sites in order to maintain adequate coverage for annual testing throughout the UK and to safeguard VOSA's role as the independent enforcement agency. (Paragraph 12)
2. The Committee acknowledges that fees for annual testing must reflect the costs of providing this service. However, changes in fees must be fair and above-inflation increases must be justified with real improvements in services. A move towards private sector involvement should reduce costs and therefore we will be looking for much greater flexibility in the numbers and times of test slots available before any future fee increases are proposed. (Paragraph 14)
3. We welcome the use of targeting mechanisms such as the Operators Compliance Risk Score in order to allocate resources most effectively and to apprehend successfully those most likely to be non-compliant. However, the OCRS mechanism is just one aspect of enforcement and VOSA should not rely on this score alone when targeting vehicles for inspection. (Paragraph 19)
4. The Operators Compliance Risk Score is a valuable tool for enforcement purposes, but it should not be regarded as a direct indicator of operator reliability or quality for unrelated purposes. If OCRS scores are made available to third parties, VOSA needs to be sure that it indicates the limits for how such scores should be used, and how to interpret them appropriately. (Paragraph 20)

International vehicles

5. The number of foreign-registered heavy goods vehicles on Britain's roads, particularly from the newer EU Member States, is rising. They bring unacceptable levels of non-compliance with basic road safety standards. We recognise that the Government and VOSA cannot specifically target foreign operators, but it is imperative that the Government works intensively to identify ways to improve enforcement and compliance among foreign-registered heavy goods vehicles. (Paragraph 25)
6. We are pleased to see the Government and VOSA initiating schemes, such as the High Risk Traffic Initiative (HRTI), which concentrate additional funding and staff resources on those vehicles that pose the greatest risk to road safety, often foreign-registered vehicles. It can only be right that resources are concentrated where they are most likely to save lives. This is a significant step in the right direction, but we are

concerned whether the number of additional staff is adequate, and we urge the Government and VOSA to take immediate action if it becomes clear that more staff is required for such schemes. (Paragraph 26)

7. We welcome the introduction of the Graduated Fixed Penalty, Financial Penalty Deposit and Immobilisation Schemes. We believe it will enhance VOSA's ability to punish and deter non-compliance among non-UK operators. However, the fines are small and we recommend that there should be increases so that there is a real level of deterrence. The Government and VOSA must continue to explore ways to strengthen VOSA's ability to enforce vehicle and drivers' hours standards among foreign operators on UK roads. (Paragraph 29)
8. At European level, VOSA's enforcement work is seen as a model of best practice. We congratulate VOSA on this achievement. (Paragraph 32)
9. We are pleased to learn that the UK is taking the lead on work to improve enforcement and vehicle safety within the European Union. We welcome the work that is being done by officials from both VOSA and the Department for Transport with the Transport Council and the European Commission to co-ordinate work and develop a Europe-wide database of information regarding the safety records of European operators. The implementation of a Europe-wide database is vital work which is urgently needed to help save lives across the continent. It is heartening that the Government and industry representatives are working together to educate colleagues elsewhere in Europe about the benefits of our system and standards. (Paragraph 33)

Public service vehicle operator licensing and reliability monitoring

10. We welcome the improvements to public service vehicle (PSV) operator licensing, but there are clear loopholes, which imperil the safety of passengers, that still need to be closed regarding the use of PSV operator licences on multiple vehicles. We recommend that appropriate legislation be introduced as soon as possible to make provision for the specification of vehicles on operator licences for public service vehicles. (Paragraph 38)
11. If the new reliability and punctuality monitoring system is to be effective, the role of VOSA and all other relevant agencies must be clarified. However, we do not believe that VOSA currently has the resources to adequately undertake this responsibility on top of its existing remit. We recommend that the Government transfer the responsibility for monitoring punctuality and service reliability to local bodies such as Integrated Transport Authorities. At the same time, the possible efficiencies that might be achieved by a more high-tech approach to monitoring should be explored. (Paragraph 41)

Operational effectiveness

12. We welcome the improvement in relations between VOSA and the Traffic Commissioners over the past two years. It is essential that they work seamlessly together, and that communication between them is effective. (Paragraph 42)

13. We continue to have concerns about the operation of VOSA's performance management system which may distort priorities so that crucial work in support of hearings by Traffic Commissioners is neglected. The system needs to be audited, and if necessary, adjusted to ensure that support for the enforcement work of Traffic Commissioners is given due priority. (Paragraph 44)
14. We recommend that VOSA be granted right of access to all port premises where road vehicles enter the UK. This could, of course, be achieved through legislation, but a quicker and more effective option could be to establish a Memorandum of Understanding between VOSA and all UK port authorities. If all UK ports where vehicles enter the UK are part of the agreement, no port would be at a disadvantage compared to others. We recommend that the Department for Transport and VOSA explore the options with ports operators, but if no voluntary agreement is forthcoming, Ministers should not shy away from legislative action. We also recommend that the possibility of carrying out inspections at ports outside the UK should be pursued where feasible and desirable. (Paragraph 49)
15. We welcome the progress which has been made by VOSA in terms of collaboration and information sharing with other agencies. These efforts must continue undiminished, with a particular emphasis on collaboration with the police. Collaboration facilitates optimal use of scarce resources. Also, information and intelligence is a key component of an enforcement policy which is based in significant measure on the targeting of the most likely offenders. (Paragraph 51)
16. In order to maximise efficiency and reduce inconvenience to operators, VOSA examiners must have access to accurate and up-to-date information. Therefore, the adoption of an IT system which updates data instantly across the entire system must be a priority. If necessary, more resources should be made available to invest in better technology to achieve this. (Paragraph 52)
17. We believe that aspects of current data protection legislation are a hindrance to successful targeting of foreign-registered vehicles. While it is very important to protect personal data from inappropriate use, it is unacceptable that information which could greatly improve road safety cannot be shared with the agency responsible for enforcing vehicle safety standards. The Government should give priority to legislative adjustments which would facilitate secure and effective data sharing between key government agencies such as VOSA and HMRC. In order to discharge its core functions effectively, VOSA needs to have the same access to Ships' Manifests and other key documents as is enjoyed by the HMRC. The efficiency of regulation and enforcement in areas where the responsibilities of several bodies' overlap could be greatly improved through better information sharing arrangements. (Paragraph 55)

Conclusion

18. The fact that Britain has some of the safest roads in Europe is testament, among other things, to the success of VOSA's enforcement regime. It is crucial that VOSA has access to sufficient resources to continue to improve the standard of HGVs and PSVs on our roads. This can only be achieved through continued investment in

technology and service improvements. However, it is clear from our evidence that significant improvement in enforcement activities is likely to result from better legislation and collaboration with other agencies and private companies such as ports, rather than simply from an increase in funding. (Paragraph 58)

Formal Minutes

Wednesday 15 July 2009

Members present:

Mrs Louise Ellman, in the Chair

Mr David Clelland
Mr Philip Hollobone
Mr John Leech
Mr Eric Martlew

Mark Pritchard
Sir Peter Soulsby
Graham Stinger
Mr David Wilshire

Draft Report (*The enforcement activities of the Vehicle and Operator Services Agency (VOSA)*), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 58 read and agreed to.

Resolved, That the Report be the Seventh Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Written evidence was ordered to be reported to the House for printing with the Report.

Ordered, That the following written evidence be reported to the House for placing in the Library and Parliamentary Archives:

- Pamela Woods.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of standing Order No. 134.

[Adjourned till Monday 20 July at 3.00 pm.]

Witnesses

| Wednesday 12 November 2008 | <i>Page</i> |
|---|-------------|
| Mr Roger King , Chief Executive, and Mr Jack Semple , Policy Director, Road Haulage Association; and Mr Chris Welsh , General Manager - Policy Campaigns, and Mr James Hookham , Managing Director - Policy and Communications, Freight Transport Association. | Ev 1 |
| Mr Neil Scales , Chair, Passenger Transport Executive Group (pteg); and Ms Nicola Shaw , Managing Director, UK Bus, FirstGroup plc | Ev 7 |
| Mr Kevin Warden , Trade Union Side Secretary, and Mr Gary Washer , Assistant Trade Union Side Secretary, VOSA Trade Union Side; Mr Roger Sealey , Transport Sector Researcher, and Mr Dave Williams , Executive Member for Road Transport Commercial, Unite the Union | Ev 11 |
| Wednesday 10 December 2008 | |
| Mr Philip Brown , Senior Traffic Commissioner, Traffic Commissioners | Ev 15 |
| Mr Stephen Tetlow MBE , Chief Executive, Mr Stephen Avery , Finance Director, and Mr Kevin Rooney , Customer Director, Vehicle and Operator Services Agency (VOSA) | Ev 20 |
| Jim Fitzpatrick MP , Parliamentary Under Secretary of State, and Ms Helen Morris , Head of Licensing, Roadworthiness and Insurance Division, Department for Transport | Ev 27 |

List of written evidence

| | | |
|----|---|--------------|
| 2 | Unite the Union (Transport and General Workers' Section) | Ev 34 |
| 3 | Ben Cutting | Ev 40 |
| 4 | Traffic Commissioners for Great Britain | Ev 40, 44 |
| 5 | Transport for London (TfL) | Ev 44 |
| 7 | Professional Transport Advice Services Ltd | Ev 45 |
| 8 | Passenger Transport Executive Group (pteg) | Ev 47 |
| 9 | Intelligent Transport Society for the United Kingdom (ITS UK) | Ev 50 |
| 10 | Vehicle and Operator Services Agency (VOSA) Trade Union Side | Ev 52, 56 |
| 11 | Association of Transport Co-ordinating Officers (ATCO) | Ev 58 |
| 12 | FirstGroup plc | Ev 59 |
| 13 | Confederation of Passenger Transport UK | Ev 61 |
| 14 | Freight Transport Association (FTA) | Ev 62 |
| 15 | Road Haulage Association (RHA) | Ev 64 |
| 16 | Department for Transport (DfT) | Ev 67, 73,75 |

List of unprinted evidence

The following memorandum has been reported to the House, but has not been printed and a copy has been placed in the House of Commons Library, where it may be inspected by Members. Another copy is in the Parliamentary Archives, and is available to the public for inspection. Requests for inspection should be addressed to The Parliamentary Archives, Houses of Parliament, London SW1A 0PW (tel. 020 7219 3074). Opening hours are from 9.30 am to 5.00 pm on Mondays to Fridays.

1 Pamela Woods

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2008–09

| | | |
|----------------|---|--------------------------|
| First Report | Work of the Committee in 2007–08 | HC 211 |
| Second Report | School Travel | HC 351 (<i>HC 561</i>) |
| Third Report | Appointment of the Chair of the Office of Rail Regulation | HC 433 |
| Fourth Report | The effects of adverse weather conditions on transport | HC 328 (<i>HC 957</i>) |
| Fifth Report | The use of airspace | HC 163 |
| Sixth Report | Taxes and charges on road users | HC 103 |
| Seventh Report | The enforcement activities of the Vehicle and Operator Services Agency (VOSA) | HC 39 |
| Eighth Report | Rail fares and franchises | HC 233 |

Session 2007–08

| | | |
|-----------------|--|--|
| First Report | Galileo: Recent Developments | HC 53 (<i>HC 283</i>) |
| Second Report | The London Underground and the Public-Private Partnership Agreements | HC 45 (<i>HC 461</i>) |
| Third Report | Work of the Committee in 2007 | HC 248 |
| Fourth Report | The future of BAA | HC 119 (<i>HC 569</i>) |
| Fifth Report | Ticketing and Concessionary Travel on Public Transport | HC 84 (<i>HC 708</i>) |
| Sixth Report | The Blue Badge Scheme | HC 475 (<i>HC 1106</i>) |
| Seventh Report | Department for Transport Annual Report 2007 | HC 313 (<i>HC 1102</i>) |
| Eighth Report | Freight Transport | HC 249 (<i>HC 1103</i>) |
| Ninth Report | The Draft Marine Navigation Bill | HC 709 (<i>HC 1104</i>) |
| Tenth Report | Delivering a sustainable railway: a 30-year strategy for the railways? | HC 219 (<i>HC 1105</i>) |
| Eleventh Report | Ending the Scandal of Complacency: Road Safety beyond 2010 | HC 460 (<i>HC(08–09)136 & HC(08–09)422</i>) |
| Twelfth Report | The opening of Heathrow Terminal 5 | HC 543 |

Session 2006–07

| | | |
|---------------|--|-----------------------------------|
| First Report | Work of the Committee in 2005–06 | HC 226 |
| Second Report | The Ports Industry in England and Wales | HC 61-I & 61-II (<i>HC 954</i>) |
| Third Report | Transport for the London 2012 Olympic and Paralympic Games: The Draft Transport Plan | HC 199 (<i>HC 484</i>) |

| | | |
|----------------|--|-----------------------------|
| Fourth Report | Department for Transport Annual Report 2006 | HC 95 (HC 485) |
| Fifth Report | The Government's Motorcycling Strategy | HC 264 (HC 698) |
| Sixth Report | The new National Boatmasters' Licence | HC 320-I & 320-II (HC 1050) |
| Seventh Report | Novice Drivers | HC 355-I & 355-II (HC 1051) |
| Eighth Report | Passengers' Experiences of Air Travel | HC 435-I & 435-II (HC 1052) |
| Ninth Report | The draft Local Transport Bill and the Transport Innovation Fund | HC 692-I & 692-II (HC 1053) |

Session 2005–06

| | | |
|-----------------------|---|-------------------------------|
| First Report | UK Transport Security – preliminary report | HC 637 |
| Second Report | Financial Protection for Air Travellers: Second Report Abandoning Effective Protection | HC 636 (HC 996) |
| Third Report | Going for Gold: Transport for London's 2012 Olympic Games | HC 588-I & 588-II (HC 1152) |
| Fourth Report | Departmental Annual Report 2005 | HC 684 (HC 1517) |
| Fifth Report | Future of the British Transport Police | HC 1070-I & 1070-II (HC 1639) |
| Sixth Report | How fair are the fares? Train fares and ticketing | HC 700-1 & 700-II (HC 1640) |
| Seventh Report | Parking Policy and Enforcement | HC 748-I & 748-II (HC 1641) |
| Eighth Report | Piracy | HC 1026 (HC 1690) |
| Ninth Report | The work of the Department for Transport's Agencies – Driver and Vehicle Operator Group and the Highways Agency | HC 907 (HC 1615) |
| Tenth Report | Roads Policing and Technology: Getting the right balance | HC 975 (HC(06–07)290) |
| Eleventh Report | Bus Services across the UK | HC 1317 (HC(06–07)298) |
| Twelfth Report | Local Transport Planning and Funding | HC 1120 (HC(06–07)334) |
| Thirteenth Report | The work of the Civil Aviation Authority | HC 809 (HC(06–07)371) |
| Fourteenth Report | Passenger Rail Franchising | HC 1354 (HC(06–07)265) |
| First Special Report | The Performance of the London Underground: Government Response to the Committee's Sixth Report of Session 2004–05 | HC 431 |
| Second Special Report | The Departmental Annual Report 2004: Government Response to the Committee's Fourth Report of Session 2004–05 | HC 432 |
| Third Special Report | Integrated Transport: the Future of Light Rail and Modern Trams in the UK: Government Response to the Committee's Tenth Report of session 2004–05 | HC 526 |
| Fourth Special Report | Search and Rescue: Government Response to the Committee's Eighth Report of Session 2004–05 | HC 586 |
| Fifth Special Report | Rural Railways: Government Response to the Committee's Fifth Report of Session 2004–05 | HC 587 |
| Sixth Special Report | Tonnage Tax: Government Response to the Committee's Second Report of Session 2004–05 | HC 611 |
| Seventh Special | Financial Protection for Air Travellers: | HC 639 |

| | | |
|--------------------------|---|--------|
| Report | Government and Civil Aviation Authority Responses to the Committee's Fifteenth Report of Session 2003–04 | |
| Eighth Special Report | European Community Competence and Transport: Government Response to the Committee's Ninth Report of Session 2004–05 | HC 976 |

Oral evidence

Taken before the Transport Committee

on Wednesday 12 November 2008

Members present:

Mrs Louise Ellman, in the Chair

Mr David Clelland
Mr John Leech
Mr Eric Martlew

Graham Stringer
Mr David Wilshire
Sammy Wilson

Witnesses: **Mr Roger King**, Chief Executive, and **Mr Jack Semple**, Policy Director, Road Haulage Association, and **Mr Chris Welsh**, General Manager—Policy Campaigns, and **Mr James Hookham**, Managing Director—Policy and Communications, Freight Transport Association, gave evidence.

Chairman: Good afternoon and welcome to this hearing. I would like to ask members if they have any interests to declare. Mr Clelland?

Mr Clelland: Member of Unite.

Q1 Chairman: Member of Unite. Any further interests? Could I ask the witnesses then if they would identify themselves please, starting on my left.

Mr Hookham: Good afternoon, Chairman. My name is James Hookham and I am the Managing Director, Policy and Communications, from the Freight Transport Association.

Mr Welsh: Good afternoon. I am Chris Welsh, General Manager of Campaigns for the Freight Transport Association.

Mr Semple: Good afternoon. Jack Semple, Director of Policy, Road Haulage Association.

Mr King: Good afternoon. Roger King, Chief Executive of the Road Haulage Association.

Q2 Chairman: Thank you very much. How satisfied are you with the quality of test sites at present?

Mr Hookham: There are a number of issues that we have recorded in our written evidence in respect of availability of slots at test stations, particularly short notice availability. There are issues around the ability to book those slots reliably and there are also issues around the quality of the environment which people have been asked to work in, and indeed been asked to manoeuvre vehicles, and those are well-documented and well-rehearsed. We understand that there is a programme of renewing and replacement of test centres, and certainly the ones that have been dealt with have been modernised in the way that we would expect. However, the quality of the assets is affecting the quality of the service that VOSA is able to offer and that is a well-established cause of concern that we have with them.

Q3 Chairman: Are there enough sites?

Mr Hookham: I believe the current distribution of test centres still meets the original requirement to be within a certain distance of a majority of the vehicled population. I expect that that has changed over the years and I know VOSA has got the distribution of sites as one of the things that they need to look at and

refresh as test centres are refurbished. What is our particular issue with VOSA, and a matter we have pursued strongly during discussions with them recently and with the Department, is about the outsourcing of services and a way of bringing annual testing onto the sites where vehicles are being inspected and maintained anyway and therefore doing things far more efficiently because testing is taking place at the time the vehicle is off the road.

Q4 Chairman: Are there any other comments anyone would like to offer?

Mr King: Generally speaking, Chairman, the level of service that we are getting from the test centres has improved over the years. In the recent past it left a lot to be desired where the customer, if you like, a fashionable phrase by government these days, we are customers for the test, did not actually feel that way and felt that the vehicle testing was taking place at the convenience of VOSA. Since we have had our memorandum of understanding with VOSA things have improved considerably and we certainly welcome that. I think the concern we have is the high level of fees that are charged and the very slow improvement in the service that we get as a result. That would be acceptable if we had the kind of testing procedures we would like, and we are still pushing VOSA for night-time testing when vehicles are off the road and do not have to earn. Many of our members work 24/7 and we do not see there is any real reason why VOSA cannot work five days of those seven days and offer tests during the night-time. Things are a lot better than they were but there is, as one would say, room for improvement. I think the intention of VOSA is to work hard to improve itself.

Q5 Chairman: Would greater use of private premises make things more efficient?

Mr Semple: I think that remains to be seen. I think the Government has a clear problem in terms of the investment level in maintaining and renewing and upgrading its testing facilities. I suspect that the capital cost of that has been a major concern. They have quite an ambitious programme as far as we can understand in outline, at least under consideration,

for moving to other authorised test centres. We think it is quite an ambitious programme but if we can also have the sort of out-of-hours testing that operators are wanting that will demand quite a culture shift from VOSA. If it can be done successfully I think it would improve the efficiency of vehicle testing potentially because it is not simply about the facility, it is about the distance that you have to travel to a facility and when you have to have the tests done. If we can get improvements in that area in what I think will be a quite a significant cultural challenge then there are gains to be made.

Q6 Chairman: Would contractual agreements between VOSA and operators with improved premises be a good thing?

Mr Welsh: Yes I very much believe so. We support the way that VOSA is moving towards the designated premises and the authorised testing facilities because, as has previously been explained, it enables both the testing and maintenance to take place at the same time and that is one of the key benefits of this. The question, as always, with this—and it touches a bit on culture—is how fast that can happen. Under the current arrangements and the incentives to make that happen in terms of reducing the supplement charge (at the moment there is an additional supplement charge required from VOSA for those facilities to take place outside of VOSA test stations and they are proposing under their new fee structure to reduce that by half beginning from April next year) I think that we would really want to toughen those incentives to get it away from test centres and into designated premises where that is required for operators. So, broadly speaking, it is moving in the right direction again, but I think we would want that pace to be quickened.

Q7 Mr Leech: Is there any potential for additional costs to make these private premises suitable to carry out the tests?

Mr Hookham: Undoubtedly there is because if you are asking people to work out of ordinary hours, yes, we would expect that to be a service with additional costs, and I think the industry has identified that there is a discussion to be had about covering those costs and recognising that there are savings being made because vehicles are being tested at the time they are off the road anyway. We would expect a sensible dialogue to be had about how those costs are recovered. Having transparency and a clear understanding—going back to the Chairman's question—about the service levels being offered through a contract is very important so we can rationalise and understand the different costs that are claimed.

Q8 Mr Leech: Overall do you see the savings that you would potentially make outweighing those additional costs that you might incur?

Mr Semple: I think there is the potential there. We have to see how it works out in practice. One of the problems for VOSA is that it is under pressure to do more testing outside the test stations anyway. We have got to about 23% and there is pressure to have

a higher percentage tested outside. The more you test outside the more the economies of scale are undermined at the test stations, so I think that is one problem. We should not underestimate the importance not only of the immediate testing charge but also of the ease of proximity of testing when the vehicle is being maintained. If you have got a good workshop then you have an additional cost to upgrade to VOSA level. I am not sure that the cost is necessarily extremely high if you already have a good workshop in place.

Q9 Sammy Wilson: Given that 45% of operators have only got one vehicle and obviously will not be able to have their own designated test centres, are the designated test centres available to single operators? Can they come to them? If not, with a different fee structure and also less flexibility, are small operators not going to get hit if you move more towards testing out of test centres?

Mr Welsh: The answer to that is we think that they can be made available. Certainly we anticipate that many of the larger operators will be able to make their own facilities available to other operators to be able to use.

Mr Semple: Could I pick that up just to expand on that. One of our concerns is that the costs to the small operator are as near as possible to the costs to other operators, and in the same way that you pay the same level of duty on a gallon of diesel for example, the cost of having a test should be the same. For the operator who is testing not at a commercial dealership for example but in his own premises there is a huge potential saving in terms of manpower, diesel and convenience and the fee structure there should reflect that, we feel, and I think operators like that should be encouraged to take third party business in.

Mr Hookham: Could I make the point, Chairman, that a lot of maintenance is carried out by third party contractors who, if they had the opportunity to enrich the service they offered to the operators who are their customers by including a rolled-up price that includes testing by a VOSA examiner, I am sure that would make an attractive proposition to the market which could be made available to the smaller operators as well as to the larger fleets. As the RHA keep saying, this still needs to come through. We need to be able to see the direction that VOSA wants to move in. This is the sort of vision that certainly the industry had in making its case to the Department last year about the direction VOSA should be going.

Q10 Chairman: What about annual testing? Is that a problem for some operators and is VOSA making it convenient to them to hold the tests?

Mr Semple: On the annual tests I think the point we are both coming from is we would not want the smaller operator to be disadvantaged, certainly from our point of view, in the annual test because there are various elements. For the operator, there is the charge that he pays for the test but there is also the driver time and the inconvenience of going to the test station which is taken out if he is being tested in his own premises, but the more VOSA can respond to

12 November 2008 Mr Roger King, Mr Jack Semple, Mr Chris Welsh and Mr James Hookham

the real market conditions, which is people looking for the efficiency of their vehicle and looking to test out of hours (because the vehicle increasingly is being maintained out of hours as well), the more VOSA can respond to that, the more the industry will like it and benefit from it.

Q11 Chairman: Are the fees fair? Apart from you saying no, given you have got to pay something obviously!

Mr Hookham: Chairman, maybe a point to make at the beginning here is of course, as I am sure you are aware, a very important consultation was published by the Department on fees and the structure of fees only last week, which we would very much like to supplement our evidence to the Committee on. I hope I am taking this as evidence that you are going to take that consultation into account in the course of your inquiry because it does raise some very important points, not least the legacy issues of the ways in which VOSA has calculated its fees and understood its costs in the past and also the signals that it gives to industry, which is eagerly expecting VOSA to modernise in the ways that we have been describing, and we find it somewhat curious that the first thing that is announced is that the fees are going up by twice the rate of inflation. I think the fees on the face of it are very difficult to understand. We would certainly want to see much more evidence about delivery along the kinds of innovations and modernisation that we have been discussing and get some very clear commitments to that. I hope the Committee will be looking for that in its questions it is putting to VOSA and to the Department because it appears that we are being asked to pay partly for mistakes in the past but also up-front for promised improvements which may or may not come through.

Q12 Chairman: Are there any other comments on the proposed changes to the fees that were announced? I realise it is all very recent.

Mr Semple: I think the bringing into scope of 340,000 units, particularly trailers, into the charging system for operating fees, effectively an enforcement charge, is to be welcomed and I think the phasing in over two years is a good way of doing it but, as James was saying, I think that we need greater clarity as to why the costs appear to be rising so sharply.

Mr Hookham: It is very difficult to understand the extent to which VOSA has captured and locked in the efficiencies which we presume they have been making in previous years and how that has apparently held fee increases down in the past two or three years. We are being told that fees were kept down because efficiencies were being made and yet it did not appear to be covering the costs and therefore fees are having to rise dramatically now. At first blush that does not seem to make sense and I think we need to get some greater understanding of the accounting principles that VOSA are using here and whether or not the customer is being asked to pay for the mistakes of the past or whether there is genuine improvement in the service level when, as I have

indicated before, they were prepared to consider changes to the fee tariff to reflect higher levels of service.

Mr Semple: I see the context of a great deal of uncertainty over the last two or three years and a great deal of change coming up. I notice that VOSA's trade union side is suggesting there has been an increased use of agency labour and so on. Whether that is part of the reason I do not know, but I think an important aspect for VOSA is the degree to which there has been uncertainty until recently in terms of the way forward and there is now uncertainty as to the rate of change that that way forward is going to take place at.

Q13 Mr Martlew: Just on the overloading of vehicles, I used to see years ago quite a number of weighbridges in various parts of the country. In fact there is one on the A74 link between Carlisle and the Scottish border and I presume when the motorway is built that will disappear. Are there enough checks going on and is there a real problem with overloading the vehicles, especially foreign vehicles?

Mr King: I think there is a problem with overloading vehicles particularly those on international work and certainly those coming in from Europe—left-hand drive foreign trucks as we might call them, EU partner vehicles we might also call them.

Q14 Mr Martlew: You used to be a member, did you not, I remember that!

Mr King: EU partner vehicles then! The level of being able to check needs to be improved of course but we now have weigh-in-motion sensors at strategic points in the country. We would like to see more of those. The difficulty is that they are picking up vehicles on motorways that are overladen and you do not have to go out and bring them in and find somewhere to park in order to conduct a static weigh test because you cannot rely at the moment on the weigh-in-motion sensors to actually produce a certificate of prohibition. The vehicle has got to be weighed on a standard weighbridge. We feel that there needs to be some changes there we feel so that vehicles that are overladen and picked up by the WIMS device do not necessarily need a static weighbridge to confirm that.

Q15 Graham Stringer: Can you put a number on how many vehicle are weighed that are suspected to be over the limit?

Mr King: It is difficult to say exactly how many are overweight but in recent tests that VOSA has conducted 50% of the foreign vehicles that were checked were in breach of some rule or regulation, whether it was drivers' hours or being overweight. I have not got the split but I think from memory it is round about 20% of foreign vehicles stopped are overweight. However, one would not want to run away with the idea that we are all absolutely pure as the virgin snow in the UK haulage sector because a similar percentage of vehicles—50% stopped—were found to be in infringement of some rule or regulation, the difference being that the foreign vehicles were randomly selected and VOSA were

focusing on and targeting known miscreants in the UK sector for their stoppages, so I think it sends out a very, very important message that far too many vehicles are not running legally.

Q16 Mr Martlew: Obviously VOSA has a targeting policy for UK vehicles or foreign ones. Do you think that is a good system that those with previous convictions should be targeted?

Mr Hookham: I think there is ample evidence to suggest that this is a high-risk area. It repays the higher proportion of resources required to tackle it. I think this is endemic and it is something that we discussed the last time we were here. The higher standards of licensing and requirements of routine inspection and maintenance of vehicles in this country do not appear to prevail on the Continent or in the Republic of Ireland. I have said before to this Committee that I think this is something that Great Britain can be quite proud of, having in the Transport Act 1968 the putting in of a quality system for judging the capability and competence of goods vehicle operators, which I think has got great potential to be exported to the rest of Europe given the apparent low standards of compliance which are manifest in vehicles visiting here. I think that the justification for that is well made in the evidence that VOSA has produced in their effectiveness reports and it has certainly satisfied ministers.

Mr King: Chairman, I think it would be a good step and there can be no reason why, instead of VOSA trying to stop vehicles that are leaving the Channel ports and being restricted by where they can park them if they are overladen, vehicles could not be inspected before embarkation into the UK at a juxtaposed customs point. What is to stop vehicles being weighed on a WIMS system on the way into Calais either on the ferry or on the train or anywhere else in Europe? What is to stop VOSA checking drivers' records, whether they have had their weekly rest break and whether they are fit to drive on UK roads? There is absolutely no reason why they cannot do it at Larne in Northern Ireland for every Irish truck coming into the UK via Holyhead or Stranraer. Would the EU object because it was a sort of border control? In our view, the EU would welcome this kind of exercise because they have set very high standards for road haulage but they lack the ability for any Member State to carry out any compliance because they do not have the same systems as we have here, so why not talk to the EU about literally checking every vehicle that is crossing Europe coming into the UK and sorting out overladen vehicles and drivers not taking rest breaks once and for all.

Q17 Mr Martlew: Has your Association suggested this to VOSA?

Mr King: Yes we have. Well, I do not think we have suggested it to VOSA; we have certainly suggested it to the Transport Minister.

Q18 Mr Martlew: And what has been the response?

Mr King: "Interesting".

Q19 Mr Martlew: How long ago was the interesting?

Mr King: Five weeks.

Q20 Mr Martlew: That is not bad then!

Mr Semple: It might be worth adding that in terms of the prohibitions that VOSA issues at roadside checks, the serious infringement, the real running a coach and horses through the drivers' hours or vehicle condition regulations, are very much weighted to the foreign vehicles. There is clear evidence from VOSA that behind the prohibition figures the really serious infringements are with the vehicles from abroad.

Q21 Mr Martlew: The issue about two-axle vehicles and three-axle vehicles as well; the British vehicles tend to have three, is that right?

Mr Semple: The problem is one of weight because at the end of the 1990s the Government wanted to get rid of four by two axles and that was stated clearly in the DETR policy paper in 1998 (or it may have been 1999) because of the road damage factor. It was stated that they wanted to tax the four by two 40-tonner off the road. Now we are in the situation where the number of vehicles coming in from abroad has grown out of all proportion and they are almost all four by twos because that is what they are allowed to do under EU international haulage regulations, but they are very likely to be overloaded on the drive axle or the steering axle or both. There is partly a road safety issue and partly also a fair competition issue because they are cheaper vehicles to buy and to run.

Q22 Mr Leech: Is there anywhere around the world where you would say is a beacon of best practice?

Mr Semple: We are.

Q23 Mr Leech: So there are no other examples around the world where you can say the situation is better?

Mr Welsh: Not only are we the best in the world but we are proselytising on this as well. We take that message abroad. Last year we organised a seminar for EU enforcement authorities across Europe, including the European Commission, with the support of the Department for Transport, in conjunction with the RHA who came to that meeting, to show them exactly what enforcement we operate in the UK and how that would provide benefits for them, particularly the new entrant countries coming into Europe, in emulating what we have here in the UK. That was so successful and it was such a well-attended session that we are going to repeat it again next year. We are doing all we think we can from the industry side to drive up those standards and make our colleagues on the Continent aware of the importance of this and the benefits of it.

Mr King: In the United States they are still contemplating whether to introduce the tachograph. The authorities look upon us as a model of good compliance. I am not saying that we are perfect by any stretch of the imagination, because there are

improvements that we can make, but when you see what goes on in other countries it does worry you about the road safety aspect.

Mr Semple: I think there is a recognition in Brussels and parts of Europe that the UK is ahead on this. I think we are the only country that regularly puts companies out of the industry for non-compliance as opposed to just fining them. The drivers' hours regulation 56106 recognises that implicitly when it says that we should move to a system of banning companies who breach the drivers' hours regulation on a regular basis. We are the only country that does that. I think to a degree we are recognised as a role model in parts of Europe.

Q24 Mr Leech: Both the Road Haulage Association and the Freight Transport Association have been broadly supportive of the introduction of the new graduated fixed penalty system, although there is a bit of caveat about it potentially being a revenue-raising opportunity perhaps. How do you feel that it will improve compliance?

Mr King: I think it will certainly improve the ability of VOSA to go after some of those operators, again principally overseas operators, who have consistently proved that they are not compliant. There is nothing more galling than to pull up a foreign truck, find there is something wrong and just tell the driver to rest up and that is that and when he has had his four-hour break he can go on his way. To the UK operator the penalties are much more severe. If he is apprehended by VOSA in any way he has to submit a letter to the Traffic Commissioner and say, "I have been a naughty boy," and the Traffic Commissioner can call them in for an interview and revoke his licence or reduce the number of vehicles that he can operate. The difficulty in the graduated fixed penalty scheme is that the fines are not that big because for a UK operator not only would he pay the fine but he runs the risk of having to go to the Traffic Commissioner to explain what is going on and the possibility of his livelihood being taken away. The foreign operator does not face that; they will just pay the fine and shrug their shoulders. They will not have any risk of having their licence taken away so to that extent is the fine big enough to ensure that foreign operators will behave? We will have to wait and see. It is a step in the right direction but it has been a long time coming.

Q25 Mr Leech: So on balance do you feel that the changes are sufficient or should they have gone further?

Mr King: I think the jury is out. The level of fines may not be high enough for some severe penalties but it is likely to prove a more effective tool than we have seen before and we hope that VOSA will take steps to publicise the new fines system on ferries and access points into the UK saying that VOSA is on the case and if you are coming in overladen, exceeding drivers' hours, not only will you get a punishment fine but we are on the case and you will be a marked operator.

Q26 Sammy Wilson: Can I just go back to the foreign vehicles versus UK-based vehicles. The figures that we have got here in front of us would indicate that over the years 2005–06 to 2007–08 of foreign vehicles stopped—and I am just giving a figure fairly roughly here—a third of them were found either to be in breach of the weight regulations or the drivers' hours regulations, but over the same period, of the UK vehicles stopped, the percentage of vehicles found to be committing offences out of those two has increased from 11% to 25%. Are we seeing a decline in standards over that period with UK companies?

Mr King: No what you are seeing, Chairman, is VOSA has the database that they are building up where they are stopping known operators with whom they have had problems in the past, so their enforcement procedures are rather more focused than they have been in the recent past, and I would suggest that they are seeking out those operators with a bad track record and pulling those vehicles in. That does not reflect upon the UK fleet generally but on those operators they know have a bad record, and we are very pleased about that because if operators are consistently flouting the regulations they are getting a financial benefit short-term by undercutting those operators that invest in legal operations, and that is not acceptable.

Q27 Chairman: It has been suggested that that could have the effect of making other operators get more lax, feeling that they will not be checked. Do you think there is any substance in that?

Mr King: No because when you are stopped and you have got an infringement you have to report it to the Traffic Commissioner. Your record is going to be marked and that is something that a reputable operator does not want to have happen. There are very big consequences for them in terms of their activities, not least of which probably their insurance premiums are likely to increase if they are consistently in breach of the legal rules affecting road transport, so a responsible operator will still continue to invest. There is no question they would not continue to invest in good practice simply because others seem to be getting away with it more. I think as VOSA step up their enforcement the message is going to be adequately put across that you have to comply.

Q28 Chairman: Do you think it is reasonable to use that test to assess insurance premiums?

Mr King: No I do not actually think it is reasonable because there are other aspects. If you are talking now about the OCRS system, we have got a lot of difficulties with that, not on the principle, we think that OCRS was set up to target bad operators, but it is being picked up by other organisations, many of the haulage industry's customers and insurance companies and local authorities, come to that, who are requesting a haulier's OCRS record to prove that they are a good operator. The trouble with that is that you can be an operator in London and piling up graduated fixed penalties for parking, unloading and all the rest of it and that makes your record look pretty bad and could be reflected in your OCRS

rating. VOSA do not want that to happen nor do we. It is an internal exercise and should not be used to gauge or benchmark a haulier's efficiency or best practice.

Q29 Chairman: Are there any other views on the Operators Compliance Risk Score and how it is used?

Mr Hookham: I think we see it as a really good innovation. VOSA responded to our long-standing request that they do focus and target their scarce resources on the most highly offending operators so it is a very good tool for that and, as we have heard, it is proving very effective. I do agree, it cannot be the sole determinant of the quality of an operator, although it is clearly a very revealing one and I can understand customers' wishes to have that kind of insight into the safety compliance of their hauliers and they should use that as part of their wider assessment.

Mr Semple: The issue of OCRS being used by insurance companies and by customers is that the information being put on it is very thin and in some cases it is non-existent, so it is a predictive score, it is a risk score for VOSA to assess on roadside enforcement and a possible education process. In some cases there is no information at all, it is an entirely predictive score, and your score can change without you having done anything at all simply relative to other operators. It is just a little worrying that if we go down this particular route too far, if people understand what they are looking at, then that is not so bad but if they do not (and there is some evidence that some do not) that is more of a problem. In terms of helping VOSA to improve the effectiveness of its enforcement, it is very, very good and the targeting, for example, if you see a press release from VOSA, it will always say in terms of UK vehicles it is a targeted enforcement effort and ACPO has the same guidelines for the constabulary forces. I think this is important to recognise when you are talking about prohibition rates and UK vehicles.

Q30 Sammy Wilson: Can I ask one more question on that because obviously the same standards apply in Northern Ireland as they do in GB, however we do have a land boundary with the Irish Republic which makes it that bit more difficult because I think that there are probably lower standards there. Some of the many vehicles coming from the Republic through Northern Ireland will be checked by the Department of Environment but what do you believe the Government should be doing to try and enforce or get the message over to other EU governments such as the Government in the Republic that standards really within their industry must be increased? Apart from what you have said about checking before letting them get into the country, what other measures do you think can be taken?

Mr Hookham: It comes back to a point that was being made before. A very important distinctive feature of the British system is that the sanctions are applied to the operator. We can trace back through

all the databases that we have been discussing who actually operates the vehicle. VOSA has very clear almost instant real-time access to that information through their various hand-held devices at the roadside so they can go back and deal with the causes of the problem and not just the symptoms. So far as we can establish similar systems do not really exist outside the UK and therefore the focus of enforcement activity on the Continent is really to try to deal with the driver at the roadside. That does not necessarily go back and deal with the root cause because if the driver is just doing what he has been told then it is unfair.

Q31 Chairman: How widespread is the problem of illegal cabotage?

Mr King: We think it is a growing one, Chairman. It is difficult to put an absolute finger on the pulse of this but there is some anecdotal evidence, to use a phrase, that something like 20% of deliveries into a retail distribution centre of one of the main supermarkets are being done by vehicles engaged in cabotage work. That is up from practically nothing a few years ago. We believe there were something like 20,000 journeys made by Polish trucks which are reckoned—

Mr Semple: —that is Department for Transport figures.

Mr King: —reckoned to be engaged in cabotage work which might be illegal. There is no real way of policing this despite what the authorities say except by roadside checks and then the paper trail has to be somewhat extensive so it is not an easy issue to resolve but we believe it is going on and it is rising.

Q32 Chairman: Does VOSA have sufficient resources to deal with this?

Mr Semple: No, Chairman, and we have to recognise that from May next year the lowest cost operators in Europe, which are the ones from the new accession states, get access to the UK domestic haulage market and that is going to have a substantial impact. We are pleased that the Department took in at a late stage a £200 penalty under the fixed penalty scheme for unlawful cabotage. We are urging more resources for VOSA. We understand the difficulties in enforcing the cabotage rules. It is not particularly easy but it is something that has to be done. What we would like to see in terms of drivers coming into the country, and we have urged this on the Department, is to have a simple, straightforward, hard-hitting you might say, clear statement of what is expected by drivers when they come into the UK and what our rules are for example on axle weights. You are expected to know these things if you are an UK operator, you are told in clear terms, and we need a simple leaflet for foreign operators coming into the UK to be left in no doubt as to what our requirements are from them when they are here because that is no more than UK drivers and hauliers are given by different means.

Mr Hookham: Could I offer another route and that is the thing that would make enforcement easier right across the European Union is an interconnected series of databases that allows

12 November 2008 Mr Roger King, Mr Jack Semple, Mr Chris Welsh and Mr James Hookham

enforcement authorities in one Member State to understand who operates and is responsible for a vehicle when they stop a visiting vehicle at the side of the road. We have that in this country for UK-registered heavy goods vehicles. If similar systems could be created or access given to equivalent systems in other Member States then VOSA would know who operates a foreign vehicle which is stopped at the roadside in this country and who is ultimately responsible for it. That would make a huge difference to the effectiveness of the enforcement effort.

Q33 Chairman: What can VOSA do to deal with overloading of loads?

Mr King: Step up the roadside checks, the introduction of more weigh-in-motion centres and get the message across that overladen trucks are unacceptable and are unsafe. There is no rocket science to this. It is mostly establishing the fact that VOSA is a deterrent to those operators who want to or insist on operating in excess of the gross vehicle weight of the truck concerned and the worst thing for them is to actually be caught. As I say, in the UK there are dire consequences for your operator's licence. That is not the same for a foreign truck. The only thing we have got there would be the graduated fixed penalty and the fact that the vehicle should be parked up on a convenient parking point and charged whilst it is there so there is another way of extracting money from the operator until the weight is taken off the vehicle.

Mr Hookham: The overloading issue, as we have said earlier, is one of the easiest things to enforce now with this new technology. I would commend to the Committee, if they have the opportunity, to see this in operation because it is a really impressive piece of technology. The pads in the road combined with automatic number plate recognition cameras give almost instant identification of the vehicle, whether it has actually got an O-licence, and who is the operator, and so it is a very good enforcement tool as well as producing all the overweight information. Clearly those records do not exist for visiting vehicles, hence my plea earlier that an equivalent is created. To see it live in operation in free-flow traffic conditions, it really is a frighteningly efficient piece of enforcement equipment. I would commend you to see it and I am sure VOSA would make that facility available to you.

Q34 Chairman: Does VOSA work well with other organisations such as the Traffic Commissioners, port authorities and others?

Mr Hookham: I think there are some interesting tensions between VOSA and the Traffic Commissioners. We have rehearsed with this Committee before the very distinctive role that the Traffic Commissioners play in administering and awarding licences and we think it is important that is preserved and that is seen as being distinctive from the enforcement role and the administrative role that VOSA play. I think those tensions are less than they were but as the Traffic Commissioners themselves go through a modernisation process we would certainly want to see those very distinctive roles preserved. I might add in passing that VOSA got the weigh-in-motion system from the Highways Agency so if anything demonstrates their ability to work with other executive agencies that particular development does.

Mr Semple: It will be interesting when we get the guidance from the Senior Traffic Commissioner, which has been newly created as a statutory function. That may clarify the relationship with VOSA going forward as well. Very briefly on overloading, the one hindrance to overloading enforcement, particularly in respect of foreign vehicles coming in through Kent, again on the tractor units, is physically where you put the truck while it is immobilised and while you wait for the weight to be taken off or a different lorry to be put underneath and there is a little bit of a problem at the moment. I think VOSA could well be stopping more vehicles if they had anywhere to put them.

Q35 Chairman: Are there any other agencies you see VOSA having a problem with?

Mr Hookham: The port authorities. I have certainly heard anecdotally and secondhand suggestions that the ports are not happy with VOSA conducting tests on visiting vehicles that have just come off their ferries. I cannot believe that that actually is case. I cannot believe the ports would seriously question the need to impose this level of rigour in enforcement. I make the comparison with other modes of transport where it is often the vessel on which the offending vehicle arrived which is charged with the responsibility of dealing with it subsequently, so I am sure that there is an understanding to be had with the ports over the importance of this rule and we would certainly want to play our role in educating ports in the urgent need for this issue to be tackled.

Chairman: Thank you very much and thank you very much for coming in to answer our questions.

Witnesses: **Mr Neil Scales**, pteg Chair and Director General of Merseytravel, and **Ms Nicola Shaw**, Managing Director UK Bus, FirstGroup plc, gave evidence.

Q36 Chairman: Good afternoon. Could I ask our witnesses to identify themselves please, starting on my left.

Ms Shaw: Hello, I am Nicola Shaw, I am the Managing Director of FirstGroup UK Bus.

Mr Scales: I am Neil Scales, the Chairman of the

Passenger Transport Executive Group and Director General of Merseytravel.

Q37 Chairman: Thank you very much. How satisfactory is the quality of test sites at the moment?

Ms Shaw: At the moment we do not have any problems with the quality of the test sites but we do support the further roll-out of what are currently called designated premises as proposed by VOSA.

Mr Scales: As we are not operators, Chairman, we have no real view either way, as long as there is an adequate and sufficient number of test sites so that buses when they are submitted for testing are returned to service as soon as practically possible with the right level of inspection required.

Q38 Chairman: Do you think the increased use of private premises will be helpful or do you see any problems with it? Does anyone have a view on that?

Ms Shaw: We certainly think that it will be helpful. We find it an efficient way of tests being carried out. For example, the vehicles do not have to be taken to the test centre and therefore we do not lose them in service for as long and also we do not have to use the fuel that is required to take them to the test centre, so obviously it is more environmentally friendly if we can do it on our premises.

Mr Scales: We would say as long as the standards are adequate and sufficient and level across the whole of the estate it is a good thing.

Q39 Chairman: What are your views on the use of targeting through the Operators Compliance Risk Score; do you think it is a good system?

Ms Shaw: It is a relatively new system and our views are that it is working well. There are two potential drawbacks that we see. The first is the potential for people to perceive higher prohibition rates as necessarily indicating a poorer performance by the industry. Of course if VOSA are using the OCRS to target their inspections that is a natural consequence (if it is right) so I do not think it necessarily indicates the industry is getting less safe, and therefore we want to be careful about how we use the information from it externally. The other thing I find slightly concerning, and it is one we need to manage with VOSA and our staff, is that if you do not have any checks from VOSA for a while your OCRS score naturally moves backwards in order that they will ensure they test a few of your vehicles to make sure that you are still maintaining a good quality of service and safety of vehicles. Again that is a natural way of making the OCRS work, but could ring alarm bells if people did not understand what was actually happening.

Mr Scales: Anything that improves safety, Chairman, has got to be a good thing. As non-operators we take a distant view of this but if it is improving safety and targeting the scarce resources that exist in VOSA and helping the Traffic Commissioner in doing their regulatory role it has got to be a good thing. Unless VOSA and/or the Traffic Commissioner come up with a better idea.

Q40 Chairman: Should there be more random vehicle checks at the roadside?

Mr Scales: I think so. Anything that improves on-going safety for the travelling public has got to be a good thing. The very fact that you have a random

series of tests at different sites in a conurbation will help to keep our bus operator colleagues on their toes.

Q41 Chairman: Do you think VOSA has sufficient resources to do enough roadside testing?

Mr Scales: Absolutely not. Mr Stringer put down a Parliament Question that is in our evidence and our evidence shows that for a total vehicle park of something between 70,000 and 80,000 buses, VOSA has something like 10 enforcement staff, which seems ridiculous in our view, they have not got enough resources to do the job.

Q42 Chairman: Do you think the fines are high enough?

Mr Scales: So long as we can find a mechanism for fines to actually find their way back to the passenger. I think the new Local Transport Bill helps us do that whereby the Traffic Commissioner when levying fines instead of them going to the Treasury they can go to improve passenger facilities and I think that is a good thing. Whether they are high enough or not, Chairman, is a matter for our bus operator colleagues but as long as they are recirculated within the industry I think it is a good thing rather than going back to the Treasury.

Q43 Mr Leech: Mr Scales, you do not think the money should go back into increasing the level of enforcement if you do not think the amount of resources put in is enough?

Mr Scales: If you could hypothecate it that would be a good thing. I think we should be making more use of the Passenger Transport Executives and the data-gathering that we have got in the metropolitan areas to help the Traffic Commissioners, and we have done that in certain areas now. Also in our evidence we say that we should be using the real-time information datasets that we have more because you have GPS systems that can tell you where a bus is within plus or minus 50 metres. We are not using enough of that so we have the ridiculous situation of people with clipboards standing on street corners checking buses going backwards and forwards when you have all these rich datasets that you can use that is available now. Our colleagues on the bus operating side as well as the Passenger Transport Executive Group and county councils and district councils are investing heavily in real-time information and I do not think we use enough of that. In answering your question, yes, if you could hypothecate that revenue to give them more resource in VOSA, that would be a good thing. So long as it does not go back to the Treasury I would be content.

Ms Shaw: Could I contribute in relation to the number of enforcement officers at VOSA. I think the 10 that you referred to refers to the punctuality and reliability monitoring. I thought it might be an interesting parallel, in one county that I know of in the UK (there may be others) there are only two and a half traffic wardens working and they are the people obviously who are enforcing proper parking and therefore making sure that buses can move through traffic flow properly. I think that is an area

12 November 2008 **Mr Neil Scales and Ms Nicola Shaw**

where further investment would be usefully directed in order to ensure that bus priorities can work effectively and punctuality maintained.

Q44 Graham Stringer: During the passage of the Local Transport Bill there was a lot of discussion about punctuality and reliability and how accurate any figures that were provided were. Both your submissions suggest using GPS. How would that work? How do pteg and FirstGroup envisage that working? Who would do the monitoring?

Ms Shaw: In the FirstGroup response we have suggested that it would be useful to look for a ranking mechanism between operators in the same city operating in similar conditions. The issue really with it is that it is useful information but it is only part of the whole problem in relation to bus service punctuality. We need to understand what is affecting the bus services and ensuring that we can take action to make those things work differently, so if there is a problem with the road network, working with the local authority in our case to make sure those road problems go away or if there is a problem from the bus operators' perspective making sure that we have action plans in place to make the problems go away so the passenger gets what they want, which is a punctual service.

Q45 Graham Stringer: I accept that but part of the problem is that nobody knows. There is anecdotal evidence and real evidence that bus drivers try to make up time by going on a shorter route than the route that they are registered for. Having GPS information available by some enforcement agency would help knowing whether the buses were complying not just with the timetables but with routes?

Ms Shaw: I am surprised at that. That is not one of the allegations I have heard so if there is any information which you could give us specifically later I would be very grateful. Yes, it would because there is a huge amount of data in these facilities and therefore making sure it is used most effectively to get the overall outcome that we would want, which is punctual bus services, I think is critical.

Q46 Graham Stringer: Should Mr Scales and the PTE groups be the monitoring organisations or should it be VOSA or should the information remain confidential to the bus operators?

Ms Shaw: I do not think the information should remain confidential. We work very effectively with local authorities across the country which have the information, both in real time in some cases and with reports that come later, to explain overall how the network is run, so you can look back and look at the information and they have that information just as we do in large part because they have invested in systems to get us to the place we are, so I do not think it should be confidential.

Mr Scales: I think the Bill when it is enacted gives us an enormous opportunity, Mr Stringer. You have the Passenger Transport Executive Group with monitoring as well as information provided by GPS; you have Passenger Focus being the passenger

champions and you have buttressing that the Traffic Commissioners with the enforcement powers and the additional powers that they will get, so it is a great opportunity for us to be able to monitor the punctuality and reliability of bus services on the ground for the benefit of the passenger. It will enable VOSA—

Q47 Graham Stringer: Can I just interrupt. It does rely on a voluntary agreement, though, does it not, because I tried to make amendments to the Bill to make it compulsory which the Government did not accept. Do you envisage those voluntary agreements coming about?

Mr Scales: I think they will do eventually bearing in mind at the Passenger Executive Group we tender 15% of the network in any event so we have access to that data set by right because we are paying for that service. I think we have some really good partnerships that are developing in the metropolitan areas that will help us move that. So long as you can aggregate the data up so that it is not commercially confidential but it is giving you reliability information, it is addressing the point that you have just put about vehicles going off route, it is addressing the point that Ms Shaw is making about if there is a problem with a particular junction in a particular area, it is also able to help our district colleagues in terms of bus lane enforcement for example, because at the moment in my own county we have 88 kilometres of bus lanes but none of them are enforced yet, so I think the Bill will give us a massive opportunity to bring all three things together for the benefit of the passenger.

Ms Shaw: Mr Scales is very kind to us but I think the confidentiality point is one where perhaps we differ slightly. FirstGroup already publishes its punctuality data for each of our operators every quarter, so I take the view that it is better for the public to know how we are doing, for us to be transparent about that and to work with local authorities and with our staff in the way we deliver the networks to improve them over time. For us I think that should be a commercial advantage rather than a disadvantage.

Q48 Mr Wilshire: If I understand correctly the situation of licensing particularly and supervision in general, you have the Passenger Transport Executive, you have VOSA, you have the Traffic Commissioners, the police must have a finger in this pie somewhere, and you have councils when they are subsidising routes trying to do a bit of regulating as well and you now have the proposal of Passenger Focus. Is this sensible or is it a recipe for duplication, confusion, tension and generally poorer service because there are so many people at the same thing?

Mr Scales: I think the levers that the Local Transport Bill give us exemplifies exactly where the responsibilities are. The Traffic Commissioner has ultimate responsibility for route licensing. The Passenger Transport Executive Group can provide the eyes and ears to make sure the Traffic Commissioner has the right information at the right time on routes and reliability. Under the Passenger

Focus initiative they can be the champion of the bus users, and I think that is absolutely right, giving them some sort of voice at that level.

Q49 Mr Wilshire: Is it significant when you were justifying the arrangements that you mentioned the Traffic Commissioners, the Passenger Transport Executive and Passenger Focus but did not say anything about VOSA? Do they figure in this?

Mr Scales: I think VOSA need adequate and sufficient resources and, as our evidence demonstrates, we say that they do not have adequate and sufficient resources at the moment. Either they have to be buttressed and given that sort of information or we have to help them out by being their eyes and ears on the ground.

Q50 Mr Wilshire: I am hoping you would give me a justification for keeping VOSA and the Traffic Commissioners and everybody else and you have not.

Mr Scales: I do not think we can do anything with the Traffic Commissioner. This inquiry is all about where VOSA goes and that is a matter for the Committee.

Q51 Mr Wilshire: Having what I might see as excessive numbers of people, does that help or does it hinder?

Mr Scales: I do not think, Mr Wilshire, they have got excessive numbers of people, I think it is entirely the opposite; I do not think they have enough people.

Q52 Mr Wilshire: Sorry, not individuals but organisations, I did not make myself clear.

Mr Scales: I think the Local Transport Bill gives the co-ordination that has been lacking in the past and the fact you have got a passenger champion in Passenger Focus, you have the eyes and ears on the ground with the Passenger Transport Executive Group, you have the enforcement authority being the Traffic Commissioners, and then you expand the powers under the Bill, I think we have a once-in-40-year chance to get this right for the travelling public on the bus.

Q53 Mr Wilshire: But why do you need a number of organisations to be eyes and ears? Why can one not do it?

Mr Scales: I do not think there is any single organisation that could do this job. It has got to be a multi-stakeholder approach.

Q54 Mr Wilshire: Why?

Mr Scales: If you take my own county, there are 37 separate bus operators, for example. On the integrated fleets, there are probably about 1,800 vehicles operating on 165 million miles a year over a county that is very large. In Mr Stringer's constituency there are 48 bus operators, for example, and the integrated fleet is probably 2,500. There is just too much going on. It is not like the rail industry where it is really regulated and the datasets are available, the whole thing is very, very dynamic. I do not think there is a single entity that could do the

monitoring and enforcement function. Traffic Commissioners have all the right powers at the top of that but the eyes and ears I have described in the evidence and also my verbal submissions today are the way to do it going forward.

Q55 Mr Wilshire: If, as you say, there are large numbers of companies that need monitoring, if you have a whole series of monitors, some doing this group and some doing that group, how can we be sure there are unified standards and that things are not slipping through the net because there are so many different people doing the supervising?

Mr Scales: If we used the maximum use of new technology, which is real-time information and the GPS systems, that would help a lot. Along with our colleague bus operators, we have punctuality improvement plans across the whole of the UK which are to improve the reliability and punctuality of bus services. If you take London, for example, here you have got competition for the routes and fixed term contracts of five years; outside of London and in Northern Ireland you have got competition along the route and, therefore, the network is dynamic and changes every 56 days. You need a lot of people on the ground just to monitor what is effectively a dynamic, multivariable situation.

Q56 Mr Wilshire: I am afraid I am not persuaded. I have not heard the argument for dividing up a task between so many people in a way that is better than one organisation doing it knowing exactly what is going on right across the board.

Mr Scales: In fact, Mr Wilshire, you are using logic and that is probably why it would fail. The bottom line is you have got all these constituents now and what I have described is a way of coalescing and crystallising them together. It would be better if you had a single organisation to do it, but no such organisation exists outside of London, therefore you have got to work in partnership with a whole range of stakeholders.

Q57 Mr Wilshire: You are advocating what I think ought to be pursued, that we ought to have just one organisation?

Mr Scales: You should, but whether you could get one organisation with all the right resources and paraphernalia in one place would be very, very difficult.

Q58 Mr Wilshire: I noticed you suggested that my big mistake was using logic.

Mr Scales: Indeed.

Q59 Mr Wilshire: Do we run buses illogically, is that the argument?

Ms Shaw: I take a slightly different from Mr Scales on this. In relation to whether one body could do all the work, I think it is right that we have an independent regulator in the Traffic Commissioner examining whether or not we are delivering what was promised. VOSA simply act as the police for them in working out whether or not we are and then we work with local authorities to try to improve

12 November 2008 Mr Neil Scales and Ms Nicola Shaw

punctuality in the local area. The punctuality improvement partnerships that Mr Scales talked about are work between the operators of the network in terms of the infrastructure and the operators of the network in terms of the vehicles to work together to identify where the problems are and try and sort them out. If we are not sorting them out, the Traffic Commissioner asks VOSA to go and have a look and monitor whether or not we are doing something and then the Traffic Commissioner can take action against both of us after the draft Bill is passed. At the moment it is only against the operator, but in future also against the local authority, although in my view those sanctions are too nuclear ever to be used. There was a big debate about that as part of the Local Transport Bill. Actually, there are very few players who are focused on fixing it and making sure that the local authorities

and the PTEs as they become ITAs and have power over their own networks focus on fixing the punctuality issues so that passengers get a better deal. I think that is the right answer.

Q60 Mr Wilshire: Might it not be the case that if you spend more time worrying about punctuality and less time fending off four, five, six or seven different organisations trying to regulate you, you might get a better service?

Ms Shaw: I do not think there are several organisations trying to regulate us in this area as long as the local authorities are working with us to try to fix the problems rather than trying to find issues to send to the Traffic Commissioner.

Chairman: Thank you very much for coming and answering our questions.

Witnesses: **Mr Kevin Warden**, Trade Union Side Secretary, and **Mr Gary Washer**, Assistant Trade Union Side Secretary, VOSA Trade Union Side, **Mr Roger Sealey**, Transport Sector Researcher, and **Mr Dave Williams**, Executive Member for Road Transport Commercial, Unite the Union, gave evidence.

Q61 Chairman: Good afternoon, gentlemen. Would you like to introduce yourselves, please, starting off from my left?

Mr Sealey: Good afternoon, Chair. My name is Roger Sealey, I am the Transport Researcher for the T&G section of Unite the Union.

Mr Williams: Dave Williams, I am the Executive Member representing road transport workers in Unite the Union.

Mr Washer: Gary Washer from the Public and Commercial Services Union and Assistant Secretary for the VOSA Trade Union Side office.

Mr Warden: I am Kevin Warden. I am from Prospect Union and I am the VOSA Trade Union Side secretary.

still making some changes within VOSA in driving areas forward. Some people have described that, and the Chief Executive himself. The Approved Testing Facilities were pretty much on the table when the Chief Executive was pushing down the privatisation line. That is the sort of broad background why we have come to that view. We have got a vote of no confidence in the Chief Executive and that has been passed forward to the Permanent Secretary in the Department for Transport, Robert Devereaux, and, as we have put in the written evidence, we have had a response to that to say that view is not shared by the Permanent Secretary, but that is the current position of the VOSA Trade Union Side.

Q62 Chairman: Thank you. In the written evidence that we received from the VOSA trade unions you state: "The VOSA Trade Union Side have no confidence in the current Chief Executive, or his Board of Directors, a view shared by the staff within VOSA . . ." Could you tell us what the major reasons for that are?

Mr Warden: Sure. The reason behind particularly the VOSA Trade Union Side's view of it is that the current Chief Executive, we believe, was brought in for one purpose and one purpose only and that was to try to outsource VOSA, and as much of VOSA as he possibly could. We believe that feeling is shared by the staff because over the last two staff surveys in 2006 and 2007 the level of confidence the staff have in the Chief Executive and his Board is amazingly low. I have not got the figures with me, but I believe something like 8% of staff have confidence in the senior management within VOSA. On the back of that, we obviously welcomed the announcement by the Minister that VOSA is not going to be privatised or outsourced, but that still does not give us a lot of confidence given that the author of what we believe is a push to try to outsource as much of VOSA into the private sector is still at the head of VOSA and

Q63 Chairman: There are some proposed changes to the test sites, how is that going to affect the quality and efficiency of testing?

Mr Washer: Since we prepared our written submission we have had further information come forward to the VOSA Trade Union Side and our members are now reporting they are receiving visits from directors within VOSA and being given the very clear impression from those directors that the aim is there will be no VOSA test stations in the future, which is extremely worrying for our members and for the industry and, having heard the evidence this afternoon from members of the main road haulage and freight trade associations, that is not a view that is supported by them. We have clearly stated all the way along that we believe the use of Designated Premises, or in their new guise as Approved Testing Facilities, would be welcome as a supplement to our network. The existing Designated Premises have been around since the early 1980s in relation to passenger transport and the early 1990s in respect of goods vehicle transport. There are currently somewhere in the region of about 210–220 Designated Premises. Industry itself has had 20-plus years to have local testing facilities if they so wished. VOSA had a policy in the past, which some have said

has been to its detriment, of saying, “Whenever anyone has asked for a Designated Premises, we will approve one and try our best to supply the staff to those premises”. We believe that has inadvertently impacted on our own staff and our own sites. VOSA now believes that one of the key reasons for outsourcing and the sell-off of our entire estate is the fact that there is huge overcapacity and we are firmly of the belief that simply is not the case. In previous years, VOSA has had documented problems with forward booking times and that is not because there is overcapacity but simply because you need both the resource in terms of the test station and the lane to be able to do the test, but you also need the staff. If you are sending the staff away from a test station to a Designated Premise, not only do they have the travelling time getting to and from there but when they get there on average they will do about 50% less work because of the layout of the Designated Premises. We are saying that as a UK plc improvement we can understand the benefits to industry and the lack of downtime in travelling, the reduction in the carbon footprint, we understand and support those views, but you have to see the other side, that by doing so what we are doing is driving our own organisation into the ground by saying it is not productive and that is not the case. If the staff were there on site they would be able to do the tests and provide the tests at much shorter notice, which I believe is what the industry is asking for. One final point is I notice both of the trade associations were talking about out-of-hours testing. From the VOSA Trade Union Side perspective, since the outsourcing was first proposed three years ago we have very clearly said that we would welcome proposals from VOSA for extended opening hours. We have done it with our enforcement staff, we are there now working on shift patterns where they are working 24/7. It is not a proposal that we would be unwilling to look at.

Q64 Chairman: How many VOSA testing centres do you think are going to close in the near future?

Mr Washer: At the present moment we have been told by the Chief Executive that the instruction he has been given by the Department is that 85% of vehicle tests, and that is nearly 950,000 tests, are to be done at these new Approved Testing Facilities.

Q65 Chairman: Over what period of time?

Mr Warden: By the end of the financial year 2010–11.

Q66 Chairman: How many centres does that mean will shut?

Mr Warden: We have not been given that information at the moment. All we have heard is that directors are beginning to go out and talk to VOSA staff and the message coming out is that there will not be any VOSA stations left, the VOSA network will not be there. That is anecdotal and we are hearing more anecdotal reports from the Department. They are talking about a safety net but we have not got any other details about that. The message is coming out clearly that the other side of

the provision of Approved Testing Facilities is a reduction and the Minister’s statement spoke about fewer but better VOSA test stations. We are beginning to look and say there will be few, if any, VOSA test stations provided and the whole industry will be pushed towards ATFs.

Q67 Graham Stringer: I am not sure I understood what Mr Washer was saying. Are you saying when VOSA stations close and the work is outsourced to private facilities that the test is less comprehensive than the test that is otherwise done? No, you are not saying that?

Mr Washer: No, not at all.

Q68 Graham Stringer: It is exactly the same test?

Mr Washer: It is exactly the same test and it is carried out by exactly the same people in the fact that they are VOSA staff who are public employees. What we are saying is our particular stations are laid out in a way to enable the vehicles to progress from start of test to end of test in a single line and move through the station very quickly and very efficiently. When you go into Designated Premises—

Q69 Graham Stringer: That is the point. I misunderstood that.

Mr Washer: It takes them longer to test those vehicles in a Designated Premises than it does in ours.

Q70 Mr Leech: If the scenario was that the number of VOSA sites remained but that we were just going to add to these private sites, would you be in support of these proposals?

Mr Warden: We have made it very clear throughout the discussions on privatisation over the last three years we recognise that all the sites were placed there 40 years ago and a few have moved to better places on a strategic network, but very few. Many have not had a tremendous amount of upgraded work. We have always said we recognise the locations of our current network may not be ideal for the 21st century road network and we would be more than happy to enter into discussions with VOSA over a better location of the VOSA network of test stations. We have had Designated Premises for the best part of 25 years on the PSVs and they have worked side-by-side with the VOSA network adding a supplement to the VOSA network and it has worked very well, but suddenly all the eggs seem to be being put into one basket which is out to the ATFs.

Q71 Mr Leech: Is there a danger that having these private sites will be no more helpful for a number of operators in the current situation because it appears the operators are saying some of them are having to travel long distances? Do you suspect that a lot of them will still have to travel long distances, but just not to a VOSA site, to an approved private site?

Mr Warden: As I say, there is a network of Designated Premises where operators have had the choice for a number of years of going either to a Designated Premises or to a VOSA site. The only difference will be they will they will not have the

choice to go to a VOSA or an independent site, they will only be able to go to a private sector supplied site. Depending on where you are in the country some of these ATFs may be run by competitor haulage companies, competitor bus companies, where small operators may not feel overly confident taking their vehicles to a competitor's testing facility, albeit the test is going to be conducted by a VOSA employee, but still it is taking their vehicle to a competitor's location and if the vehicle fails there is the fear factor that goes through the industry of whispers about, "Their vehicles are unsafe. They came to our site and it failed the 1,2,"

Q72 Mr Leech: Do you believe that these changes are all about saving money rather than necessarily improving the testing facilities?

Mr Warden: The message we seem to be getting through is it is about getting rid of VOSA, the estate. That seems to be the drive that we are hearing again, but it is very early days and we have not been involved in any detailed discussions with VOSA management on this. In fact, VOSA management are telling us they still have not had the full detailed discussions with the Department. That seems to be the drive from the informal messages we are getting, that that is it, ATFs, get rid of the VOSA sites.

Q73 Chairman: How would you describe relationships between VOSA and the Traffic Commissioners?

Mr Washer: When VOSA was first formed there were some teething problems, let us put it that way, but at the present moment VOSA has a very good working relationship with the Traffic Commissioners. Certainly the reports and feedback we get back from our members, and the staff that we now have working in the licensing office, which has been centralised in Leeds, is since the teething issues have been resolved and Service Level Agreements have now been agreed between VOSA and the Commissioners, the process seems to be working very well.

Q74 Chairman: We were told that there were tensions, but those have gone now?

Mr Washer: I cannot really comment on those, I am not aware of any. As I say, the feedback we have from our members who work in the licensing office who work directly on behalf of the Commissioners is that since the teething issues have been resolved it seems to be working very well. We understand the Service Level Agreements have been a good improvement.

Q75 Chairman: What about relationships between VOSA and other organisations, such as the port authorities?

Mr Washer: I was very interested to hear the evidence on that because that is very clearly a tension that VOSA has in getting access, which is why in our submission we said we believe our examiners should be given the same rights of access that other border agencies have and access is not on a consensual basis. We have real problems whereby we have to spread the number of checks, particularly in relation

to the south-east corner of the UK where the vast majority of vehicles come through and if we target more checks there it tends to push the business to other neighbouring competitor ports and, therefore, the ports authorities are deeply unhappy about our increased enforcement activity pushing work elsewhere. VOSA has tried very hard to make sure that there is an even proportionality.

Q76 Sammy Wilson: Even though you may have identified that the problems are in certain areas, would there be a tendency to pull back checks simply because of commercial considerations that there might be for the ports?

Mr Washer: Absolutely, yes. It is deeply frustrating to our members because they know the point of entry is the best possible place. It is the hub in the spoke of the wheel before everything starts going out and the further away from that hub you get, the more sites you have to have scattered around to try and catch them. The closer to the point of entry you can do those checks, the better. In fact, in relation to the Channel Tunnel site, as the trade associations were saying, we do have the position whereby our staff do go across to the Coquelles entry site in France, which is actually British territory, and that is where we are able to deal with those issues before the vehicles embark on to the shuttle to come across. One of the particular difficulties about the Channel Tunnel is once the vehicles come off of the trains in Ashford, there is physically no space for them, they have to come off the train and basically out on to the road network. At the ports, for the roll-on, roll-off, you have the facility to be able to check them before they embark or after they come off but, again, that is very limited because the ports are working very much on the same principle, once the vehicles disembark from the ferry they want to get them through the port and out as quickly as possible because they want to get the next freight on to turn round and get the ferry away.

Q77 Chairman: Is the forthcoming Local Transport Bill going to improve compliance in the bus and coach industries? Somebody must have some views.

Mr Sealey: Talking about compliance, there are two levels. There is the compliance of the vehicle but also that of the enforcement of the drivers' hours regulations and the domestic rules especially. Certainly the information that I have had already is in regard to domestic hours rules VOSA has nowhere near the resources to ensure that the domestic hours rules are being complied with.

Q78 Chairman: Is there a need for clarification of powers between the different authorities involved?

Mr Sealey: You are dealing with different problems. If we break it down, if you are dealing with passenger transport there is a commonality between commercial vehicles and the actual vehicle safety which is common to both PCV and HGV vehicles. There are separate issues for the PCV. If we are talking about scheduling and that type of thing, that will operate in a different way from the enforcement of drivers' hours regulations because, as has been

said, drivers are all over the country whereas PCV drivers will be in a fairly localised area. There is an argument saying that it could be in one organisation with much more clarity of the problem and identifying the problems and who deals with them.

Q79 Chairman: There has been a recent increase in the prohibition rate following spot-checks. Is that a sign of greater efficiency or of worsening standards?

Mr Sealey: Are you referring to the latest week-long check that VOSA recently carried out in October?

Q80 Chairman: We have seen figures that show a big increase now. Does that mean there is greater efficiency in finding things that are deficient or does it mean that things have got worse?

Mr Sealey: Having looked at the figures, as colleagues from VOSA said, there is a tendency to focus the inspections towards the south-east because that is where a lot enter, and especially foreign drivers. Given the recent publicity with regard to safety of foreign lorry drivers and their vehicles there has been some movement. We did see from the breakdown of the figures that 62% of those vehicles that were inspected were foreign vehicles during that week. That seemed to be disproportionate. It may be me being slightly cynical, but it may suit certain people to concentrate on foreign drivers, almost a case of xenophobia, because it then masks the issue that we have got major problems with UK drivers both in terms of vehicles and also drivers' hours and that is still not being picked up. We do not think we are anywhere near touching the tip of the iceberg in relation to that.

Q81 Chairman: Do you think the problems created by foreign drivers are exaggerated?

Mr Williams: I would suggest that is a problem which has equal value. As Roger has said, the fact is that VOSA or the enforcement agencies take the opportunity to do their job, but by simple observation of what we see out on the road and, indeed, in some of the ports it seems obvious to us they will be the ones who will be checked, who will be dealt with and, of course, while the rest are running around we definitely see this is a problem which

applies to a driver whether he is from the Eastern bloc or working for a UK-based haulier. It is going on out there, there is no doubt about that, and all the evidence would suggest it is a problem that does seriously need tackling, certainly from an enforcement point of view.

Mr Washer: It picks up on the use of the targeting system that was previously mentioned in evidence this afternoon.

Q82 Chairman: The Operator Compliance Risk Score.

Mr Washer: Yes. I know VOSA are in the process of developing something very similar to the UK operator compliance system in relation to the foreign hauliers. Obviously we have to pay due respect to the European rules on proportionality to make sure that the number of checks that we conduct on UK vehicles is proportionate with foreign registered vehicles. We do have that proportionality issue that we have to pay consideration to, and VOSA do. I think the increase in the number of prohibitions is as a result of more effective targeting and more effective use of the resources we have. That is why it is incredibly worrying to us when we hear proposals as part of the Comprehensive Spending Review cuts that VOSA are now facing that we are likely to see cuts in frontline staff and draconian cuts in terms of the support staff. One of the concerns we have put in our written submission is that VOSA is not going to learn the lessons of the Police Service whereby we are going to end up with frontline examiners being bogged down with huge amounts of paperwork and processes rather than out doing the job they are employed to do. If you reduce the support staff then that has to happen because the work still needs to be done.

Sammy Wilson: From your point of view, what kinds of tools do you think you need to be able to target foreign drivers in the same way you target UK drivers?

Chairman: We will have to adjourn, I am sorry, a division has been called. We will have to close the meeting at this point because we may have a large number of those. Thank you very much for coming. I am sorry we have to end there.

Wednesday 10 December 2008

Members present:

Mrs Louise Ellman, in the Chair

Mr Philip Hollobone

Graham Stringer

Witness: Mr Philip Brown, Senior Traffic Commissioner, Traffic Commissioners, gave evidence.

Chairman: Good afternoon, Mr Brown. Could I ask members if they have any interests to declare, please.

Graham Stringer: Member of Unite.

Q83 Chairman: Louise Ellman, a member of Unite. Mr Brown, would you like to identify yourself for our record.

Mr Brown: My name is Philip Brown. I am Senior Traffic Commissioner for Great Britain.

Q84 Chairman: Thank you very much. In your written evidence to us you seem to be very critical of VOSA and refer to a number of issues to do with cautioning VOSA against adopting the easy option of looking at smaller operations and you specifically welcome the review by VOSA on how to target vehicles more effectively. How strongly do you feel in these criticisms and are they as strongly held today as they were when you wrote the submission?

Mr Brown: The initial criticism that you mentioned about the way that VOSA targets non-compliant operators, small versus large, the easy targets if you like, is probably borne out of experience on a daily basis by Traffic Commissioners probably going back seven or eight years from their earlier experiences when they were appointed as Traffic Commissioners to where we are today. Certainly since VOSA came into being in 2003 matters have improved and, as you see from the paper, we have urged further improvement for VOSA to attempt to do that, and that is what they are trying to do by having a proper targeting framework.

Q85 Chairman: Do you feel that they have taken up your suggestions effectively in that?

Mr Brown: Yes, not just my suggestions, but I think they are an identification of the issues at ground level, operational level, I would say, because we hear the cases, "We have small operators", "We have large operators", and it may be there are a lot of small operators but it is easier if you have got limited resources to target a small operator rather than targeting a large operator. I know that VOSA wish to change that and probably are changing that because they are getting better at targeting.

Q86 Chairman: How would you characterise your relationship with VOSA?

Mr Brown: Very positive, and it has come on in leaps and bounds since VOSA's initial creation in 2003.

Q87 Chairman: You also say in your written evidence that PSVs should be specified on operators' licences and you say without that you think the impact of the Transport Bill on vehicles will be small. Could you tell us a bit more about that?

Mr Brown: At the moment a bus operator is given a number of discs. They will apply for and get 10 discs, but they can use any number of vehicles just by putting those discs in any window of any vehicle that they happen to be using, including vehicles which are used by somebody else. So when it comes down to VOSA having to try and establish who the user of that vehicle is on any particular day in a non-compliant state or with drivers committing offences it is quite difficult for VOSA to come up with evidence which indicates that a certain operator was operating illegally on a certain day.

Q88 Chairman: What would have to be done to deal with that? You have given the solution, but who would have to specify that?

Mr Brown: The operator would need to specify which vehicles he or she was using on a particular occasion. We have already got electronic registration, we have got electronic specification, means of specifying goods vehicles on operator licenses, it is just a question of how flexible the system should be against the need for effective enforcement. VOSA's enforcement ability can be affected by vehicles not being specified.

Q89 Chairman: Who would have the power to ensure that vehicles are specified? Is there any provision for that in the legislation?

Mr Brown: There is no provision for PSVs to be specified at the moment, that is the problem. There is no provision in any legislation which says that the registration numbers of public service vehicles must be specified. All it does is allow an operator to run a number of vehicles at any one time and what happens is they are issued with a number of discs with no details of any vehicles.

Q90 Graham Stringer: That is a very interesting point. Would you care to quantify the size of this problem?

Mr Brown: VOSA could probably give you those statistics. I am not a statistics keeper.

Q91 Graham Stringer: Is this the odd problem of not being able to trace something back when a bus is non-compliant or is this a huge problem?

Mr Brown: The answer is I do not know the answer to that except that sometimes it is difficult. At a public inquiry, for example, a vehicle examiner may

give evidence that he went into the yard, “and I was informed by the operator the only two vehicles that were being used were that vehicle and that vehicle, the others were off the road. They were in a terrible state but they were off the road”.

Q92 Graham Stringer: So is this a loophole but you do not know how big that loophole is?

Mr Brown: We cannot say. I should say that specifying vehicles on a public service vehicle operator’s licence is very important given the power under the Local Transport Act to allow VOSA to impound non-licensed operators because you have that same answer.

Q93 Graham Stringer: Again, that is an interesting point. Under the Local Transport Act of this year do you believe VOSA have enough resources to deal with the new powers that are given to them? It is not just those powers, is it?

Mr Brown: No, it is all the other powers in relation to bus regulation.

Q94 Graham Stringer: That is right.

Mr Brown: If you are asking me that question all I can report is what the Chief Operating Officer of VOSA told the Traffic Commissioners a few weeks ago, which was that the Government, the DfT, has not provided any additional money in VOSA’s enforcement budget in 2009–10.

Q95 Graham Stringer: So all those powers about reliability, punctuality, basically finding out where buses are, there have been no extra resources given to follow those up?

Mr Brown: I do not know of any. I am only reporting what we were told a few weeks ago. It may be that VOSA can say, “This is how we propose to allocate extra resources for bus compliance matters”, I am not privy to any of that information as yet.

Q96 Chairman: The Department for Transport released a consultation document today enabling the impounding of illegally operated public service vehicles. Do you agree with what is in that document or have any comments you would like to make?

Mr Brown: As one of my colleagues has been delegated to sit on that working party I do agree with the proposals within it. We have tried to make them workable and we believe, given the policy objectives, that they have a chance of working.

Q97 Chairman: How satisfied are you with the quality of test sites at the moment?

Mr Brown: We do not come into contact very much with test sites. The only contact we have is perhaps when there have been in the past some inconsistencies perhaps in the way in which vehicles were tested and, again in the past, where operators would go to a certain test station because they would know they had a better chance of passing the test than at other test stations. We know that VOSA are aware and part of their renewal and modernisation programme for test stations is to make it all as unified as possible so there is a uniform approach to

testing so that any discrepancies do not appear. Also, I know they work very hard with the industry ensuring that some of the technical issues are ironed out so that when someone goes for a re-test somewhere else there is not a very big chance of it failing on the test itself.

Q98 Chairman: Do you think the variation is widening or narrowing, the degree of variation?

Mr Brown: I do not have any evidence to suggest that it is a wide variation.

Q99 Chairman: Is VOSA doing enough to make annual testing more convenient for operators?

Mr Brown: I would say yes in part of its most recent announcements with regard to the way in which, although it may be closing some of its own test stations, it proposes to widen by franchising out testing but, again, that is a matter for VOSA. I think it is a step in the direction of ensuring that the facilities available are such that people do not have to wait interminably for annual tests.

Q100 Chairman: What are your views on VOSA’s use of targeting through the Operators Compliance Risk Score?

Mr Brown: The Operators Compliance Risk Score from the Traffic Commissioners’ viewpoint has always been regarded as an element of identifying non-compliant operators and it is no more than that, it is just one element, it is not the be all and end all to say whether an operator is or is not compliant. We have expressed that view ever since we were informed of VOSA’s approach. That is the way I think it should be used. The Risk Score may merit an investigation by VOSA to decide whether, in fact, an operator is a greater risk than the Risk Score suggests or not as much of a risk as the Risk Score suggests.

Q101 Chairman: You suggest in the written evidence that there should be more focus on the medium and larger operators rather than the smaller operators.

Mr Brown: It is quite easy to say an operator only has two vehicles, he only needs to fail one test and the Risk Score will quantitatively change, whereas if someone has got 300 vehicles on their licence that is not the case. It is all a question of proportionality and as long as the Risk Score is assessed in a fashion which can quantify an overall compliance or non-compliance score then, as far as the Traffic Commissioners are concerned, that is probably why the concern was expressed in the way it was in that paper.

Q102 Chairman: It has been suggested to us that using the Risk Score assessment will make good operators relax their standards feeling they are not likely to be challenged. Would you agree with that?

Mr Brown: I think that is why it is only a tool. If somebody looks up their own Risk Score and says “I am 5” they need to remind themselves that they are aware of their absolute obligation to maintain vehicles in a fit and serviceable condition and to comply with the legal requirements generally. An

10 December 2008 Mr Philip Brown

operator who says “I’m a Green 10”, or whatever it is, that is absolutely fine but that is only one element. As I said earlier, that is only one tool to see how compliant an operator is.

Q103 Chairman: Should there be more random checks?

Mr Brown: Random checks are absolutely fine provided the resources are there and sometimes random checks are essential, particularly on operators who have not been looked at for a long while. The random roadside checks, and I do not have any figures, I suspect whilst one may occasionally catch a very serious non-compliant operator I would be interested to know, and VOSA again will probably be able to tell you, how much non-compliance they find on random checks. Sometimes it does trigger a larger investigation but I do not know whether that means there should be more random checks versus targeted checks. Random checks can be a useful tool just to let people know that VOSA is out there and is not just dealing with targeting. That is a matter of resources. If it was a question of balancing resources I would say, yes, of course target those who you know through intelligence to be non-compliant.

Q104 Chairman: We spoke before about variations in enforcement, is there any pattern in that? Is it to do with particular regions or is there any other pattern there?

Mr Brown: Again, I do not have those figures on patterns in enforcement by VOSA but I would be surprised if there was a great variation in the way enforcement takes place, although it may well be that statistics reveal otherwise. On a day-to-day basis I now deal with the South-East and used to deal with the West of England, so I get a comparison and a feel of how the two areas operate but that is not on any statistics based evidence.

Q105 Mr Hollobone: Mr Brown, coming to the subject of international vehicles, the number of foreign registered vehicles being driven on UK roads according to the Department for Transport’s own figures has now reached an all-time high of 1.7 million. Is VOSA doing enough to enforce compliance among non-British operators?

Mr Brown: Well, of course you will appreciate that as Traffic Commissioners we do not get involved with foreign vehicles at all. If they are not foreign operators they are not registered here, unless they are based here, and they do not have operators’ licences. If they are foreign businesses we will not get involved. I know that VOSA, and I think the Secretary of State has also directed and that is why VOSA are doing it, have targeted foreign operators as one of their objectives to try and enforce given the powers that they have. They are doing as much as they can, I suspect.

Q106 Mr Hollobone: In the written evidence which the Traffic Commissioners have supplied it is said that VOSA should record detailed information in a proper format about non-British operators and

should also exchange that information in an effective manner with their European counterparts. In other words, in your written evidence you are discussing the possibility of creating a database of information regarding these non-British operators.

Mr Brown: Yes.

Q107 Mr Hollobone: How do you envisage such a system actually working?

Mr Brown: That is actually being created at the moment, as you are probably aware, under the auspices of the European Commission and VOSA have taken the lead in that project. It will take a few years to come into being but it is part of the proposed European Directive which also includes access to the profession of road operator to establish a common pan-European wide database for the exchange of information. As I say, VOSA have been in the lead on all of that. At one of the meetings I did attend it was quite clear that the British definitely were, if you like, not controlling but actually pushing their European colleagues in what we perceived to be the right direction to ensure that was done.

Q108 Mr Hollobone: So what role are yourselves as British Traffic Commissioners, and presumably there are European Traffic Commissioners—

Mr Brown: Would that there were. We are unique. I think that is an issue as to how each country regulates its operator licensing.

Q109 Mr Hollobone: Would you say that a lack of EU counterparts to yourselves is actually hindering the implementation of such a scheme?

Mr Brown: Again, it is quite difficult to tell because we do not have any statistics about that except we do know that the administrative process for removing an operator from the profession, if you like, is more complicated in some countries than it is in others. For example, in the Republic of Ireland in the last three years I only know of one where they have revoked an operator’s licence because the system is such that it is done by a civil servant, there is an appeal to the local court and it is returned. It is the way different systems work in terms of enforcing and regulating the industries themselves.

Q110 Mr Hollobone: So in this country we have British Traffic Commissioners and you have responsibilities over HGVs and PSVs?

Mr Brown: Yes.

Q111 Mr Hollobone: But those responsibilities in our partner countries in the EU are mainly held within the relevant transport departments?

Mr Brown: Indeed they are. When I have attended meetings of the Transport sub-committee of the European Conference of Ministers of Transport (ECMT), those representing them are all civil servants, all officials of the relevant departments.

Q112 Mr Hollobone: Since we are looking at the enforcement of the regime surrounding heavy vehicles, private or public, do you think it is a

weakness in the European scene with regard to these issues that other countries do not have independent Traffic Commissioners?

Mr Brown: You need to take it back a stage and say let us have a look at road safety, let us have a look and see why we are here as regulators of road safety, let us have a look and see what the statistics are. Quite clearly Great Britain comes up as the safest and best regulated within the European Union and that is down to both VOSA and the Traffic Commissioners I would say.

Q113 Graham Stringer: You will remember the famous case of First Group having an inquiry when the wheels fell off their buses in Rochdale, North Manchester.

Mr Brown: Yes.

Q114 Graham Stringer: They had their licence taken off them and at the end of the day they just transferred the routes they were operating to another part of the group. Has that loophole been closed?

Mr Brown: I think the Local Transport Act does it in relation to compliance relating to running your buses on time but it does not deal with the issue which we have already mentioned about vehicles being specified on operators' licences. If those vehicles had not been moved that would not have been allowed to happen, I do not think, under the new arrangements.

Q115 Graham Stringer: I am interested in this because I have spent many hours of my life on the Local Transport Bill and we did close a number of loopholes. What I am trying to get is the proposal you are making on specifically registering particular buses against a licence, would that close that loophole?

Mr Brown: It depends how you use it. If you have got First X and First Y within the First Group, for not running their buses on time then there is a provision in the Local Transport Act which prevents the First X licence from running routes from which First Y is not allowed to run because it can apply to the whole group. However, if vehicles are not specified on an operator's licence, if you revoke First X's licence to operate in that traffic area, if there is another First company within the traffic area then that company can run the route. That company, even if it is not within the traffic area, may also be able to run the route in X's traffic area, if you like, and I think that is the difficulty. It is to do with road safety and reliability.

Q116 Graham Stringer: You are talking about punctuality and reliability, are you?

Mr Brown: Yes.

Q117 Graham Stringer: Where the compliance people from VOSA go in and find that a bus is not roadworthy and they find that several times, you hold an inquiry and say, "You lot are a shambles, you are not fit to run this route", can they transfer within the group to run that route from another part of the group?

Mr Brown: The answer to that is in the registration conditions. If it is one of these trans-traffic area routes it will be registered in both areas so they could conceivably run it from another bus operator from one area to another.

Q118 Graham Stringer: What is the best solution to stop what seems to be a completely unfair practice?

Mr Brown: At the moment the registration restrictions and the rules do not really allow the Traffic Commissioner to get involved once the 56 days' notice has been given unless the Traffic Commissioner is saying, "Even though you are from another group, you are part of the same group, you have a different operator's licence operating in another area", is that a question of that operator's repute seeking to run on behalf of the parent company, if you like, routes which have been taken off another licence within the same group? It is an area which has not been tested, if I can put it that way. I need to go back to the legislation to see if there is a way of doing it. My initial response is it would be difficult.

Q119 Graham Stringer: So after all those hours we have not closed that loophole, is that what you are telling me?

Mr Brown: I would need to have another look at the legislation. I would not quite say whether you could or whether you could not, but I am not certain that particular loophole as described by you has been closed.

Q120 Graham Stringer: Do you think you could send us a note on that?

Mr Brown: I would love to send you a note on that.

Graham Stringer: That would be very useful, thank you.

Q121 Chairman: Who should monitor service reliability? Should it be the local Traffic Commissioners rather than VOSA?

Mr Brown: I have always said I do not mind who monitors it as long as we get information which is reliable evidence of reliability or unreliability. From my viewpoint, if VOSA has the resources to do it, and it clearly does not have the resources to do it at the moment, they could. For example, West Midlands was without a bus compliance officer for the whole of 2007. Wales was slightly better because the Welsh Assembly Government paid for some. Scotland was even better because that paid for some as well. The West Midlands, the size of Scotland population-wise, did not have one single bus compliance officer, therefore no bus monitoring was taking place on the reliability of buses running in the West Midlands traffic area. I do not mind who does it. If VOSA had the resources and the skill to carry it out, fine. If Government wishes to say somebody else can do it, that is fine by me as well as long as the information we receive is reliable and enables us to make informed decisions as to whether to call an operator in for non-compliance.

10 December 2008 Mr Philip Brown

Q122 Chairman: In view of the situation you have described, are you satisfied that VOSA should be responsible?

Mr Brown: I think as I speak today there is a training day being run for those seven or eight bus compliance officers which exist in Great Britain. It is training and expertise and those who do the job, some of them are very, very effective. They can do it provided they are given the resources and the appropriate training.

Q123 Chairman: Do you think it would be more likely that the local transport authorities would do this more effectively?

Mr Brown: They certainly could assist. I would think that a combination of anyone who collects statistics on bus reliability could put together a composite set of evidence for a Traffic Commissioner to consider. For example, I have spoken with Passenger Focus, the bus champion watchdog, and at the moment we are formulating to see if we can notify them of areas where they can undertake research where in the past there have been difficulties of bus reliability because they are short of resources, so they can focus their research in areas which are known difficult areas of the country.

Q124 Chairman: What are your general views on VOSA's staffing at the moment in terms of their roles and responsibilities?

Mr Brown: I think they strive very hard to do as good a job as they can given the resources available. When you have to shed jobs you have to cut your cloth accordingly.

Q125 Chairman: What does that mean in practice?

Mr Brown: What that means in practice is if it means that certain areas of enforcement have to go which impact upon road safety that is not good for anybody. If there are certain areas of enforcement which mean although non-compliance is detected it cannot be brought before the Traffic Commissioner because there are not sufficient people to present the cases then, again, that cannot be good news. I know that in recent years VOSA has done its very best to ensure that it has obtained specialist expertise in gathering evidence in enforcement, both on the technical side and on the presenting of cases before public inquiries, and making sure that the evidence that is gathered is compiled professionally so that Traffic Commissioners do not have to listen to challenges from lawyers representing operators as to the admissibility or otherwise of evidence.

Q126 Chairman: Are VOSA's examiners spending enough time preparing cases for hearings with the Traffic Commissioners?

Mr Brown: It has moved forward in leaps and bounds in as much as there is now a standard format for the presentation of evidence before Traffic Commissioners, so to that extent they do. Sometimes perhaps investigations are not as complete as they might otherwise be, so the beauty of the inquisitorial proceeding is that the Traffic Commissioner can ask questions which appear to be

unanswered from the evidence given by VOSA. From my viewpoint I suppose you could say that, yes, they are as prepared as they have been trained to be.

Q127 Chairman: But which are the areas where you think they are not trained sufficiently or there are not sufficient staff, not making this the liability of the individual concerned?

Mr Brown: It is very difficult. I experience a lot of this quite regularly at public inquiries and say, "Did you actually ask the operator? What was the operator's explanation?", "I didn't ask". That is at the very basic end. On the other hand, it may be that they were not able to complete the investigation because they had to go and do something else.

Q128 Chairman: Yes, but which are the areas that give you concern?

Mr Brown: The areas that give me concern are examples where there is an investigation, for example, into the falsification of tachograph records, that kind of thing, where you ask, "Did anybody go to interview the operator?", "No, we didn't have time, I was taken off to go and do something else". That is the answer.

Q129 Chairman: How often does that happen?

Mr Brown: It does not happen very often but when it does happen it is usually in quite a serious case.

Q130 Chairman: Are there any other areas that you can specify?

Mr Brown: Not specifically because it would be anecdotal and it would not be fair to just give anecdotal evidence. I could trawl through the however many hundreds of public inquiries I have given but that really would not achieve anything, I am more concerned with moving forward, making sure that everyone is trained to a specific standard not just as a vehicle examiner who understands the mechanical side but actually understands what they need to put before the Traffic Commissioner in order to present a case which gives the Traffic Commissioner something to go on and then question the operator as to the reasons for the apparent non-compliance.

Q131 Chairman: How do you see the relationship between VOSA and other authorities such as the police, the port authorities, Revenue and Customs?

Mr Brown: If it was slightly more joined-up it would be much better, but I do not think that is necessarily at VOSA's door, it just needs all the agencies involved. I know that they do now get together with other agencies as part of their investigation role and they do mount joint operations. What has been an eye-opener for us is we had someone at our conference from the Environment Agency who told us how they work together, so we are trying to make sure there is a coming together of the enforcement activity, for example, of the Environment Agency and the Health and Safety Executive where VOSA might wish to become involved. It is getting the free flow of information to ensure that Traffic

Commissioners have the appropriate information before them so that they can make an informed decision.

Q132 Chairman: Could you give us any examples where communication could be improved?

Mr Brown: It is quite often the case, and dilemma is not the right word, where there is a potential conflict between waiting for a prosecution, for example, by the Health and Safety Executive, which can take a long time, versus VOSA then having to wait in order to take any action or bring a case before a Traffic Commissioner. I understand sometimes the reason for that, but that can be an example. There are sometimes very good evidential reasons why matters should be delayed, for example if the operator is pleading not guilty and, of course, that is a principle of fairness and justice. I am very lucky in the South-East because there is quite a good link-up between the Metropolitan Police and VOSA. It is getting that linking together so that VOSA know if there is a prosecution, they know if there is a conviction and it is getting that relevant information before the Traffic Commissioner. It is not always as joined-up as it should be.

Q133 Chairman: Could you specify any other areas where you see improvements would be effective?

Mr Brown: I do not know enough about how VOSA are developing their links with the other enforcement agencies, but I know they are being developed. I was at a meeting the other week where I queried the issue and was told they are being developed, but what is really important is that there should be a method of

being able to exchange relevant information and intelligence before it gets to the Traffic Commissioner so that what the Traffic Commissioner sees is the evidence which is there. We do not investigate; VOSA investigates together with their enforcement partners in the other agencies.

Q134 Chairman: What are your views on VOSA's performance gain points system? Does that discourage examiners from getting involved in some work?

Mr Brown: It discourages vehicle examiners and traffic examiners from bringing anything to a public inquiry or recommending a public inquiry because they do not get recognised for the work that they have to do in preparing a statement, preparing a public inquiry brief and putting it before the Traffic Commissioner. If they get more points out of checking compliant vehicles on the road then clearly there must be something a little bit wrong somewhere.

Q135 Chairman: Is this a constant problem?

Mr Brown: As reported to me by VOSA enforcement staff, yes.

Q136 Chairman: Do you see any change in that?

Mr Brown: I am told that VOSA are reviewing it but I have heard nothing official.

Q137 Chairman: Thank you very much, Mr Brown. Thank you for coming and answering our questions.

Mr Brown: A pleasure as always. Thank you very much.

Witnesses: **Mr Stephen Tetlow MBE**, Chief Executive, **Mr Stephen Avery**, Finance Director, and **Mr Kevin Rooney**, Customer Director, Vehicle and Operator Services Agency (VOSA), gave evidence.

Q138 Chairman: Good afternoon, gentlemen. Could I ask you to identify yourselves for our records, please.

Mr Avery: Good afternoon. I am Stephen Avery, Finance Director.

Mr Tetlow: Good afternoon. Stephen Tetlow, Chief Executive.

Mr Rooney: Good afternoon. Kevin Rooney, Customer Director.

Q139 Chairman: Thank you very much. Mr Tetlow, we have heard that you have resigned your position with VOSA and you will be leaving the agency next January.

Mr Tetlow: Yes.

Q140 Chairman: Could you confirm to us that this is correct and could you tell us anything about the reasons?

Mr Tetlow: Yes. I have been at VOSA for four years and I think the principal part of a Chief Executive's job is to set the vision and direction for the Agency. I like to think that in four years I have been able to do that to the best of my ability. On the testing side we have now agreed with the Department and with

the very strong support of the industry where the future of testing and the strategy of future commercial vehicle testing needs to be in the country. We have delivered MOT computerisation to national acclaim and, indeed, we won the Government Civil Service award for operational delivery last week and received a prize for that at Lancaster House. On our enforcement side we have got a really good record now and have set ourselves with an increase in funding and over four years, for example, we have improved our targeting rate by upwards of 34%. In each of our main areas of work that we do we have now set the future. In licensing, we have consolidated our licensing and made a lot of savings and vastly improved the service into our new licensing centre in Leeds. Now is probably the time to move on and I have a new challenge to go to. That is the reason.

Q141 Chairman: Some of the evidence we have received in this inquiry suggests that there have been criticisms of VOSA but they do recognise the improvements. Are you leaving because of the criticisms and would you rather not stay to see the improvements through?

Mr Tetlow: No, not at all. I think if you are an enforcement agency you are not going to please everybody all of the time. We are very well aware of some of the criticisms that we have had. While we may dwell on some of the criticisms, and we certainly try to be as customer facing as we can in responding to those criticisms, we have also had a great deal of praise for what we have been doing. I mentioned one national award and I could mention about four others that we have had. If you look at our customer satisfaction rates, which are measured by the Department and MORI, we have taken our customer satisfaction rates in four years from around about the 70s to over 92%. We are very alive to criticism and we try to respond to it in every way that we can, but I think we have actually had a reasonable amount of praise for what we have been doing.

Q142 Chairman: What are the big challenges for your successor?

Mr Tetlow: One of the fundamental challenges is really our business model. If VOSA invests in, say, a new station and pours some money into that VOSA does not really get the benefit of that. The benefit of that is to our customers, to the operators and the public. If I give you an example: we have very recently opened another award winning testing station and training centre at Avonmouth in Bristol and we closed one centre. The total cost of that was just under £10 million. That gives me a much bigger depreciation charge, for example, in terms of our running costs and costs me a lot more to run. I mentioned that it won awards and it actually won a national award for the way we contract and it has won an award for its energy efficiency. What it does do and where it gives me a big hit is it saves our local customers a lot of their operating costs. The big change at that particular station is that now 80% of the customers who use that testing station are within three miles of it. Because it is very near the motorway network, we are also seeing that a number of testers are coming from a much greater distance because it is more convenient to do that in their daily operation. The first and major challenge that my successor has got is to cope with improving VOSA and keeping VOSA's costs in balance. We now have our new strategy in testing which is to move our testing much closer to the place where maintenance is done and where operators are conducting their business. A really good delivery challenge is going to be aggressive on the delivery of that policy strategy which we have set in place.

Q143 Chairman: Are you now committed to fully privatising test sites?

Mr Tetlow: How do you mean by "fully privatising"?

Q144 Chairman: Explain to me the involvement of the private sector in the future in the provision of test sites.

Mr Tetlow: What we are trying to do is a number of things. The overall task is to reduce the net cost of compliance to the industry and you do that by

putting the tester as close as possible as you can to where the test needs to be done, which is normally in an operator's premises or where the vehicle is being maintained. If you do that our experience is you tend to get a greater compliance rate of the vehicle in the first place. If we continue in the way we have been doing, we have spent about £45 million over the last four years on improving our estate. That has meant we have rebuilt 10 stations and completely built a new one as I have just mentioned. We have actually got 90 stations. If we were to continue with a network of the size we have got at the moment it would take us an awfully long time to provide a modernised testing facility for the nation into the future. By going along this new route what we are able to do is not only provide a better net cost to the industry but by putting our testers into their premises it is negating the need for us to spend nearly so much money in the future on our own estate and modernising that. Indeed, what we are intending to do is look at a whole variety of different ways with the industry as to how we might make that happen, for example with individual authorised testing facilities with one particular operator or perhaps some multiples. Where we do not believe we need it we might entertain the private sector coming in and taking over several of our own testing stations, still within a number of safeguards and provisos to the rest of the industry to make sure that there is a greater choice and greater availability of test within those areas subject to a number of provisos.

Q145 Chairman: So how do you see the situation in, say, 10 years? Will you have any of your own facilities left?

Mr Tetlow: My own view is that there will always be a need for a core safety net, if you like, of stations to ensure there is a minimum level of service where the private sector, for example, just would not want to take up the estate or take up a particular business in order to safeguard other parts of the commercial vehicle testing industry. How far it will go in 10 years depends entirely on the take-up and attractiveness of—

Q146 Chairman: What would your objective be?

Mr Tetlow: Our objective certainly would be to get out of a lot of the ownership of our road testing stations but also to make sure that in so doing we are making sure that the availability and attractiveness of a test to the industry is improved as we do that otherwise there would not be much point in doing it.

Q147 Chairman: Is this not going to compromise VOSA's independence as an enforcement agency?

Mr Tetlow: No, I do not think so at all. The principle is the tester himself, the person who is doing the test, is still an independent tester, in this case VOSA, a government employee.

Q148 Chairman: It has been put to us that fewer tests will actually be conducted because people will spend more time travelling between sites. Is that right?

Mr Tetlow: When you say people travelling between sites, you mean VOSA testers travelling between sites?

Q149 Chairman: Yes.

Mr Tetlow: I think that could be true. On the other hand, to balance that you have got far less vehicles and our customers travelling to our sites. We think that is a much greater overall net less cost to the industry than the way we are running it at the moment.

Q150 Mr Hollobone: What, if anything, has VOSA learned from REME?

Mr Tetlow: You are talking about two very different organisations. Could you perhaps expand the question?

Q151 Mr Hollobone: Given your extensive experience of both organisations, what has changed at VOSA given your past experiences in REME and the way in which they set about doing the things they do?

Mr Tetlow: The first way I would answer that would be simply to say that in REME I think we delivered some huge changes in concentrating on the delivery of customer service, in REME's case delivering very fast service and maintenance and turnaround to frontline use. It is that kind of culture that I have tried to do in my leadership of VOSA over the last four years. The other main principle within REME, which I hope I have managed to explain in our future strategy here, is that you really want to test the vehicle at the point of maintenance and use. That way you get a much better relationship and outcome between the maintainer and the person who is actually looking at the safety of the vehicle. Those would be two of the main principles.

Q152 Mr Hollobone: The number of foreign registered vehicles on Britain's roads is now at record levels and according to the Department for Transport it has reached an all-time high of 1.7 million. Compared to 10 years ago would you say that foreign vehicles are more or less of a problem to the industry in terms of compliance and competition?

Mr Tetlow: I do not have figures going back 10 years, but going back three or four years during my time as Chief Executive I would say it is more of a problem.

Q153 Mr Hollobone: How do you predict this will evolve in the future?

Mr Tetlow: I wish I had a crystal ball! Can I answer that by saying what we are doing about it. If you look at the number of checks on foreign vehicles that we were doing in 2005–06, the number of checks we did on HGVs, on foreign vehicles, was just above 30,000 and last year it was just above 63,000. Our targeting rate on roadworthiness vehicles in 2005–06 was 36%, that is 36% of the vehicles we stopped we put a prohibition or did something to that vehicle, and last year it was 47%. I think our effort in terms of roadside enforcement on that has increased not

only in terms of volume but also in terms of its targeted effectiveness. I would expect to see that continuing, particularly with the extra funding that we have been given by the Department for Transport, certainly in the short and medium-term.

Q154 Mr Hollobone: Two things arise from those figures. One is if the Department for Transport is correct in saying there were 1.7 million foreign registered journeys in 2007, 63,000 vehicles is not a huge percentage of that number. The second is that if you are insisting on some kind of improvement to almost half of the vehicles which you stopped that suggests there is quite a big problem with the roadworthiness of foreign lorries, does it not?

Mr Tetlow: Yes, I agree.

Q155 Mr Hollobone: So the extra money you have been given by the Department for Transport, how much of a difference will that make?

Mr Tetlow: That is a very difficult question to answer because although you could say that the number of vehicles that we stop relative to the number of journeys that are undertaken is a relatively small proportion, and in the case of GB it is less than 1% and in the case of international vehicles it is probably somewhere in the region of about 6%, it is very difficult to measure what the deterrent effect of it is. The effectiveness of your deterrent is a very difficult thing to measure. Next year the introduction of fixed penalty fines on the side of the road gives us a much greater deterrent effect and actually roadside action to have against foreign operators which we do not have at the moment. Even though perhaps the number of vehicles that we stop and are targeting may start to plateau, I think the deterrent effect of that will have a significant impact.

Q156 Mr Hollobone: Can you just remind the Committee when next year the graduated fixed penalty scheme comes into operation?

Mr Tetlow: You may have to ask DfT colleagues when the final parts of the legislation will be in place but we are ready to implement it straight away and we are expecting to do it from April next year.

Q157 Mr Hollobone: There is also a deposit and immobilisation scheme as well.

Mr Tetlow: Indeed, yes.

Q158 Mr Hollobone: Are there any other steps that you are taking to address the problems caused by foreign lorries?

Mr Tetlow: Yes. We are doing a number of things, perhaps two I can mention. We do quite a lot of work, as Mr Brown said to you earlier, with our European counterparts and, in fact, my colleague, Kevin, is off to Brussels tonight. We do quite a lot of work there. We have a particular issue with Ireland and some of the Northern Ireland traffic and we have a VOSA representative now working with the Irish Government. We are also working on some pilot schemes with the Highways Agency to look at data collection of foreign vehicles coming into this

country, both UK and foreign vehicles, better data collection of major traffic on the major trunk routes so that we get a greater detection rate of traffic offences. We are running those pilots at the moment with a view to some possible future investment.

Q159 Mr Hollobone: Can I just clarify one thing. Is VOSA responsible for oversight of all MOT tests in this country on all vehicles or just on larger vehicles?
Mr Tetlow: All vehicles.

Q160 Mr Hollobone: In that regard could you explain to the Committee the situation with regard to foreign registered motorcars coming into this country and the rules and regulations surrounding their passing an MOT test. My understanding, and I have had some local examples of this, is that vehicles coming over to Britain, say from Poland, are allowed to drive on British roads for whatever it is, six months or so, and then if that vehicle is still here it is required to pass an MOT test, but there does not appear to be any kind of mechanism to enforce that.
Mr Tetlow: I could not comment on that particular issue at the moment. I would have to check that to give you a proper answer.

Mr Hollobone: Would it be possible, Chairman, to invite VOSA to submit some evidence to the Committee on this because we are looking at their enforcement activities, there are a very large number of motorcars on Britain's roads from the new accession countries in Eastern Europe and it is certainly my understanding there is little or no enforcement on them having to pass the MOT test when required to do so.

Q161 Chairman: Could you send us a note on that topic?

Mr Tetlow: I could, yes, of course. I ought to correct one thing. In reference to your previous question, we do not have any jurisdiction on military vehicles, that is one bit we do not do.

Q162 Graham Stringer: You are the retiring Chief Executive so you can feel free to tell us how many extra resources you might require. From memory, you have been given an extra £22 million, is that right, for enforcement activities?

Mr Tetlow: Yes. Would it be useful to give some figures?

Q163 Graham Stringer: Yes.

Mr Tetlow: There are several sources of funding where we put our money into our enforcement activities. There is a single enforcement budget which comes to us, the SEB, from the Department for Transport. In the last financial year that was 14 million and this time it is 22 million. There is also some money that comes to us from both Scotland and Wales and that is about 27 million. There is then money that we use from our licensing operations which also goes into our enforcement activity. In the financial year 2007–08 that was 18 million and this financial year it is 22 million. I hope my maths is correct, but that makes a total of 33 million last year and about 45 million this year. There is an additional

amount of about £1.5 million of capital which we are also using this year. In very broad terms that is the total amount of money that VOSA is spending on its enforcement activities.

Q164 Graham Stringer: Just clarify that. I tried to follow those figures. Are you saying there is an extra 12 million going into enforcement, ie from 33 to 45?
Mr Tetlow: That is right, yes.

Q165 Graham Stringer: How much is government grants?

Mr Tetlow: The total is 22 million.

Q166 Graham Stringer: How much has it gone up over the last couple of years?

Mr Tetlow: I think about eight million from last year and I cannot remember what it was in the previous year.

Q167 Graham Stringer: It has been increasing. I have got a general feel for it now, that there is more money going into enforcement. It still seems a relatively small amount of money, which is why I would like you to comment, when you look at the accident statistics for HGVs where obviously because they are big they are causing twice as many fatalities and serious injuries as other vehicles. When we have had inquiries into road safety, to get accident statistics down there has been huge investment in roads. What I would like you to comment on is if the increase of 12 million was 50 million, could you give us any estimate of how much that would bring deaths and serious injuries down?

Mr Tetlow: Mr Stringer, I think that is a very difficult question to answer.

Q168 Graham Stringer: That is why I am asking really.

Mr Tetlow: Yes.

Graham Stringer: If you compare it to a road scheme on an accident prone country lane it might cost 25 or 30 million. Have you been arguing the equivalent, that if they put more money into your organisation you could bring accidents and deaths down? What sort of figures have you put on that?

Q169 Chairman: How much money did you ask for to deal with this?

Mr Tetlow: The most recent increase we got was 24 million over three years and I think I would be a poor Chief Executive if I had not asked for more.

Q170 Chairman: What did you receive?

Mr Tetlow: What I would have liked to have done was to get some more capital investment.

Q171 Chairman: What did you actually ask for?

Mr Tetlow: I did not put a figure on it. We put a range of things that we might be able to do with the single enforcement project. That is how we run this every year. We go through all of the categories of things that we do, HGVs, LGVs, white van man, drivers' hours, we go through all these different parts which have an impact on safety and say what

balance of resources we can put against each of those categories. What we decided with our colleagues this time was where we would really try to concentrate it would be on the high risk heavy traffic and that is where this extra 24 million is going. What that will actually achieve, it is difficult to say longer term how much effect that will have on road deaths, and I would suggest it is even quite difficult to measure because there are so many other things that impact on road deaths. What it certainly will do next year is it will mean the volume of checks that we do should increase by 50%. There will be a very significant uplift in what we do. I would expect our targeting capability to improve above the 34% which we have achieved. It needs someone better than I who can actually put a figure on how that will translate in terms of outcomes on road deaths.

Q172 Chairman: So you did not do any assessment of the outcome for the amount of funding you were requesting?

Mr Tetlow: It is not my task.

Q173 Chairman: Whose task would it be?

Mr Tetlow: That is the Department's task. It is the Department's task to actually set me what priorities it wants me to do and which areas of safety it wants me to go to. My job is to say the number of checks I can do according to the money that it gives me in each of those areas.

Q174 Graham Stringer: Is there any part of that dialogue with the Department which they accept? I accept these computations are very complicated but, where they say, "This will legally reduce road deaths by so much", are you saying, "This is very cost effective because we think this will lessen road deaths by 100"?

Mr Tetlow: Yes. I make the very strong caveat about cause and effect but, if I can give one example, we ran a pilot in the south east a year ago where we concentrated on very high risk, international traffic and we combined that with the issue of Fresnel lenses to put onto the passenger side of the vehicle because we thought that would have some impact on side swiping. As a result of doing that, the number of road accidents that were measured on the M25 decreased significantly that year. I cannot think of the figure but it was a very significant figure. Whether that was by chance or because of a combination of events but the number of vehicles involving international traffic on the M25 side swiping did reduce dramatically by a figure of 27% to 12 a week. Those are the sorts of figures which we are trying to look at.

Q175 Graham Stringer: Did you take that experiment and carry it out nationally?

Mr Tetlow: Yes, that is exactly what we are doing now with the extra 150 vehicle examiners that we are recruiting as part of this 24 million. We are following that strategy nationally. We are also spending some money doing some work with the Highways Agency to look at the particular hotspots around the traffic network where we are likely to get the biggest road

safety impact in deploying our people. We are being able to use that sort of data for pretty much the first time.

Q176 Graham Stringer: On resources, do you have sufficient resources to carry out the monitoring required under the Local Transport Act, the monitoring of bus reliability and punctuality?

Mr Tetlow: It is a question of what I am required to do.

Q177 Graham Stringer: Quite. Do you mean you cannot tell that from reading the Act?

Mr Tetlow: No, I cannot. There are a lot of impacts on bus punctuality, the performance of the local authority and the bus operator and so forth.

Q178 Graham Stringer: Are you waiting for guidance from the Department? Is that what you are telling us?

Mr Tetlow: I will just correct something which Mr Brown said. We have 13 bus compliance officers in total across VOSA. In my view, the answer is probably that we should be exploiting technology more rather than ploughing lots more resources into having people on the side of the road with clipboards.

Q179 Graham Stringer: You would like to get all buses to carry GPS?

Mr Tetlow: I think GPS would be one way of doing it. There is also a new initiative which we are engaged with at the moment. We are conducting trials with a number of some of the major operators. It is called "Trans Exchange". We are able to get automatic exchange data feeds on bus punctuality. I think we would be better checking the checkers—this is my own opinion—and looking at getting most of the bus operators to be self-regulatory, producing this information so that local authorities and local areas can see how those bus operators are operating. A lot of the time it is not the bus operator which is the problem; it is something to do with the local road layout. That is beyond what VOSA can do. What I can do is provide any expertise you want to go and look at a bus operator.

Q180 Graham Stringer: I do not want to put words into your mouth but is what you are saying that you have not taken any steps yet to implement the monitoring of buses under the Local Transport Act?

Mr Tetlow: No. We are monitoring the punctuality of buses and we are basing that either on our own intelligence information or on the requirements of the Traffic Commissioners. We are also doing that in liaison with the Scottish Executive.

Q181 Graham Stringer: When the Local Transport Act was a Bill, we had a lot of discussion about whether you were the best people to do it or whether it should be done by integrated transport authorities or passenger transport authorities. Do you think you are the best people to do the monitoring or would it be better done by integrated transport authorities?

Mr Tetlow: It depends what you are talking about. My own view is the integrated transport authorities would be better doing it themselves. I think there is a role for VOSA which we could play if we are required to in providing targeted information or checking the validity of the information that they are being given. I do not think it would be our role to check the punctuality of bus routes all over the country. I think you could do that in better ways.

Q182 Graham Stringer: Is there anything that is not in the Local Transport Act which you would like to have seen it, which would have made you more effective and efficient at your job?

Mr Tetlow: What I would really like to see in terms of effectiveness is to echo what Mr Brown said, which is to have the reforms made to the bus licensing system. I would like to see bus registration numbers allocated to bus operators in the same way they are for HGVs.

Q183 Chairman: In relation to the new provisions on local buses, how do you see VOSA working with Passenger Focus as the passengers' champion?

Mr Tetlow: I do not think we are going to have a great deal to do with them in terms of our enforcement capability. Our main dealing with them is to use them as a source of intelligence or react to comments they may have, which members of the public do at the moment.

Q184 Chairman: You do not see any particular joint working? Has anything been said to you about how the system might operate?

Mr Tetlow: There is certainly a case for joint working and liaison but I do not see it as a huge issue.

Q185 Chairman: Have you been given any guidance about how this might work?

Mr Tetlow: We have been having discussions on how it might work, yes.

Q186 Chairman: What form have those taken?

Mr Tetlow: We are just looking at how we can best use the information and the requirements of those bodies.

Q187 Chairman: What about enforcement? Do you think the current level of fines and other proposed penalties deal with enforcement?

Mr Tetlow: I think time will tell. The maximum fine that we can administer on the roadside is a combination of three times 300, which is 900. It is a matter of judgment as to whether that level of fine is going to deter bad operators. It will certainly put a very significant weapon in our armoury which we do not have at the moment.

Q188 Chairman: Is there anything additional you would have liked to see?

Mr Tetlow: At the moment we have pretty much what we want.

Q189 Chairman: You are satisfied that under the current proposals you have all the machinery you need to enforce compliance?

Mr Tetlow: Are you referring specifically to fixed penalty fines?

Q190 Chairman: I am referring to all of the penalties that would be available to you to use.

Mr Tetlow: Yes. What we need to do is take stock of the effectiveness of fixed penalty fines, which we have not done before. We have no experience of them and we need to take stock of that in about a year's time and see whether they are at the right level. I know that our colleagues in the DfT have consulted widely with industries over what sorts of levels they should be and that is what we are running with.

Q191 Chairman: How useful have you found the powers to impound HGVs?

Mr Tetlow: The powers are fine but we view them very much as a last resort. They are very administratively heavy and one tends to find that we have a large number of appeals against the impounding that we do, simply because quite often the ownership of the vehicles can be complicated and difficult to follow. For example, we may make an impounding against an operator to find that the vehicle we have impounded belongs to a leasing company, so they can be quite involved procedures. We would rather use them as a last resort but certainly they are an effective deterrent.

Q192 Chairman: Today the Department for Transport published a consultation document on enabling the impounding of illegally operated public service vehicles. Do you support the proposals?

Mr Tetlow: Yes.

Q193 Chairman: Which particular aspects?

Mr Tetlow: Again, it would be a measure of last resort against those operators who continuously flout the law, in some cases companies which are operating a service without any licence at all. It would be very effective against them.

Q194 Chairman: Are you going to have enough staff to implement the new provisions?

Mr Tetlow: Yes.

Q195 Chairman: You are fully satisfied that you are going to have enough staff to deal with them?

Mr Tetlow: We are recruiting 150 staff, as I mentioned. We have almost recruited them all. We now have over 900 enforcement staff. No chief executive will ever admit to having enough resources but in terms of what I am being required to do and the targets set me, I think we have sufficient.

Q196 Chairman: You have a system of performance gain points and it has been suggested to us that this has discouraged some of your staff from being able to deal with parts of the job. For example, preparing cases for the Traffic Commissioners. Do you see this as a problem?

Mr Tetlow: I see it as a fair criticism. Like any system of targets, which is all the performance gain system is, it can be a fairly blunt instrument. I am sure one can make parallels with the health service where, if you apply these sorts of targets too rigidly, you tend to encourage some perverse behaviour. I do not think there has been much perverse behaviour but there are parts of activities that we do where we need to make sure that our performance gain system, which is there to measure what we do and to incentivise our people to deliver, is applied sensibly. For example, when we did a major, multi-agency investigation, that took up a huge amount of manpower and it may take a year or a year and a half to complete. Usually it will have a very big impact on certain individuals, spreading much wider than just VOSA's relationship with road safety. I can name examples where we have uncovered fraud, drugs dealing, money laundering and so forth as part of our investigations. We do not get any credit for that and nor do our investigators. We just have to apply some common sense to it. If there is criticism of the PG points, I fully accept it. It is a blunt instrument but it has been highly effective for us. We just need to make sure that we manage it properly. We are very well aware of what those issues are and we are managing them.

Q197 Chairman: You are satisfied that you are and that the comments we have had are wrong?

Mr Tetlow: I am never satisfied that we are doing everything right. You always want to improve on what you are doing but my own personal view is that the PG system is intrinsically right. We always need to make sure we are improving it and I think that is what we do as an agency.

Q198 Chairman: We have also been told there is not sufficient communication between VOSA staff working on investigations. Do you recognise that?

Mr Tetlow: Communication between whom?

Q199 Chairman: Different staff of VOSA working on different aspects of investigations. Does that sound familiar to you?

Mr Tetlow: I would need a specific example.

Q200 Chairman: Do you recognise that criticism about communication between different members of your staff dealing with investigations?

Mr Tetlow: No, I do not accept that.

Q201 Chairman: What about your involvement with port authorities? What particular problems have you had there?

Mr Tetlow: We have to respect the economic requirements and the business requirements of the ports. That can sometimes be in conflict with our own activities. The way we manage our relationships with the ports is generally speaking on a local area to area basis. We have very good relationships with most of the ports. Occasionally, some of the ports do start to get concerned with us because they feel that we are turning business away from them by targeting their customers. That is naturally going to cause some criticism and some friction. At the moment for example, Liverpool are not allowing us to conduct enforcement activities inside their docks. That happens from time to time. I hope we can smooth that out and I am sure we will.

Q202 Chairman: What is the reason for that?

Mr Tetlow: The reason for that was they felt that there was a very high number of high risk vehicles coming through that particular port and therefore we were targeting a lot of vehicles coming through that port at the particular time. Liverpool thought, wrongly in my view, that we were singling that port out relative to others. We were not singling that port out but I had to point out to them that we are also conducting operations on other west coast ports at the same time. The issue also arises at Liverpool where it inconveniences their customers more by not enforcing in that particular port because what we have to do then is divert those vehicles which we wish to stop and investigate to our own station in Liverpool, which is far more inconvenient for that traffic. Once the port of Liverpool understands that, I am sure they will let us back in. What we also try to do is to reinforce the moral responsibility of those ports to ensure that they are not allowing unsafe vehicles to enter through their own premises and onto our roads.

Q203 Chairman: How seriously do you see that position, if you are telling us that the port authority will not permit you to carry out enforcement checks in the port? Is that not something that is very serious?

Mr Tetlow: I do not think it is something to create a drama out of because, as I mentioned, we have other ways of being able to check the vehicles coming out of the port, which is what we are doing. In that particular instance, I think the port is rather misguided and has a wrong perception of what we are doing.

Chairman: Thank you very much for answering our questions. We wish you well in your new career.

Witnesses: **Jim Fitzpatrick MP**, Parliamentary Under Secretary of State, and **Ms Helen Morris**, Head of Licensing, Roadworthiness and Insurance Division, Department for Transport, gave evidence.

Q204 Chairman: Good afternoon, Minister. Would you like to introduce yourself and your official for our records, please?

Jim Fitzpatrick: Jim Fitzpatrick, Parliamentary Under Secretary of State for the Department for Transport.

Ms Morris: Helen Morris, licensing, roadworthiness and insurance policy from the Department for Transport.

Q205 Chairman: Are there any opening comments you would like to make?

Jim Fitzpatrick: No.

Q206 Chairman: We have heard that Mr Tetlow, the chief executive of VOSA, is resigning from his position. Do you think there are any particular reasons for that?

Jim Fitzpatrick: I have spoken to Stephen about this personally, once on the phone and once recently in the Department. He tells me that he feels that he has accomplished quite a lot in the years that he has been in post, that he has taken VOSA to a new threshold where all the delivery arrangements are going to change. He feels that it is about time for him to move on to a new challenge and it is an appropriate time to hand over to a successor who can take VOSA into the new era and the new arrangements that it is about to embark upon. I was disappointed at his decision because I have a lot of time, respect and regard for Stephen, but obviously we all make choices in life and I have nothing other than admiration and I hope that he succeeds where he is going. I am quite confident that, because of the shape VOSA is in, we will get a replacement who will be of the appropriate calibre to be able to carry on the good work that he has left.

Q207 Chairman: Have you started that process?

Jim Fitzpatrick: I am not sure it is even public that Stephen is leaving. I know it is common knowledge but, no, we have not started the process yet.

Q208 Chairman: What challenges do you think his successor will face?

Jim Fitzpatrick: Given that we have laid out a vision for transformation and that we are committed to a programme which will take testing away from our own establishment—at the moment, I think something like 20% plus of tests are carried out at owners' or operators' establishments—by 2012 we want to get that up to 85%. That is going to be a whole culture change for the inspecting officers and for the organisation. In terms of the routine testing of vehicles which is fundamental to the organisation's way of working, that is a considerable challenge. On the inspecting regime out on the roads and motorway network, we have recently committed £24 million over the next three years and paid for new technology, new weigh motion sensors, new inspection sites. We are recruiting almost another 100 staff, going to 24/7 operation. There is an expansion in the enforcement regime in terms of

stopping and inspecting vehicles. With the fixed penalty notices and the mobilisation arrangements that we want to bring in by next spring, there will be a tough enforcement regime. There will be more challenges. There will be more staff. In both different aspects of operation there will be big challenges to face and the Local Transport Bill and the arrangements for bus punctuality and the responsibility of VOSA to monitor that. We are looking at those new arrangements as well. Right across the piece VOSA stands at the beginning of quite a journey which will change the organisation. In that respect, I think Stephen's judgment is quite right that it is probably a good time for him to be going and to bring in somebody new to take these things forward.

Q209 Chairman: Are you satisfied about the relationship between VOSA and other organisations such as the Traffic Commissioners?

Jim Fitzpatrick: I have no reason to be concerned or critical about it. We are at the moment recruiting a senior Traffic Commissioner, again changing the arrangements there with the Local Transport Bill as well. My understanding is that relationships are sound and strong. We do not anticipate that doing anything other than continuing or improving because of the new arrangements for the Transport Commissioners.

Q210 Chairman: The evidence we had from the Traffic Commissioners, particularly the written evidence, suggested that it had been a difficult relationship, although it appears it is now much more positive. Is that something you were aware of as a Minister?

Jim Fitzpatrick: I cannot say that I recollect seeing submissions which told me there was a general problem. My answer a moment ago reflects that which the correspondence seemed to suggest, that relationships now are positive. I was not aware of any serious problems in that regard.

Q211 Chairman: You refer to changes in the testing of vehicles. You seem to have changed your position in terms of having increasingly more private sites for testing. What is the reason for that change of thinking?

Jim Fitzpatrick: The reason is to try to control VOSA's expenditure on the basis that all the investments VOSA makes in its infrastructure, in its estates and in its technology result in costs to VOSA which obviously ultimately have to be passed on. It is about managing the organisation to make sure it is as efficient as possible. Also, it is to improve the service that we are delivering to the freight industry where we know that the down time for every vehicle costs operators a considerable amount of money. If we can minimise the amount of time a vehicle is off the road by taking the tester to inspect the vehicle at a site which has been approved, the vehicle is getting examined, which is what we want to be sure of. It is being inspected by somebody who is qualified, which

we need absolute certainty about and it means that they can schedule the test to fit in with the maintenance programme. It will be on site where the garage is carrying out the maintenance. If there are any repairs to be done, they will be done there. We reduce the down time and in that instance make it more attractive to operators and make it more efficient. It should be a win win for VOSA and for other road users and a win for the haulage operator.

Q212 Chairman: How can you be satisfied that the standards of testing will be even?

Jim Fitzpatrick: I suspect on the same basis that we monitor performance of the inspecting officers. There would be no reason to anticipate that their quality of performance would in any way, shape or form be affected. There will be managerial arrangements. There will be a normal training regime. We will be able to monitor how they undertake their duties in a different way because obviously the managers will have to be more mobile, but the inspectors will be more mobile, so I do not see that there is a risk of downgrading the quality of inspections.

Q213 Chairman: Looking over the next 10 years, do you think VOSA would be retaining any test sites of its own?

Jim Fitzpatrick: We have undergone, over the past 12 months, an examination on delivery of service. There was consideration by the board and the Department as to whether or not the inspection regime should be outsourced in the same way that cars are inspected by private garages and whether it would be a more efficient arrangement. That took a considerable effort. There was a lot of uncertainty. I met directly with the unions. We wanted to make sure that we were fully engaged and this was not a fait accompli. Eventually, the conclusion by the board was we can deliver the service of the quality we want and we can maintain the efficiency and improve the efficiency of the organisation. Therefore, we wanted to continue in-house delivery. I also said to the unions in the course of a number of conversations that we are in a changing world. Nothing is guaranteed for ever but this benchmarking arrangement ought to give them certainty for the period ahead and in that instance it is a vote of confidence in VOSA and the way that they have been operating and the fact that they can deliver under the new arrangements.

Q214 Chairman: How do you see it in, say, 10 years' time? Will there be any VOSA owned sites?

Jim Fitzpatrick: My expectation is that if we make the target of 85% by 2012, we are almost saying that there will be some parts of the country, because of the geography or whatever, where we will want to maintain some home sites. I do not think that we will be in a situation where we will be testing completely off site but the targets I have seen are now for 2012 and in that instance I must confess I have no certainty in saying that, in 10 years' time, there will not be sites. My impression is that there will be but obviously this will need to be kept under review.

Q215 Mr Hollobone: As a former fire fighting Minister, you have been at the sharp end of road safety. Presumably you have seen some pretty grizzly sights involving HGVs on major roads and having to pull critically injured people out of vehicles. To what extent does that influence your role when considering road safety issues and the enforcement activities of VOSA?

Jim Fitzpatrick: From a personal, operational point of view, I did most of my fire fighting—98% of it—in Battersea in inner London so we did not get many RTAs, as we called them then, road traffic accidents. The language has now changed. They are now RTCs, road traffic crashes. The message that we are giving out from the Department as strongly as we can is on the basis that we are saying the majority of people who are killed on our roads are as a result of people drinking, taking drugs, speeding, not wearing seat belts etc. These are human choices. These are not accidents. These are the results of individuals determining for themselves that they are going to disregard the laws of the road. In general, my fire service background means that I have probably a greater degree of familiarity and I have undertaken training regimes and spoken to many colleagues who have been in the situation that you describe. I think it does colour my judgment and motivate me to be as effective and as helpful in tackling road safety as possible.

Q216 Mr Hollobone: It is also a human choice for a fleet operator to send out vehicles which are not suitably roadworthy. We do have, do we not, a real problem with unroadworthy foreign registered vehicles travelling on Britain's roads? In the previous evidence session, if I have written down these figures correctly, VOSA checked 30,000 vehicles a year four years ago and now they have managed to increase that through a superhuman effort to 63,000. Four years ago, 36% of the foreign vehicles which they stopped they had to recommend or enforce improvements on. Now it is 47%. According to your Department's own figures, the number of foreign registered vehicles on Britain's roads is now at a record level of something like 1.7 million in 2007. 63,000 compared to 1.7 million is not very much. If VOSA are having to implement enforcement measures on almost half of the foreign vehicles which they stop, is this not an extremely serious issue and one of growing magnitude?

Jim Fitzpatrick: Any infringement of construction and use, overweight vehicles, drivers not taking rest breaks, is a matter of some seriousness. That is why the inspecting arrangements again have changed. They have been refined. We are using Automatic Number Plate Recognition cameras to be able to target particular vehicles and particular fleets. We are able to better track those who are more likely to be in breach and therefore we are using intelligence to direct our risk assessment so that, when we do stop, we are stopping vehicles about which we have a suspicion that they will be in breach of one regulation or another. In that instance we are being more effective in our enforcement through giving VOSA the staff that I mentioned a few moments ago,

10 December 2008 Jim Fitzpatrick MP and Ms Helen Morris

the weighing motion sensors, the ANPR cameras and the wherewithal to do that job. We are focusing on those who we believe are most likely to be infringing and that sometimes means foreign vehicles. I am told by officials in the Department that I am not allowed to say we are targeting foreign vehicles. We are focusing on vehicles on international journeys and because sometimes that means there are vehicles going the other way as well as vehicles coming in from the continent and Ireland.

Q217 Mr Hollobone: All that is true although I think people will be astounded to hear you say you are not allowed to target foreign vehicles when you are clear that that is where the problem lies. The Road Haulage Association said that 12 years ago UK carriers accounted for more than half of the international road haulage traffic between Britain and continental Europe. That is now down to just 19%. If British hauliers are being more responsible about the roadworthiness of their vehicles, those are our European counterparts. That surely is a very worrying situation. Given that all of what you say is true, it is still a drop in the ocean compared to a growing problem of unroadworthy foreign registered vehicles being on Britain's roads.

Jim Fitzpatrick: We are working hard to try to make sure that the deterrent element impresses upon vehicle operators who do not perform to the same standards as the better and best ones. We have the fixed penalties and the immobilisation powers that we are introducing next spring, which have to go through the House in the first instance, but we are very confident that the House will support those. They will bring new weaponry into the armoury of VOSA and the police to be able to deal even more effectively with vehicles that are in breach of regulations. That includes foreign vehicles as well. We are committed with the extra staff, the extra technology and the extra resources that we are giving VOSA to do everything we can to impress upon road hauliers, wherever they are, that we will do everything we can to identify them and deal with them. The work that we are carrying out internationally that we agreed at the Transport Council earlier on this year will get national databases which eventually will be able to be linked up with each other so that we know the bad operators. We want to share that information with our European counterparts and we want them to tell us who they think the bad operators are. There is a lot of work going on there to make sure that the enforcement agencies link up as effectively as possible in due course.

Q218 Mr Hollobone: How advanced are those discussions with European agencies to create this EU-wide database?

Jim Fitzpatrick: The discussions at the last Transport Council suggested that by 2013 we should be in a position where all the national databases will be up and their interoperability ought to be a shorter step from that.

Q219 Mr Hollobone: What though is the long term solution to this problem?

Jim Fitzpatrick: The long term solution is continued vigilance, continued deterrence by publicising the ability of the enforcement agencies, be it VOSA or the police, to identify, to stop and penalise or prosecute those who are flouting road safety regulations. I do not think there is any shortcut to that any more than there is in terms of dealing with people who break the drink drive laws or speed or behave in any other reckless behaviour that endangers the rest of us. It is a constant battle with new companies starting, with new drivers qualifying, with new generations coming onto the roads all the time. This is non-stop and I do not think there will ever be a time when we will be able to say that the battle for road safety is won. We have among the safest roads in the world in the UK and we are still killing nearly 3,000—2,946 people last year—which are the best figures that we have had in 18 years, but still eight people a day are dying on our roads. Most of them are preventable.

Q220 Mr Hollobone: We heard in the previous evidence session that VOSA is responsible for all MOT tests, not just on HGVs and PSVs. Why is there no automatic reminder sent to car owners that their MOT is up for renewal compared for example with the road fund licence when a reminder does come through?

Jim Fitzpatrick: I do not have the answer to that.

Ms Morris: There is a partial answer to that. The first part of the answer is that around 40% of motorists will have a reminder from their own garage. The other part of the answer is that VOSA are looking at introducing an opt in reminder system. For many people, there will also be a natural concurrence between the licensing and MOT because it will normally run for a year. The reminder to pay your Vehicle Excise Duty—car tax—will come just when your MOT is about to be due as well. There is not a blanket, 100% mechanism covering all of it but a large number of motorists are covered. Also, on the back of your MOT certificate, there is a peel off sticker that you can stick on the back of the windscreen. That is quite a useful reminder as well.

Q221 Mr Hollobone: I have one of those peel off stickers but they do not last for a year. They fall off. Could I suggest it would be a very sensible and practical improvement to the system for automatic reminders to be sent out? We heard in the previous evidence session that VOSA were unclear as to the arrangements with regard to MOTs on foreign registered motor cars, particularly from the new EU countries in eastern Europe. A lot of those vehicles are now on Britain's roads. They arrive, we have to accept, in a roadworthy condition but there does not seem to be any mechanism to follow up the introduction of an MOT if they remain in this country. Could we ask what your understanding is with regard to that situation? Are there any proposals to improve the enforcement over those vehicles?

Ms Morris: VOSA have already offered to do you a detailed note on that. Generally, the position is that where a vehicle is in the country for more than six months within a 12 month period it should be registered here. Clearly, once a vehicle becomes registered, the normal tax, MOT and insurance domestic requirements that we have here would apply. You are right. There is a problem about identifying vehicles that are in the country for more than six months in any 12 month period. DVLA is working closely with a number of other agencies, including VOSA and those that have a presence for example at ports and other access points, to try and build up a better data set so that we can look at plugging that loophole. They are also working with for example embassies in other Member States to make sure that people are aware of that requirement, because some of it is just ignorance about how the law operates.

Jim Fitzpatrick: Where our citizens feel that there is a breach in these regulations, they can report the vehicle and the address to their local transport office and that matter will be followed up. As Helen says, it is perhaps not the blanket regime that we would want and obviously arrangements need to be in hand. The improvements that we have for the UK database with the identifications at DVLA and the insurance database at Milton Keynes and the ability to identify UK vehicles being MOT'd now mean we have such a tight package and it obviously puts into sharp relief the difference for vehicles which are not UK registered.

Q222 Chairman: In relation to international vehicles, there are apparently a large number of breaches of cabotage rules. Is that something that you would pursue as a Minister in relation to Europe or is it simply an issue of enforcement?

Jim Fitzpatrick: I think it is both. We certainly do what we can to support the British haulage industry and defend its position in Europe. The previous Minister of State, my old friend from Doncaster, went to the last Transport Council and negotiated what we thought was a reasonable conclusion on cabotage and the arrangements for sharing that information. The road haulage industry was very satisfied that we worked very hard to get the arrangements in place to protect the industry against deepening the ability for foreign hauliers to get business in this country. Also, enforcement is the other arm. We need to be able to make sure that the rules are being observed by hauliers who come into the UK. We also need to ensure that the arrangements are in place in Europe whereby we have international agreements. Those Member States should be telling their haulage companies what the arrangements and rules are so that nobody is in any doubt and they do not come in with an ambition to try to undercut British haulage firms or unfairly disadvantage them.

Q223 Chairman: What is your assessment of what is happening at the moment? Do you think the other European countries are enforcing their part of this?

Jim Fitzpatrick: We like to think that they are trying. We also pride ourselves in the fact that we have a bench mark that they are all trying to aspire to. We are engaging at official and at ministerial level to try to make sure road safety and the observance of the rules are high priorities that we can get on other national agendas.

Q224 Graham Stringer: On accident statistics, I know you feel deeply about accidents. You say eight people a day die. I make it between nine and 10 people a week who die in HGV accidents. It is about 18%. That is a lot. We heard previously from VOSA some very interesting evidence about changes in their enforcement practices to reduce accidents. What cost benefit analysis have you done between investing in enforcement in VOSA to reduce road accidents and all the other measures you take about making roads better, changing the regulations on cars? How do you compare the investment in enforcement in VOSA with other ways of reducing deaths on the road?

Jim Fitzpatrick: I am not sure I have the answer to that.

Q225 Graham Stringer: I am not sure I totally understand the figures but you increased the grant to VOSA over the last year or so by 12 million. To you and me that is a lot of money but in government terms it is trivial. Does it not require a serious look at where you can make a big impact on deaths with HGVs, whether foreign owned or British owned, by really doubling or trebling the enforcement activity? Taking an initial look at statistics and nothing else, I am surprised. It looks to me *prima facie* as if it is the case that you could have more impact doing this than you could with a lot of the other arrangements.

Jim Fitzpatrick: That is a very fair suggestion. Extra resources could lead to greater reductions. Our conclusions at this point in time are that, having listened to VOSA's application for additional resources, the decision—which was before my time in the Department—was that, yes, VOSA ought to be given more resources. That is what I announced earlier on this year. Obviously we will be monitoring the outcome of that additional resourcing and what impact it has on the level of incidents and deaths and serious injuries. It may very well be that we will come to a conclusion that it is so successful we should be putting even more resources in. It may be, because of the other arrangements that are being put in place in respect of enforcement, deterrence and legislation and the fixed penalty notices etc., that we see a reduction and we feel that we do not need to necessarily make more resources available, but that is a judgment call that will be made once we have more data and more evidence.

Q226 Graham Stringer: Within the depths of the Department for Transport there must be some cost benefit analysis done.

Ms Morris: As the depth in the Department for Transport, perhaps I can partially answer that. We have done some cost benefit work around our enforcement activity and more generally. The issue

10 December 2008 Jim Fitzpatrick MP and Ms Helen Morris

here is that most accidents or crashes are caused by driver error. However much resource you put into checking roadworthiness and drivers' hours, which is primarily the activity that VOSA carries out, there is still the 97%-odd of accidents that are caused by something else. The other issue is that spending money on the problem might not be the right solution in some areas. One of the new tools that we will give VOSA is the graduated fixed penalty and deposit scheme. That is a significant change in the way we enforce on the road. There are four very new parts to that: VOSA issuing fixed penalties, VOSA being able to immobilise vehicles, VOSA and the police being able to take on the spot fines at the roadside when there is no UK address and graduating penalties. The more serious the offence, the more serious the fine. That will not only have a direct effect on those who VOSA target; it will also have a deterrent effect more broadly. The financial cost of that is the additional time, effort and some small IT costs for VOSA staff to do that. That should have a significant effect without costing a large amount of money. It is almost not a simple cost benefit analysis across the piece because in terms of crashes there are so many influences on driver behaviour. The economists would love to have a simple calculation machine where it came out beautifully ordered, but unfortunately it does not quite work that way.

Q227 Graham Stringer: I accept it is complicated and not straightforward. I also accept there is a deterrence effect but is there not a correlation between checking on driver hours and being out of compliance and driver error? If you are checking on that, it might be that the brakes are not 100%, but you are likely not only to deter but stop some of those accidents. Mr Hollobone went through the relatively small percentage of checks that there are. You are bound to find a lot more people who are out of time, are you not?

Ms Morris: The premise we work on is if you can reduce the pool of non-compliance you will reduce the number of crashes. Even if someone is sticking to their driver's hours, if they have been up all night on the internet, they will be tired, so it is a mixed picture.

Q228 Graham Stringer: Can you tell us what process you are expecting VOSA to go through to carry out their duties in monitoring the reliability and punctuality of buses under the Local Transport Act?
Jim Fitzpatrick: In what respect?

Q229 Graham Stringer: How are they going to do it?
Jim Fitzpatrick: We have a process that we are looking at at the moment, given that the Bill has just been passed and the Act is coming into play, to determine how we are going to be able to be effective in monitoring for example bus punctuality and the performance of bus companies and whether we have enough resources in place to deliver that. We will be looking at that in the weeks ahead as the Act beds itself in. We will be determining whether or not those resources are adequate.

Q230 Graham Stringer: When will you do that? Are you expecting to hand over a lot more cash for them to monitor it? How do you expect them to do it? Do you expect them to ask for GPS or to stand by the side of the road with a clipboard?

Jim Fitzpatrick: There will be direction from the Transport Commissioners who will be led by the numbers of complaints registered by members of the public in respect of performance. It will be outcome driven by the numbers of complaints or issues that they are directed to deal with.

Q231 Graham Stringer: If I wrote to a Traffic Commissioner or a passenger transport authority and said, "The 135 at the bottom of my road is not turning up", how will they check?

Jim Fitzpatrick: My expectation is they will get in touch with VOSA and find the nearest inspector and say, "Will you give us a report on this service?" The Traffic Commissioner will have the wherewithal to be able to determine whether a complaint needs further investigation or whether the performance of the local operator is adequate and what level of investigation is required.

Q232 Graham Stringer: It will all be historic, will it not?

Jim Fitzpatrick: I suspect in the first instance it will be historic because, with the Act in its newness being applied, there will be a reactive stance taken to monitor how it is introduced. Ultimately, it may very well be that the inspectors will want to be proactive in going out but at this point in time that is not our expectation.

Q233 Graham Stringer: There is a choice, is there not? You either believe the bus companies and you have self-regulation and check their records, or you monitor them so you have to have GPS or some equivalent so that you can check both historically and in real time. Do you have any views on either of those two processes? Is the Department talking to Traffic Commissioners or to VOSA and saying that you should be going this way or offering guidance?

Jim Fitzpatrick: There is guidance which is going to be worked up in due course, but it is not ready yet.

Q234 Graham Stringer: When will it be ready?

Jim Fitzpatrick: I could not say for definite but it certainly will be some time next year.

Ms Morris: Perhaps we can give you a detailed note on that. My understanding is that at the moment the Traffic Commissioners and local authorities are very much working in partnership now the Bill is an Act to work up in greater detail the approach that they will take. Obviously there is a role for each party. VOSA is very much in an enforcement and compliance role, so you would not perhaps expect to see them taking the proactive role that local authorities might do. Traffic Commissioners are much more at the regulatory end of the spectrum. We can give you a detailed note on what strategy is going forward.

Q235 Graham Stringer: We had a lot of discussion around this on the Local Transport Bill. I do not want to revisit the debate completely. Do you not think there is a case for integrated transport authorities, if and when they are created, or passenger transport authorities to have a monitoring role and leave VOSA to deal with what it seems to be doing quite effectively in other areas?

Jim Fitzpatrick: Not having been on the Local Transport Bill, I was not party to the examination, discussion and the conclusions that were drawn. You would be much better placed than I to suggest whether or not that might be a better way of doing it.

Q236 Graham Stringer: I am not in a position to make the decisions. Can I move on to a point that came up from the Traffic Commissioners and VOSA when we met them about simplifying the way that PSV operators' licences work so that they are related to the actual bus in the way that HGV licences are related to the actual lorry? We heard that there were problems because they are generalised discs that can be put anywhere and that makes checking the compliance difficult. Do you have any proposals to relate those discs directly to the vehicle?

Ms Morris: At the moment HGV operators are required, if they are going to use a vehicle for more than a month, to notify that vehicle to their licence; whereas bus operators are not. The issue has been reviewed a number of times and it is one of those that comes up relatively regularly. As always with these issues, the Department looks at the costs and benefits. Notifying each individual vehicle would be a new, additional burden on the industry. What we are quite properly asked to do is to look at whether the benefits would outweigh the costs. I know that that is something that is looked at regularly. Because probably historically the bus industry has had a good safety record in terms of accidents and because, compared to HGVs, the enforcement activity is much lower, the case has not ever been made, but I am sure it is an issue that will be looked at again.

Q237 Graham Stringer: We have had quite a lot of evidence in this Committee over the years that the bus industry is not that safe. It is not checked and monitored as well as it could be. There is the famous case of the wheels falling off First Group buses in Rochdale in Greater Manchester. When we have had inquiries into buses, it is a frighteningly high number of buses that are not compliant. The burden for a bus company of filling in a form must be pretty low compared to the safety of the public. Would you not agree?

Ms Morris: It depends how often you are asking for the notification to be changed and also whether, actually an intervention based on that evidence would make a difference.

Graham Stringer: We were told inspectors were going in and they did not know vehicle had been used because the discs had been moved about because they had not been told which vehicle it was. What you are saying is that you are accepting the bus

industry's case that this will be a burden which allows them to get away with putting unsafe buses on the roads.

Q238 Chairman: Minister, are you satisfied with the situation?

Jim Fitzpatrick: I am certainly not happy with the description that Mr Stringer is giving that there are bus operators who are not operating safe vehicles. Nobody would be happy with that, Chairman, no.

Q239 Graham Stringer: Could you agree to go and look at it and come back to us on that?

Jim Fitzpatrick: I would be very happy to do that.

Q240 Chairman: How successful have the impounding regulations for HGVs been in removing illegally operated vehicles from the roads?

Ms Morris: The evidence is that their deterrent effect has brought about a pretty significant decrease in vehicles operating without a licence. This is one of those measures that is used very rarely but has quite a significant deterrent effect in terms of stopping operators operating illegally.

Q241 Chairman: The Department has issued a consultation paper this morning concerning the impounding of illegally operated public service vehicles; is there anything in the experience of the powers to impound HGVs that has led you to introduce safeguards?

Jim Fitzpatrick: The statistical evidence says that since the scheme for HGVs was put in place the proportion of those used without a valid operator's licence fell from 1.7% in 2001 to 0.6% in 2006 and resulted in fewer than 250 vehicles being impounded. As Helen describes, the inference from that clearly suggests that it is effective and it is a good deterrent and, therefore, the consultation that we have launched for PSVs, to bring them into line with HGVs, would seem to be very sensible.

Q242 Chairman: Have any problems arisen in the implementation of the present scheme that would lead you to put safeguards into the new scheme?

Jim Fitzpatrick: There are arrangements in place so that if there is an impounding which has clearly been wrong the operator can appeal directly. It does not appear to me that there have been problems, but the operator has had the opportunity to appeal to the traffic commissioner to say this has been done wrongly or badly or inappropriately. The traffic commissioners are the ones that have oversight of the procedures to make sure they are as effective and as accurate as possible.

Q243 Chairman: We have had reports that some port authorities have refused VOSA access as they consider VOSA's activities to be too intensive. Does that give you concern?

Jim Fitzpatrick: It does not in that the explanations that I have had in respect of ports are that there is a relationship between port authorities and VOSA that moves and changes sometimes because of the port being in a position where it believes it has been

10 December 2008 Jim Fitzpatrick MP and Ms Helen Morris

disadvantaged by having VOSA's presence in the harbour area, because the operators will get the word out to say they are operating out of such and such a place, let us move our business elsewhere. If the port feels that it is getting a reputation whereby vehicles are not using the ferries that arrive in their port because they are going to be stopped as soon as they get off the ship then obviously that will have an economic impact on the ability of the port to function. However, the secondary consideration is that the majority of vehicles which are safe and roadworthy are being penalised perhaps. Ultimately what we want to do is make sure that vehicles which are using our roads are safe, and sometimes that means that the port is the best place to do it if there is enough space to make sure that there is no congestion and that decent hauliers are not being unfairly disadvantaged because we want to clamp down on those who are not observing the rules. The relationships, therefore, between VOSA and the ports are sometimes dynamic and sometimes there are problems and challenges but, overall, I do not get the impression that it is an unhealthy one.

Q244 Chairman: Are you satisfied with the situation; do you think port authorities should be able to do that?

Jim Fitzpatrick: I would not like to see port authorities having the ability to veto VOSA's presence, I would much rather see a relationship where agreement by consensus, by discussion, means that VOSA can operate within the environs of a port if it is felt appropriate, either on a temporary basis or on a permanent or semi-permanent basis. Obviously, some ports have space where VOSA can operate; there are some where they are very limited as to space and there would be a very dramatic impact and effect on the ability to disembark and offload vehicles and cargo if VOSA were to be operating right on the quayside.

Q245 Chairman: Are you proposing any further regulations or legislation to enforce VOSA's ability to be able to go onto port premises?

Jim Fitzpatrick: I am not aware of any regulations that are likely to be brought forward. As I say, the arrangements seem to work relatively well at the vast majority of ports but occasionally those relationships do not work as well as we would want them to and I know that the senior managers of both industries try to get together to resolve them; generally speaking they do get resolved and in that instance we do not see the need at this point to come forward with regulations.

Q246 Chairman: Passenger Focus is to be the consumer watchdog for bus passengers as well as train passengers. How do you see Passenger Focus working with VOSA and with the traffic commissioners?

Jim Fitzpatrick: Passenger Focus will be building up their research and evidence base so they can advise decision-makers. I would suspect that with their responsibilities as the new bus passenger champion they would want to be in close contact with VOSA as the enforcement agency to make sure that they have a full understanding of each other's responsibilities and build a positive relationship. We will be consulting early in 2009 on the draft secondary legislation required to grant formal powers to Passenger Focus to cover bus passenger regulation, and that should be in place by April 2010, so I would imagine that this would be a relationship which would be growing as Passenger Focus take on more responsibility and determine how best to use those powers that they are going to be given.

Q247 Chairman: Do you anticipate any problems on the remit of the different organisations?

Jim Fitzpatrick: No.

Chairman: Thank you very much for coming to our Committee today.

Written evidence

Memorandum from Unite the Union (Transport and General Workers' Section) (VOSA 02)

- Total UK LGV fleet was 371,552.
- Total UK PSV fleet was 90,110.
- Nationally the prohibitions for LGV drivers have increased by 175.6%.
- Nationally the prohibitions for overloaded LGV vehicles have increased by 237%.
- The number of LGV vehicles tested nationally has declined by 62.1%.
- Nationally the prohibitions for PSV drivers have increased by 5,600%.
- Nationally the prohibitions for overloaded PSV vehicles have increased by 595.5%.
- The number of PSV vehicles examined nationally has declined by 48.7%.
- That the number of vehicles examined has declined is sending out a clear message to rogue employers that they are at liberty to flout drivers hours regulations and overload vehicles with near impunity.
- That enforcement saves not only lives but also in the long-run money.
- Until the potential offenders believes that there is a real probability that will get caught and punished will our roads become a safer place to travel.
- This will only be achieved when VOSA has the required resources to carry out comprehensive and through examinations.

1. This evidence is submitted by Unite the Union, the UK's largest trade union with 2 million members across the private and public sectors. The union's members work in a range of industries including manufacturing, financial services, print, media, construction, transport and local government, education, health and not for profit sectors.

2. The Passenger Transport (PT) and Road Transport Commercial (RTC) Trade Groups of Unite. Unite are the main trade groups representing over 180,000 professional drivers, including our professional driver membership in the food, drink and tobacco sector of the economy. This results in Unite being the largest trade union representing professional drivers in the United Kingdom.

3. We welcome the opportunity to respond to Transport Committees inquiry into VOSA inspections, and our response will reflect the issues we see as effecting professional drivers.

4. In 2006–07 there were 99,794 goods vehicle operators in the United Kingdom, of these: 48.4% were own account; 40.2% were hire and reward; and 11.4% had standard international operator licences.

5. In regards to the number of vehicles the total UK fleet was 371,552. Of these: 27.4% were own account; 49.3% were hire and reward; and 23.2% had standard international operator licences.

6. In 2006–07 the number of Public Service Vehicle (PSV) operator licences in issue was 9,009, up 1.9% on 2005–06. The number of PSV vehicles on licence was 90,110, up 1.4% on 2005–06.

7. This response will in the main focus on the enforcement, or rather the lack of it, in regards to tachograph, drivers' hours and the overloading offences of commercial vehicles.

8. Driver tiredness, in many cases due to breaching drivers hours or working time legislation, is one of the biggest killers on our roads, particularly on motorways and other monotonous roads where it causes one in five crashes. About four in ten tiredness-related crashes involve someone driving a commercial vehicle. In 2007 110 goods vehicle drivers were killed and 12 bus and coach drivers. We believe that most of these deaths will be related in some way to fatigue or drivers working against their body clocks resulting in them driving less effectively.

9. Table 1 gives the prohibition rate for large goods vehicle (LGV) drivers' hours tachograph and records. From this table we can see that nationally these prohibitions for LGV drivers have increased by 175.6% between 2001–02 and 2006–07. However, like many long term statistics there have been changes in the data source used to calculate these figures. The main change came in 2004–05 when the data started to use material from captured by examiners at the operators premises. Even if we use this more limited time series the increase in prohibitions between 2004–05 and 2006–07 is 44.8% over three years.

Table 1

LGV PROHIBITION RATE FOR DRIVERS' HOURS TACHOGRAPH AND RECORDS

| <i>Enforcement Group</i> | <i>2001–02</i> | <i>2002–03</i> | <i>2003–04</i> | <i>2004–05</i> | <i>2005–06</i> | <i>2006–07</i> | <i>% Change</i> |
|--------------------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|
| Scottish | 3.7% | 6.1% | 7.7% | 10.2% | 11.8% | 10.8% | 189.5 |
| North Eastern | 2.6% | 4.0% | 5.2% | 7.7% | 8.1% | 7.7% | 197.3 |
| North Western | 4.8% | 4.6% | 5.4% | 5.8% | 7.4% | 11.6% | 143.2 |
| West Midlands | 4.0% | 6.2% | 5.9% | 8.8% | 9.6% | 11.1% | 178.9 |

| <i>Enforcement Group</i> | <i>2001–02</i> | <i>2002–03</i> | <i>2003–04</i> | <i>2004–05</i> | <i>2005–06</i> | <i>2006–07</i> | <i>% Change</i> |
|--------------------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|
| Eastern | 2.0% | 2.5% | 3.2% | 5.2% | 8.3% | 10.2% | 405.0 |
| South Eastern | 4.9% | 7.7% | 5.1% | 7.7% | 9.4% | 12.5% | 156.1 |
| Western | 2.6% | 3.6% | 3.6% | 4.2% | 5.8% | 10.7% | 311.5 |
| Wales | 2.8% | 3.6% | 4.0% | 4.6% | 7.7% | 6.4% | 127.8 |
| National | 3.5% | 4.7% | 4.9% | 6.7% | 8.3% | 9.7% | 175.6 |

Source: VOSA Effectiveness Report various years

10. Table 2 gives the prohibition rate for overloaded HGV vehicles. From this table we can see that nationally these prohibitions for overloaded LGV vehicles have increased by 237% between 2001–02 and 2006–07. However, as previously stated there have been changes in the data source used to calculate these figures. However, even if we use this more limited time series the increase in prohibitions between 2004–05 and 2006–07 is 122.7% over three years.

Table 2

LGV PROHIBITION RATE FOR OVERLOADED VEHICLES

| <i>HGV</i> | <i>2000–01</i> | <i>2001–02</i> | <i>2002–03</i> | <i>2003–04</i> | <i>2004–05</i> | <i>2005–06</i> | <i>2006–07</i> | <i>% Change</i> |
|-----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|
| Scottish | 7.7% | 10.0% | 12.9% | 15.7% | 17.7% | 19.7% | 28.4% | 271.2 |
| North Eastern | 4.6% | 6.1% | 7.6% | 6.2% | 10.4% | 11.6% | 18.0% | 290.5 |
| North Western | 8.1% | 8.2% | 7.6% | 7.9% | 13.9% | 17.8% | 23.8% | 192.4 |
| West Midlands | 6.8% | 5.2% | 6.5% | 7.0% | 9.7% | 19.8% | 32.2% | 370.8 |
| Eastern | 5.1% | 8.1% | 5.4% | 5.9% | 6.4% | 9.6% | 20.2% | 293.8 |
| South Eastern | 6.7% | 9.4% | 8.5% | 8.2% | 9.1% | 10.0% | 17.0% | 153.4 |
| Western | 6.0% | 6.8% | 6.7% | 6.1% | 7.4% | 10.3% | 17.4% | 188.1 |
| Wales | 9.2% | 8.3% | 8.8% | 6.1% | 9.6% | 15.5% | 24.8% | 168.4 |
| National | 6.4% | 7.6% | 7.5% | 7.3% | 9.7% | 13.1% | 21.6% | 237.0 |

Source: VOSA Effectiveness Report various years

11. Table 3 gives the number vehicles tested between 2000–01 and 2006–07. From the table we can see that the number of vehicles tested nationally has declined by 62.1%, with the South Eastern Enforcement Group declining by 88.5% over this period. Only Wales had an increase in the number of vehicles examined, this increased by 23.8%. Even if we use this more limited time series the decrease in LGV vehicles examined between 2004–05 and 2006–07 is 37.4% over two years.

Table 3

NUMBER OF LGV VEHICLES EXAMINED (INCLUDING THE NUMBER WEIGHED)

| <i>HGV</i> | <i>2000–01</i> | <i>2001–02</i> | <i>2002–03</i> | <i>2003–04</i> | <i>2004–05</i> | <i>2005–06</i> | <i>2006–07</i> | <i>% Change</i> |
|-----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|
| Scottish | 10,276 | 9,520 | 9,849 | 8,664 | 8,488 | 7,654 | 6,078 | –40.9 |
| North Eastern | 27,707 | 18,624 | 16,972 | 17,513 | 13,582 | 13,213 | 10,207 | –63.2 |
| North Western | 21,542 | 17,876 | 14,776 | 14,515 | 10,323 | 9,136 | 6,868 | –68.1 |
| West Midlands | 11,676 | 10,840 | 8,561 | 7,519 | 7,925 | 8,339 | 5,881 | –49.6 |
| Eastern | 15,472 | 14,993 | 17,979 | 14,674 | 11,134 | 9,863 | 6,895 | –55.4 |
| South Eastern | 22,337 | 19,352 | 16,807 | 12,902 | 11,006 | 10,960 | 2,573 | –88.5 |
| Western | 18,477 | 13,837 | 15,155 | 13,963 | 13,091 | 11,314 | 5,273 | –71.5 |
| Wales | 5,297 | 3,875 | 6,488 | 5,180 | 4,869 | 3,760 | 6,560 | 23.8 |
| National | 132,784 | 108,917 | 106,587 | 94,930 | 80,418 | 74,239 | 50,335 | –62.1 |

Source: VOSA Effectiveness Report various years

12. Table 4 gives the prohibition rate for public service vehicle (PSV) drivers' hours tachograph and records. From this table we can see that nationally these prohibitions for PSV drivers have increased by 5,600% between 2001–02 and 2006–07. However, like the previous LGV statistics there have been changes in the data source used to calculate these figures. Even if we use this more limited time series the increase in prohibitions between 2004–05 and 2006–07 is 42.5% increase in PSV drivers' hours prohibitions over the three years is 42.5%.

Table 4**PSV PROHIBITION RATE FOR DRIVERS' HOURS TACHOGRAPH AND RECORDS**

| <i>PSV</i> | <i>2001-02</i> | <i>2002-03</i> | <i>2003-04</i> | <i>2004-05</i> | <i>2005-06</i> | <i>2006-07</i> | <i>% Change</i> |
|-----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|
| Scottish | 0.1% | 0.1% | 3.4% | 15.6% | 15.2% | 20.4% | 20300.0 |
| North Eastern | 0.0% | 1.5% | 2.1% | 3.2% | 3.4% | 4.1% | n/a |
| North Western | 0.2% | 0.7% | 1.3% | 3.0% | 4.0% | 8.0% | 3900.0 |
| West Midlands | 0.1% | 1.7% | 1.9% | 6.8% | 5.8% | 4.8% | 4700.0 |
| Eastern | 0.0% | 1.2% | 1.5% | 2.8% | 6.3% | 5.2% | n/a |
| South Eastern | 2.0% | 0.7% | 2.8% | 3.6% | 2.6% | 2.7% | 35.0 |
| Western | 0.0% | 0.6% | 1.2% | 2.6% | 3.2% | 5.7% | n/a |
| Wales | 0.0% | 0.0% | 0.7% | 0.9% | 4.1% | 3.0% | n/a |
| National | 0.1% | 1.0% | 1.9% | 4.0% | 4.9% | 5.7% | 5600.0 |

Source: VOSA Effectiveness Report various years

13. Table 5 gives the prohibition rate for overloaded PSV vehicles. From this table we can see that nationally these prohibitions for overloaded PSV vehicles have increased by 595.5% between 2001-02 and 2006-07. However, even if we use this more limited time series the increase in prohibitions between 2004-05 and 2006-07 there is a 425% increase over three years.

Table 5**PSV PROHIBITION RATE FOR OVERLOADED VEHICLES**

| <i>PSV</i> | <i>2000-01</i> | <i>2001-02</i> | <i>2002-03</i> | <i>2003-04</i> | <i>2004-05</i> | <i>2005-06</i> | <i>2006-07</i> | <i>% Change</i> |
|-----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|
| Scottish | 0.0% | 2.9% | 0.0% | 25.0% | 44.4% | 66.7% | 100.0% | n/a |
| North Eastern | 4.3% | 8.1% | 9.6% | 14.3% | 0.0% | 8.2% | 27.3% | n/a |
| North Western | 1.7% | 2.0% | 3.3% | 2.6% | 11.1% | 0.0% | 11.9% | 600.0 |
| West Midlands | 1.8% | 0.0% | 20.0% | 14.3% | 0.0% | 3.8% | 14.3% | 694.4 |
| Eastern | 0.0% | 12.5% | 2.7% | 0.0% | 0.0% | 30.0% | 11.1% | n/a |
| South Eastern | 11.8% | 7.6% | 7.0% | 9.8% | 12.5% | 3.1% | 33.3% | 182.2 |
| Western | 2.0% | 4.8% | 0.0% | 2.3% | 0.0% | 0.0% | 2.8% | n/a |
| Wales | 0.0% | 0.0% | 0.0% | 0.0% | 11.1% | 12.5% | 17.9% | n/a |
| National | 2.2% | 4.9% | 5.4% | 5.3% | 3.6% | 7.1% | 15.3% | 595.5 |

Source: VOSA Effectiveness Report various years

14. Table 6 gives the number of PSV vehicles examined between 2000-01 and 2006-07. From the table we can see that the number of vehicles examined nationally has declined by 48.7%, with the Western Enforcement Group declining by 62.1% over this period. Only Wales had an increase in the number of vehicles examined, this increased by 54.7%. Even if we use this more limited time series the decrease in vehicles examined between 2004-05 and 2006-07 is 42.5% increase in PSV drivers' hours prohibitions over the three years is 42.5%.

Table 6**NUMBER OF PSV VEHICLES EXAMINED (INCLUDING THE NUMBER WEIGHED)**

| <i>PSV</i> | <i>2000-01</i> | <i>2001-02</i> | <i>2002-03</i> | <i>2003-04</i> | <i>2004-05</i> | <i>2005-06</i> | <i>2006-07</i> | <i>% Change</i> |
|-----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|
| Scottish | 1,047 | 707 | 1,016 | 828 | 686 | 660 | 499 | - 52.3 |
| North Eastern | 3,554 | 1,825 | 2,563 | 2,347 | 1,996 | 1,690 | 1,430 | - 59.8 |
| North Western | 2,472 | 1,469 | 2,093 | 1,978 | 1,502 | 1,037 | 1,134 | - 54.1 |
| West Midlands | 1,581 | 978 | 1,084 | 1,276 | 1,053 | 1,787 | 1,210 | - 23.5 |
| Eastern | 2,590 | 1,701 | 1,877 | 2,120 | 1,550 | 1,049 | 1,020 | - 60.6 |
| South Eastern | 2,360 | 2,338 | 2,196 | 1,878 | 1,523 | 1,837 | 1,442 | - 38.9 |
| Western | 1,911 | 1,828 | 2,166 | 2,201 | 1,647 | 914 | 724 | - 62.1 |
| Wales | 479 | 484 | 905 | 822 | 972 | 928 | 741 | 54.7 |
| National | 15,994 | 11,330 | 13,900 | 13,450 | 10,929 | 9,902 | 8,200 | - 48.7 |

Source: VOSA Effectiveness Report various years

15. Table 7 summaries the data from the previous six tables. From this table we can clearly see that all the prohibition rates have increased while the number of vehicles examined has declined.

Table 7

SUMMARY OF LGV AND PSV OFFENCES

| | 2001-02 to 2006-07 | 2004-05 to 2006-07 |
|--|--------------------|--------------------|
| Change in LGV prohibition rate for drivers' hours tachograph and records | + 175.6% | + 44.8% |
| Change in PSV prohibition rate for drivers' hours tachograph and records | + 5,600.0% | + 42.5% |
| Change LGV prohibition rate for overloaded vehicles | + 237.0% | + 122.7% |
| Change PSV prohibition rate for overloaded vehicles | + 595.5% | + 42.5% |
| Number of LGV vehicles examined (including the number weighed) | - 62.1% | - 37.4% |
| Change in the number of PSV vehicles examined (including the number weighed) | - 48.7% | - 25.0% |

16. If the prohibition rates are applied to the national fleet then we can see the potential size of the problem. Table 8 gives the potential number of vehicles in the national fleet which could be affected by a specific prohibition.

Table 8

ESTIMATE OF THE PROHIBITION RATES IF APPLIED TO THE NATIONAL FLEET

| Prohibition | LGV | PSV |
|---------------------------------------|--------|--------|
| Drivers' hours tachograph and records | 36,040 | 5,136 |
| Overloaded vehicles | 78,026 | 13,787 |

17. We are very concerned that the number of vehicles being examined has declined. The fact that the number of vehicles examined has declined is sending out a clear message to rogue employers that they are at liberty to flout drivers hours regulations and overload vehicles with near impunity. However, even if they are caught and prosecuted then the fines imposed are not a deterrent.

18. Table 9 gives the reported, convictions and average fines for HGV tachograph and record offences between 2000-01 and 2006-07. For the UK as a whole the number of tachograph and record reported offences and convictions have declined. Also the average fine has declined in nominal terms by 5.9% but if we took inflation into account this would be a larger decrease.

19. However, there are clear regional differences, especially in regards to the average fine. In England and Wales in 2006-07 the average fine was £134.14 while in Scotland it was £62.45. It is difficult to reconcile the differences between the levels of fines for what is effectively the same offence.

Table 9TACHOGRAPH AND RECORDS OFFENCES REPORTED AND CONVICTED
ENGLAND AND WALES

| HGV | 2000-01 | 2001-02 | 2002-03 | 2003-04 | 2004-05 | 2005-06 | 2006-07 | % Change |
|---|---------|---------|---------|---------|---------|---------|---------|----------|
| Tachograph/Records England and Wales | | | | | | | | |
| Reported | 6,967 | 5,662 | 5,811 | 4,674 | 4,153 | 3,723 | 3,346 | - 52.0 |
| Convictions | 5,925 | 4,470 | 5,184 | 3,782 | 3,001 | 3,014 | 2,592 | - 56.3 |
| Conviction Rate | 85.0 | 78.9 | 89.2 | 80.9 | 72.3 | 81.0 | 77.5 | - 8.9 |
| Average fine | £142.28 | £133.76 | £129.06 | £135.92 | £130.77 | £156.80 | £134.14 | - 5.7 |
| Scotland | | | | | | | | |
| Reported | 634 | 1,111 | 180 | 146 | 77 | 127 | 113 | - 82.2 |
| Convictions | 354 | 529 | 69 | 79 | 62 | 94 | 101 | - 71.5 |
| Conviction Rate | 55.8 | 47.6 | 38.3 | 54.1 | 80.5 | 74.0 | 89.4 | 60.1 |
| Average fine | £96.82 | £46.53 | £67.46 | £132.42 | £82.02 | £82.39 | £62.45 | - 35.5 |
| UK | | | | | | | | |
| Reported | 7,601 | 6,773 | 5,991 | 4,820 | 4,230 | 3,850 | 3,459 | - 54.5 |
| Convictions | 6,279 | 4,999 | 5,253 | 3,861 | 3,063 | 3,108 | 2,693 | - 57.1 |
| Conviction Rate | 82.6 | 73.8 | 87.7 | 80.1 | 72.4 | 80.7 | 77.9 | - 5.8 |
| Average fine | £139.72 | £124.53 | £128.25 | £135.85 | £129.78 | £154.55 | £131.45 | - 5.9 |

Source: VOSA Effectiveness Report various years

20. Table 10 gives the reported, convictions and average fines for drivers' hours offences between 2000–01 and 2006–07 for HGV. Like tachograph and records offences for the UK as a whole the number of drivers' hours reported offences and convictions have declined over the period. However, unlike tachograph and records offences the average fine has increased in nominal terms by 40.4% but if we took inflation into account this would not be such a large increase.

21. Like tachograph and records offences there are clear regional differences, especially in regards to the average fine. In England and Wales in 2006–07 the average fine was £119.13 while in Scotland it was £53.72. Again It is difficult to reconcile the differences between the level of fines for what is effectively the same offence.

22. Table 11 gives the reported, convictions and average fines for overloading offences between 2000–01 and 2006–07 for HGV. Like tachograph and records offences and drivers' hours offences for the UK as a whole the number of overloading reported offences and convictions have declined substantially over the period. However, unlike tachograph and records offences the average fine has increased in nominal terms by 109%.

Table 10

TACHOGRAPH AND RECORDS OFFENCES REPORTED AND CONVICTED
ENGLAND AND WALES

| <i>HGV</i> | 2000–01 | 2001–02 | 2002–03 | 2003–04 | 2004–05 | 2005–06 | 2006–07 | % Change |
|--|---------|---------|---------|---------|---------|---------|---------|----------|
| Drivers' hours offences England and Wales | | | | | | | | |
| Reported | 4,305 | 3,069 | 4,223 | 3,865 | 2,853 | 2,990 | 2,644 | – 38.6 |
| Convictions | 3,971 | 2,589 | 3,697 | 3,543 | 2,592 | 2,708 | 2,367 | – 40.4 |
| Conviction Rate | 92.2 | 84.4 | 87.5 | 91.7 | 90.9 | 90.6 | 89.5 | – 2.9 |
| Average fine | £82.96 | £111.89 | £104.78 | £106.83 | £117.88 | £119.48 | £119.13 | 43.6 |
| Drivers' hours offences Scotland | | | | | | | | |
| Reported | 325 | 321 | 139 | 154 | 99 | 131 | 172 | – 47.1 |
| Convictions | 213 | 112 | 79 | 86 | 87 | 113 | 148 | – 30.5 |
| Conviction Rate | 65.5 | 34.9 | 56.8 | 55.8 | 87.9 | 86.3 | 86.0 | 31.3 |
| Average fine | £66.10 | £89.02 | £143.35 | £132.62 | £59.60 | £90.84 | £53.72 | – 18.7 |
| Drivers' hours offences UK | | | | | | | | |
| Reported | 4,630 | 3,390 | 4,362 | 4,019 | 2,952 | 3,121 | 2,816 | – 39.2 |
| Convictions | 4,184 | 2,701 | 3,776 | 3,629 | 2,679 | 2,821 | 2,515 | – 39.9 |
| Conviction Rate | 90.4 | 79.7 | 86.6 | 90.3 | 90.8 | 90.4 | 89.3 | – 1.2 |
| Average fine | £82.10 | £110.94 | £105.59 | £107.44 | £115.99 | £118.33 | £115.28 | 40.4 |

Source: VOSA Effectiveness Report various years

Table 11

TACHOGRAPH AND RECORDS OFFENCES REPORTED AND CONVICTED
ENGLAND AND WALES

| <i>HGV</i> | 2000–01 | 2001–02 | 2002–03 | 2003–04 | 2004–05 | 2005–06 | 2006–07 | % Change |
|---|---------|---------|---------|---------|---------|---------|---------|----------|
| Overloading offences England and Wales | | | | | | | | |
| Reported | 2,668 | 2,674 | 2,647 | 2,707 | 952 | 823 | 883 | – 66.9 |
| Convictions | 2,532 | 2,563 | 2,533 | 2,550 | 878 | 779 | 828 | – 67.3 |
| Conviction Rate | 94.9 | 95.8 | 95.7 | 94.2 | 92.2 | 94.7 | 93.8 | – 1.2 |
| Average fine | £286.42 | £262.76 | £281.71 | £290.89 | £399.94 | £501.34 | £622.37 | 117.3 |
| Overloading offences Scotland | | | | | | | | |
| Reported | 265 | 119 | 151 | 107 | 84 | 108 | 89 | – 66.4 |
| Convictions | 157 | 61 | 102 | 60 | 64 | 101 | 72 | – 54.1 |
| Conviction Rate | 59.2 | 51.3 | 67.5 | 56.1 | 76.2 | 93.5 | 80.9 | 36.5 |
| Average fine | £157.01 | £179.92 | £144.71 | £240.75 | £165.63 | £90.84 | £127.72 | – 18.7 |
| Overloading offences UK | | | | | | | | |
| Reported | 2,933 | 2,793 | 2,798 | 2,814 | 1,036 | 931 | 972 | – 66.9 |
| Convictions | 2,689 | 2,624 | 2,635 | 2,610 | 942 | 880 | 900 | – 66.5 |
| Conviction Rate | 91.7 | 93.9 | 94.2 | 92.8 | 90.9 | 94.5 | 92.6 | 1.0 |
| Average fine | £278.86 | £260.83 | £276.41 | £289.74 | £384.02 | £454.23 | £582.80 | 109.0 |

Source: VOSA Effectiveness Report various years

23. Like tachograph and records offences and drivers' hours offences there are significant regional variations in regards to the average fines imposed.

24. Table 12 gives the conviction rates and average fines for PSV tachograph/records offences. Again we see a large decline in the number of reported offences, convictions and conviction rate.

25. In England and Wales we have seen a 33.6% increase in the average fine, while in Scotland virtually no tachograph/records offences have apparently occurred in the last three years of reporting, so no fines have been imposed.

Table 12

**TACHOGRAPH AND RECORDS OFFENCES REPORTED AND CONVICTED
ENGLAND AND WALES**

| <i>PSV</i> | <i>2000-01</i> | <i>2001-02</i> | <i>2002-03</i> | <i>2003-04</i> | <i>2004-05</i> | <i>2005-06</i> | <i>2006-07</i> | <i>% Change</i> |
|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|
| Tachograph/Records Offences England and Wales | | | | | | | | |
| Reported | 687 | 716 | 523 | 270 | 561 | 311 | 508 | -26.1 |
| Convictions | 579 | 301 | 428 | 205 | 286 | 263 | 275 | -52.5 |
| Conviction Rate | 84.3 | 42.0 | 81.8 | 75.9 | 51.0 | 84.6 | 54.1 | -35.8 |
| Average fine | £128.20 | £199.87 | £152.61 | £160.56 | £155.84 | £228.48 | £171.24 | 33.6 |
| Tachograph/Records Offences Scotland | | | | | | | | |
| Reported | 4 | 42 | 35 | 9 | 0 | 0 | 1 | -75.0 |
| Convictions | 2 | 34 | 13 | 7 | 0 | 0 | 1 | -50.0 |
| Conviction Rate | 50.0 | 81.0 | 37.1 | 77.8 | n/a | n/a | 100.0 | 100.0 |
| Average fine | £150.00 | £15.29 | £88.46 | £64.29 | £0.00 | £0.00 | £0.00 | n/a |
| Tachograph/Records Offences UK | | | | | | | | |
| Reported | 691 | 758 | 558 | 279 | 561 | 311 | 509 | -26.3 |
| Convictions | 581 | 335 | 441 | 212 | 286 | 263 | 276 | -52.5 |
| Conviction Rate | 84.1 | 44.2 | 79.0 | 76.0 | 51.0 | 84.6 | 54.2 | -35.5 |
| Average fine | £128.28 | £181.14 | £150.72 | £157.38 | £155.84 | £228.48 | £170.62 | 33.0 |

Source: VOSA Effectiveness Report various years

26. Table 13 gives the conviction rates and average fines for PSV drivers' hours offences. Again we see a large decline in the number of reported offences, convictions and conviction rate.

27. In England and Wales we have seen a 94.1% increase in the average fine, while in Scotland fines have increased by only 22%. While overall the average UK fine has increased by 93.4%.

Table 13

**TACHOGRAPH AND RECORDS OFFENCES REPORTED AND CONVICTED
ENGLAND AND WALES**

| <i>PSV</i> | <i>2000-01</i> | <i>2001-02</i> | <i>2002-03</i> | <i>2003-04</i> | <i>2004-05</i> | <i>2005-06</i> | <i>2006-07</i> | <i>% Change</i> |
|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|-----------------|
| Drivers' hours offences England and Wales | | | | | | | | |
| Reported | 449 | 611 | 321 | 163 | 425 | 235 | 314 | -30.1 |
| Convictions | 387 | 314 | 281 | 126 | 204 | 191 | 207 | -46.5 |
| Conviction Rate | 86.2 | 51.4 | 87.5 | 77.3 | 48.0 | 81.3 | 65.9 | -23.5 |
| Average fine | £80.50 | £119.87 | £131.10 | £98.29 | £94.36 | £159.92 | £156.23 | 94.1 |
| Drivers' hours offences Scotland | | | | | | | | |
| Reported | 12 | 16 | 6 | 38 | 0 | 0 | 4 | -66.7 |
| Convictions | 2 | 3 | 3 | 7 | 0 | 0 | 4 | 100.0 |
| Conviction Rate | 16.7 | 18.8 | 50.0 | 18.4 | n/a | n/a | 100.0 | 500.0 |
| Average fine | £125.00 | £333.33 | £58.33 | £50.00 | £0.00 | £0.00 | £152.50 | 22.0 |
| Drivers' hours offences UK | | | | | | | | |
| Reported | 461 | 627 | 327 | 201 | 425 | 235 | 318 | -31.0 |
| Convictions | 389 | 317 | 284 | 133 | 204 | 191 | 211 | -45.8 |
| Conviction Rate | 84.4 | 50.6 | 86.9 | 66.2 | 48.0 | 81.3 | 66.4 | -21.4 |
| Average fine | £80.73 | £121.89 | £130.33 | £95.75 | £94.36 | £159.92 | £156.16 | 93.4 |

Source: VOSA Effectiveness Report various years

28. It is Unite the Unions basic proposition that enforcement saves not only lives but also in the long-run money. Therefore we are extremely concerned that the number of vehicles being examined is declining. Yet at the same time the number reported offences, convictions and convictions rate are increasing.

29. We are well aware that some will argue that why this is through better targeting of likely offenders. However, we are not convinced by this argument. Until the potential offenders believes that there is a real probability that will get caught and punished will our roads become a safer place to travel.

30. This will only be achieved when VOSA has the required resources to carry out comprehensive and through examinations.

September 2008

Memorandum from Ben Cutting (VOSA 03)

I write regarding my recent experiences with VOSA's enforcement operation.

In September 2007 I called the VOSA informants line to report a UK registered company (giving full details of the directors and the registered address) that was operating a Slovenian registered vehicle here on a full time basis, the lorry never leaving the UK. No investigation seemed to be occurring so I reported it again in October and December. With still no action I contacted a local enforcement officer. He said that nothing had been passed on to him despite the vehicles (there were now two) operating in his area. He investigated and reported back to me that the use of the vehicles was in his opinion illegal and that he had passed it on to his manager for a letter to be written to the operating company telling them to stop what they were doing. After another month when prompted by me (the vehicle were still being used in the same manner) he checked to see when his manager had written to the company and was told that he had lost the fax with the contact details and had forgotten about it. The officer resent him the details but when he enquired on the progress again, he was told that as the rules relating to cabotage may change next year they would take no further action now.

As I and the enforcement officer understand it the proposed new regulations would only allow a non UK registered vehicle to be used here for up to seven days before it must leave the country, it hardly compares with these ones that are only leaving for one week in a year. It also ignores the fact that they are breaking the law as it stands now. The enforcement officer was unable to explain (and highly embarrassed by) the actions of his manager but said there was nothing more he could do.

In addition to the vehicles being operated illegally, (from a cabotage point of view) on hearing the schedule of deliveries that these vehicles are making it would appear that they are being used with little regard to driver's hours regulations and the working time directive. This obviously has an impact on the safety of other road users.

As the action required by the enforcement officer's manager involved filling in a form and posting it off, lack of funds is obviously not the cause of the lack of action.

This state of affairs shows an appalling dereliction of duty on VOSA's part and I am sure it is not an isolated case by what I am hearing from other hauliers. It suggests to me that VOSA's roadside enforcement procedures in some areas are wholly inadequate and are not fit for purpose.

On the subject of testing I would like to comment that the staff at the Crimphesham test station are always very helpful, even to the point of the office personnel posting letters on their way home so that forms would be received by customers with the minimum of delay. When contacting the test station with technical queries they are very informative in their explaining of regulations. An excellent service at all times.

September 2008

Memorandum from the Traffic Commissioners for Great Britain (VOSA 04)

RESPONSE

Summary

- Although VOSA's general approach to enforcement since its inception in 2003 had become outdated, recent initiatives have demonstrated VOSA's commitment to ensuring that its enforcement methods are developed to meet present day requirements.
- VOSA should ensure that its enforcement activity is balanced in targeting all major aspects of non-compliance in order to achieve effective enforcement relating to vehicle condition, drivers' hours and tachograph offences, and vocational driver conduct, all of which present potential road safety critical risk and threats to fair competition.

- VOSA’s annual testing regime for buses and heavy goods vehicles should be reviewed to ensure a consistency of approach throughout Great Britain and the development of consistency of practice across member states of the European Union in order to promote the highest standards of vehicle condition in the interests of road safety.
- The emphasis of VOSA’s targeting policy should be directed at known seriously non-compliant British haulers, who continue to present an unacceptable risk to road safety and fair competition. The use of the power to impound unlicensed vehicles should be revived to the levels of earlier years.
- As Traffic Commissioners are the specialist regulators of the bus and goods vehicle industries, VOSA needs to recognise their commitment as key stakeholders and fully involve them in its future efforts to enhance enforcement delivery.

DETAILED RESPONSE

1. *Introduction*

1.1 As regulators of the bus and coach and heavy goods vehicle industries, Traffic Commissioners are well placed to comment upon the effectiveness of the enforcement activities of VOSA in this regard. Traffic Commissioners are at the cornerstone of a fair operator licensing system and as such they are able to present an informed response to the Transport Select Committee’s call for written submissions.

1.2 Operator licensing concerns the management of risks to road safety, allowing fair competition and protecting passengers’ interests in seeking to ensure bus punctuality. In order to function effectively as regulators, Traffic Commissioners are reliant upon VOSA to exercise an enforcement policy which enables the Commissioners to make informed, evidence based decisions when dealing with non-compliant operators.

1.3 As independent regulators who strive to provide value for money, Traffic Commissioners recognise that VOSA’s enforcement role is critical in enabling Commissioners to maintain a modern approach to regulating the industries.

1.4 Traffic Commissioners are, therefore, committed to working in partnership with VOSA to improve road safety, fair competition and bus reliability.

2. *Enforcement checks*

2.1 It is recognised by Commissioners that there has been a considerable change in the approach of VOSA to its enforcement checks in recent years. This has led to a greater emphasis in target led enforcement rather than a numbers or quota based approach with the consequent benefits that this brings. When linked to the recent initiatives such as new enforcement sites, a 50% increase in heavy goods vehicle checks to be carried out, recruitment of additional enforcement staff and round the clock staffing, it is clear that VOSA aims to be more efficient at targeting non-compliant operators.

2.2 Recognising that VOSA is subject to continuous pressure to achieve positive results, Commissioners urge VOSA to caution against taking the “easy” option of targeting small operators which may require less intensive investigation rather than larger operators who may be engaged in widespread non-compliant activity.

2.3 Historically, VOSA has tended to conduct its enforcement checks at the roadside. The use of new technology such as the automatic number plate recognition system (ANPR) and the weighing in motion scheme (WIMS) has allowed VOSA to be much more target led. Whilst the use of such methods as enforcement tools has the potential to achieve efficiency of purpose, such tools should be used as part of a strategic enforcement plan to ensure that VOSA’s policy of targeting does not develop in a random fashion. VOSA follow up processes have in the past resulted in what might be perceived as a rather scatter gun approach. Whilst there will always be an element of the unknown in any investigation, it is no longer advisable for an enforcement agency to use its very limited resources in a random manner.

2.4 Commissioners would positively welcome a proper review by VOSA of how it plans to target effectively the medium and large seriously non-compliant operator.

2.5 Whilst for operational purposes the functions of traffic examiners and vehicle examiners are separate, where both are involved in an investigation, they should interact in order to ensure that effective enforcement is carried out. For example, there are occasions when a vehicle examiner will conduct an investigation into the condition of an operator’s vehicles whilst a traffic examiner will investigate separately the operator’s record with regard to drivers’ hours and tachographs. Such investigations are not always “joined up” and effectiveness of enforcement can be prejudiced where traffic examiners and vehicle examiners do not work collaboratively. VOSA should review its current practice in this regard.

3. *Enforcement activity*

3.1 There are areas of enforcement activity in which VOSA has been particularly successful. An example is the enforcement of the drivers' hours and tachograph regulations which have resulted in the successful prosecution of offenders where substantial periods of imprisonment, substantial fines and costs orders have been imposed. In order to enhance its enforcement policy, VOSA is encouraged to specifically adopt the principles of better regulation (proportionality, accountability, consistency, transparency, and targeting) as Traffic Commissioners believe that such an approach will lead to better use of time, expertise, and financial resources in dealing with serious non-compliance.

3.2 It may be labour intensive, costly and time consuming to refer a case for prosecution or for a public inquiry before the Traffic Commissioner, but both processes can be extremely effective weapons in VOSA's armoury. Traffic Commissioners would encourage VOSA in this regard, particularly in the context of the Hampton principles that persistent breaches should be identified quickly and face proportionate and meaningful sanctions.

3.3 Until recently, the VOSA annual effectiveness report did not place great emphasis about the role of special investigations. Such investigations can, however, achieve very positive results. Examples abound where operators have not only been punished by the courts for serious non-compliance but the prosecutions themselves and the revocation of a licence by a Traffic Commissioner have led to a complete culture change by certain elements of the industry. Such examples have a significant impact upon improving road safety and fair competition. VOSA is encouraged to champion such excellent work and it is gratifying to note that the instigation of Special Investigation Teams has resulted in an increase in targeted enforcement work.

3.4 The training of enforcement officers employed by VOSA as traffic examiners and vehicle examiners and those who supervise them, must be addressed in terms of the skills required to ensure quality and professionalism, particularly where staff are being asked to deal with the more complex aspects of their work. Inadequate training has a direct impact upon the credibility not just of VOSA but also of proceedings before Traffic Commissioners. In urging VOSA to place more investment in training for its enforcement staff, we recognise that VOSA has already acknowledged a training need and has developed a training programme for its Special Investigation Teams.

3.5 In terms of measuring its enforcement performance, Traffic Commissioners observe that whilst the "performance gain" measure may be designed to encourage traffic examiners and vehicle examiners to ensure effective targeting, reduce the burden on the compliant operator and help them and their drivers manage their compliance issues, such an approach can also have a negative effect. VOSA award performance gain points according to the category of work being carried out by an examiner. Thus, under present arrangements, performance gain points may be high for an examiner who is engaged in a roadside check, but the allocation of performance gain points for the preparation of evidence and attendance to give evidence at a public inquiry is at a much lower level. Accordingly, such a measure can have a negative and disproportionate effect if the allocation of the points awarded fails to reflect the types and wide range of compliance work undertaken by examiners.

3.6 Such anomalies and the consequential impact need to be considered carefully if VOSA really is to be effective in the delivery of road safety and to support fair competition.

3.7 There are some practical enforcement measures which Traffic Commissioners have identified as requiring urgent attention.

3.8 VOSA's revised Operating Instructions for the impounding of illegally operated goods vehicles are unworkable. The result has seen the number of impoundings by VOSA more than halved. VOSA should revert to adopting a more robust approach.

3.9 In addition, with regard to buses and coaches (public service vehicles), there is an urgent requirement that public service vehicles (PSVs) should be specified on operator licences. VOSA enforcement checks would be more effective and efficient if such vehicles were specified on operators' licences. Without vehicles being specified, Traffic Commissioners believe that the numbers of PSVs which will be impounded using powers in the Local Transport Bill will be very small and difficult to identify as non-compliant.

4. *Parity of the annual testing regime*

4.1 Traffic Commissioners recognise and welcome the many new initiatives and successes that VOSA has started to put in place. It is felt that VOSA should accept that there are those in the industry who are well informed and well intentioned and can make a major positive contribution to the testing standards which VOSA applies. VOSA should be seen to listen and to act upon the views of industry and the evidence which it can bring to developing a testing regime which is consistent in its application. Anomalies appear before Traffic Commissioners at public inquiries where whether a vehicle fails or passes its annual test will depend upon the testing station and/or the interpretation of an examiner who is conducting the test. Too many anomalies appear to remain in vehicle testing in different areas of Great Britain that risk mistrust between the legitimate industry and VOSA. Traffic Commissioners believe that these anomalies should be addressed by VOSA if it is to expect to retain the support of industry that is paying for VOSA's enforcement activity.

4.2 Commissioners are also concerned that VOSA has yet to embrace the market that currently exists for licensed operators to engage in voluntary vehicle testing. At a time when Commissioners may require operators to engage in voluntary tests (for which they pay a fee to VOSA) VOSA has reduced the number and availability of such tests and different policies are applied in this regard depending upon the geographical location of the operator.

4.3 As operating conditions change operators will often need more and not less access to test stations and the location of a test station may not always be as important as its opening times. Many more vehicles could be tested during their "down time" if the testing stations were open for longer hours. Such an arrangement would act as a positive incentive to operators. Similarly, VOSA should be seen to make a genuine commitment to ensure delivery of a fast and reliable test booking service if the industry is to continue to give VOSA its support and if Great Britain is to enjoy efficient and reliable goods transport.

4.4 There appears to still be a major difference between vehicle testing in various EU member states. Whilst Commissioners (and indeed industry) feel strongly that it is the British standard that should be exported to Europe, there are lessons to be learned from fellow member states. As non-British competition continues to present an ever growing (and in many cases unacceptable) threat to the legitimate British haulier or bus or coach operator, we would urge VOSA to address this issue.

5. Targeting the seriously non-compliant non-British operator

5.1 It is clear that a pilot undertaken recently in the South East of England has revealed a level of non-compliance by non-British operators that is wholly unacceptable and it is also clear that there is a commitment by VOSA for this non-compliance to be targeted. Given the constraints placed upon VOSA in taking enforcement action against foreign operators, Commissioners recommend that VOSA should record detailed information in a proper format about non-British operators, and should also exchange that information in an effective manner with their European counterparts, including the European regulators, if non-compliant activity is to be stopped in both Britain and in Europe as a whole.

5.2 As the boundaries between member states become ever more blurred, the use of technology becomes greater and in this connection it is encouraging to note that VOSA has been a lead participant in the development of a Transport Undertaking Electronic Register (TUNER) which is developing a system of electronic notification within the European Union to enable all European regulators to make informed decisions with regard to non-compliant activity by operators throughout Europe.

5.3 Traffic Commissioners are committed to assisting VOSA in this area and they will positively welcome any new initiatives that seek to level the commercial markets that currently disadvantage compliant British hauliers and bus and coach operators.

6. Communicating with the Commissioners

6.1 Whilst the merger between the Traffic Area Network of the Department for Transport and the Vehicle Inspectorate has had its past difficulties, five years on, the relationship between Traffic Commissioners and VOSA is a positive working relationship in which VOSA strives to provide the administrative support and information which Commissioners require to assist them in their decision making activities with regard to operator licensing.

6.2 Whilst difficulties still arise at operational level, VOSA's policy with regard to the provision of information is quite clear in that as an organisation it understands the requirement for Traffic Commissioners to be provided with sufficient information to enable them to fulfil their statutory duties as regulators.

6.3 Traffic Commissioners applaud the creation of Regional Intelligence Units and the regular meetings which take place between Commissioners and those involved in enforcement in order that all participants can better understand their respective roles in dealing with non-compliant operators. Commissioners appreciate that they receive a large amount of valuable information and assistance from VOSA's enforcement activities.

6.4 In conclusion, the commitment which Traffic Commissioners have to working positively with VOSA is evidenced by the regular meetings which now take place between the Senior Traffic Commissioner, the Department for Transport and VOSA Senior Managers. This is an important development, since VOSA's enforcement resources are subject to a single enforcement budget which is determined with the Department for Transport.

6.5 Traffic Commissioners believe that the most effective way forward for VOSA in its enforcement activity, is to work in partnership with other enforcement agencies together with Traffic Commissioners and the Department for Transport, which, as key stakeholder, develops, with VOSA, Government policy in the regulation of the heavy goods and bus and coach transport industries.

Supplementary memorandum from the Traffic Commissioners for Great Britain (VOSA 04a)

I refer to my attendance at the Transport Committee on 10 December 2008, when Graham Stringer, MP requested me to send a note about the powers of Traffic Commissioners to attach conditions to related operators' licences.

Section 62 of the Local Transport Act 2008 amends Section 26 of the Transport Act 1985 to allow Traffic Commissioners to attach a condition prohibiting the holder of a licence from using vehicles under that licence to provide any local service of a specified description or to prohibit the holder of that licence from so using those vehicles to provide local services of any description where the licence concerned is held in one Traffic Area, or there is another licence held by an operator in the same or another Traffic Area, or where the operator holds different licences as part of a group undertaking.

As a result of the amendments set out above, the loophole which will exist until the relevant part of the 2008 Act is brought into force, will be closed by the provisions of Section 62 of that Act since the Traffic Commissioner will be allowed to attach conditions to related operators licences where the arrangements for maintaining vehicles used under a specific licence in a fit and serviceable condition are not adequate for the use of those vehicles in providing local services.

I trust that the above information will provide Mr Stringer with the clarification he sought.

Please also enclosed a copy of the recently published Traffic Commissioners' briefing booklet for information and circulation to members of the Transport Committee (not printed).

January 2009

Memorandum from Transport for London (TfL) (VOSA 05)

1. INTRODUCTION

1.1 Transport for London (TfL) welcomes the opportunity to contribute to the Transport Committee's inquiry into the enforcement activities of the Vehicle Operator and Services Agency (VOSA). TfL has had contact with VOSA through a number of initiatives, including managing the London Bus Network, licensing taxi and private hire vehicles through the Public Carriage Office, and improving the efficiency of freight movement in London through TfL's Freight Unit.

1.2 TfL also worked closely with VOSA in introducing the London Low Emission Zone (LEZ) and they provide an invaluable and ongoing vehicle testing and certification regime to support the operation of the scheme.

2. ENFORCEMENT OF BUS VEHICLE STANDARDS IN LONDON

2.1 TfL contracts bus operating companies to operate bus services in London. We stipulate the level of service to be provided including the type of vehicle to be used. Operators procure buses based on a specification published by TfL.

2.2 We place a great deal of importance in buses being roadworthy to ensure that any disruption to passengers caused by mechanical breakdown of buses is minimised. We monitor the performance of the operators in this regard. VOSA's mobile enforcement teams visit bus garages to test buses against the establishment requirements of the Passenger Service Vehicle regulations. Buses found not to be compliant must be withdrawn from service until the fault can be rectified and the bus retested by VOSA. TfL and the operators support such tests which show currently that there is a 95% pass rate for buses in London, compared with a 65% pass rate across the rest of the Country.

3. PUBLIC CARRIAGE OFFICE—INSPECTIONS OF TAXIS AND PRIVATE HIRE VEHICLES

3.1 In April 2007, after a best value review, TfL transferred its annual licensing inspection regime of taxis to SGS UK Limited (previously awarded the contract to deal with private hire vehicles). We worked with VOSA on this and were pleased that the necessary transfers progressed well.

3.2 TfL's Public Carriage Office now licenses drivers, operators and vehicles to provide taxi and private hire services in London. We also undertake ad-hoc and planned roadside inspections of taxis and private hire vehicles, sometimes working with VOSA whose officers have powers to stop traffic. These operations work well and we commend VOSA for their support.

3.3 TfL understands that VOSA is seeking for taxis to have MOT status. Currently these vehicles are exempt and in London must pass an annual inspection undertaken by SGS UK Limited on behalf of the Licensing Authority (TfL). This exemption, however, can cause difficulties for taxi owners if they wish to withdraw their vehicle from taxi service in London. In these circumstances owners would need to arrange

an MOT test for their vehicle before it could be legally driven on the road if it is more than three years old. This would seem unnecessary and TfL supports VOSA in its aims for taxis to have MOT status, provided it could be implemented within the existing taxi inspection regime and at negligible extra cost to the taxi owner.

3.4 VOSA is also undertaking work to determine how limousines should be licensed. TfL has assisted VOSA with its work on this.

4. INSPECTION AND ENFORCEMENT OF FREIGHT VEHICLES

4.1 TfL is aware that targeted enforcement of overweight vehicles on the M25 has the potential to increase use of London strategic freight routes such as the A12 and Blackwall tunnel by vehicles seeking to avoid enforcement activity. Opportunities exist to increase co-ordination of this activity to ensure VOSA's activities do not lead to an increased risk of collisions/incidents and subsequent congestion in London's urban environment.

4.2 The development of London's Freight Operator Recognition Scheme (FORS) to increase compliance of all freight related regulations has been supported by VOSA. TfL would encourage the development of further working relations between TfL, VOSA, the Health & Safety executive and Metropolitan Police Service to support improved intelligence-led compliance/enforcement activity.

4.3 TfL supports the regulation of vehicles with a gross "plated" weight of not more than 3.5 tonnes. This further regulation would include the requirement for licensing this sector of the freight industry to improve urban safety.

4.4 Although current regulations apply equally to UK and foreign hauliers, the application and enforcement of regulations is considered by UK hauliers to be unfairly weighted to the UK, due to difficulties faced by VOSA in tracking and tracing foreign registered vehicles and drivers. TfL recommends that increased VOSA powers to deal with foreign non-compliance issues and increased targeting at ports of entry be considered.

September 2008

Memorandum from Professional Transport Advice Services Ltd (VOSA 07)

SUMMARY

Many of VOSA's recent enforcement activities with which we have been involved have failed to comply with their own Codes of Conduct, lacked consistency or transparency. Efforts to contact VOSA are frequently burdensome and rarely is it possible to easily identify or liaise with someone to convivially resolve issues.

We are not involved in the annual testing of buses and coaches.

INTRODUCTION

Ian Alan Smith

Professional Transport Advice Services Ltd

I am an expert witness with considerable expertise in administrative management of commercial vehicles, goods and passenger carrying and the enforcement of regulatory obligations and related road traffic offences.

I served as a Traffic Patrol Officer with the Devon & Cornwall Constabulary from 1977 until 1990. I qualified to drive all classes of goods and passenger carrying vehicles in 1981-82. I received specialist training in the operation of the tachograph and drivers' hours regulations during the early 1980's, I attained both National and International Certificate of Professional Competence in 1986-88.

During my Police service I was regarded as a Force authority in commercial transport matters and would regularly instruct other officers and advise the Crown Prosecution Service across the two counties. I was seconded to the Avon & Somerset Police for four years to assist and manage the largest tachograph fraud enquiry undertaken in Europe to date.

During this time I worked closely with personnel from the Vehicle Inspectorate (as VOSA were previously known at that time)

I left the Police Force in April 1990 to start my own business, providing specialised support services to commercial vehicle operators, the legal profession, insurers and other road users.

I have previously acted as the nominated "professionally competent person" for a number of smaller goods vehicle operators and as an administrative reference for many others.

My commercial transport expertise was recognised by the accolade of the United Kingdom Transport & Distribution Manager of the Year 1995.

I continue to give expert evidence of my expertise for all parties in criminal, coroners' and civil cases as well as Operators' Licence inquiries.

Other experts within my business come from associated enforcement backgrounds.

My company is frequently approached by commercial bus, coach and goods vehicle operators across the length and breadth of the country to investigate, deal with, assist or generally provide guidance in matters involving action by the Vehicle & Operator Services Agency, or other enforcement authorities.

We continue to enjoy a healthy professional respect with those VOSA personnel who are prepared to accept that "these leopards have not changed their spots" and that ultimately the goal for us all is road safety—unfortunately much of VOSA's emphasis now tends to be on enforcement rather than co-operation/education.

SOURCES/TERMS OF REFERENCE

The issues identified below are drawn from the many dealings that we have had with VOSA directly or on behalf of clients.

They reflect our experiences at several locations including the Agency's Head office.

I have not quoted the many similar tales from our commercial clients.

They encompass several areas of VOSA's enforcement activities and are detailed in no particular chronological or departmental order.

1. *Published standards not followed*

1.1 VOSA published a CD emphasising the procedure they would follow when undertaking discipline investigations in matters relating to the Ministry of Transport annual test procedures.

1.2 This CD states that those under investigation will be spoken to regarding their actions before disciplinary action is taken.

1.3 In the case in question, neither the VOSA Traffic Examiner who inspected the vehicle or the local office, who subsequently administered the penalty, saw/spoke with the alleged transgressor until an Appeal Hearing.

1.4 VOSA publication refers to electronic version available on the internet. This was not the case.

1.5 Written enquiries to VOSA offices frequently require "chasing" and are rarely acknowledged, let alone answered within the 10 days stated in VOSA's service charter.

2. *Lack of Transparency/Impartiality*

2.1 An Appeal Hearing against the decision of the local office is undertaken by VOSA personnel and many procedural shortcomings upheld, arguably endorsed, by VOSA's corporate office.

2.2 Repeated efforts of the private sector to work with VOSA to determine policy to enable an enhancement of road safety/reduction in their enforcement not taken up. There appears to be a "we make policy, then enforce it" regime, rather than assisting their "customers" to be aware of their policies/expectations to assist compliance.

3. *Errors*

3.1 Roadside prohibitions issued by VOSA Traffic Examiners and the disciplinary grading system emanating therefrom has been, some 17 months after legislation changed, still quoting and distributing repealed legislation.

3.2 Application for purchase one copy of VOSA publication resulted in 16 copies being received.

3.3 VOSA Guidance manual purchased—found to be three years out of date, replacement pages and updates not included.

4. *Bureaucracy*

4.1 The adoption of central points of contact (0870 telephone numbers) often means that considerable time is wasted trying to contact the appropriate offices to deal with relatively minor issues.

CONCLUSIONS

It appears upon re-reading this submission that it is a damning indictment of VOSA *per se*.

This is not the case.

At lower levels, when one is eventually able to converse with the appropriate personnel, they are frequently most helpful, understanding of the questions asked and will often do their utmost to assist the enquirer.

Regrettably it is the “corporate” issues/procedures which appear to be stifling the efforts of junior members.

Many, many commercial vehicle operators now have little/no respect for VOSA.

VOSA are now viewed by many as “performance driven” and assisting the operator is seen as secondary to enforcement targets.

RECOMMENDATIONS

Let VOSA get away from the bureaucracy and political correctness.

Much of VOSA is an administration/enforcement agency for legislation—let them act as such.

To call commercial vehicle operators “customers” implies that operators have a choice of where to purchase their enforcement—this is not the case.

Commercial vehicle operators are, in the main, compliant—they do not require over-zealous enforcement.

Permit professional junior staff to interpret/apply the regulations as befits their position—do not burden them with “targets” to justify their existence.

Road safety can be achieved by education and persuasion—it does not require performance driven enforcement.

September 2008

Memorandum from pteg (Passenger Transport Executive Group) (VOSA 08)

1. INTRODUCTION

1.1 *pteg* represents the six English Passenger Transport Executives which between them serve more than eleven million people in Tyne and Wear (“Nexus”), West Yorkshire (“Metro”), South Yorkshire, Greater Manchester, Merseyside (“Merseytravel”) and the West Midlands (“Centro”).

2. SUMMARY

2.1 *pteg* welcomes this inquiry as we have been concerned for some time about:

- the numbers of buses issued with prohibition notices following inspection by VOSA; and
- the patchy punctuality and reliability of bus services, and the low level of resources which is devoted to investigating and enforcing punctuality and performance.

2.2 Overall we believe that more attention and resources should be devoted to raising safety management, and vehicle and performance standards, in the bus industry. There is a need for greater policy clarity linked to clear objectives and effective enforcement.

2.3 The key national agencies involved—the Traffic Commissioners and VOSA—appear to have a disjointed and often inharmonious relationship. For VOSA bus reliability issues appear to be a “side-show” when compared with their vehicle safety responsibilities.

2.4 More thought should be given by the DfT as to how the new Passenger Watchdog will relate to the Traffic Commissioners and VOSA.

2.5 The attention currently given to bus safety and performance is in stark contrast to that given to rail.

3. OVERALL POLICY/MONITORING OF BUS SAFETY

3.1 The rail industry has two specific bodies that oversee rail safety matters—the Railway Safety and Standards Board and the Railway Accident Investigation Board. This gives the railway industry excellent statistical analysis of trends in accidents and areas of risk. This in turn informs research into solutions and triggers concerted programmes within the industry to tackle and reduce areas of risk and causes of accidents.

3.2 For the bus industry the statistics on risks and accidents are not easily accessible, there is no clear commentary on trends and causes, and no sense that the Traffic Commissioners or VOSA have a clear national strategy for how safety standards can be progressively improved.

4. SAFETY OF VEHICLES

4.1 We are concerned about vehicle maintenance standards, which is borne out by the high level of prohibition notices issued for buses following spot checks by VOSA. In 2006–07 17% of UK PSVs that were spot-checked by VOSA were subject to prohibition notices, an increase of around 1% on each of the two previous years.

4.2 Concerns about safety standards in the industry are echoed by the Traffic Commissioners in their most recent annual report (2006–07):

“As always, I have looked closely at the calibre of bus and coach operations in the North West and as always, there has been an unacceptable high level of non-compliance”.

Beverley Bell, Traffic Commissioner for the North West

4.3 There have been many examples in recent years of low safety standards on bus fleets. One of the most notable examples was the very poor condition of the GM Buses/UK North fleet in South Manchester. The company was notorious for its role in a “bus war” with Stagecoach which brought chaos to central Manchester streets.

4.4 Many local transport authorities have limited faith in the effectiveness of the PSV Operator licensing system in ensuring that appropriate safety and maintenance standards are met. For this reason many authorities employ either their own staff, or external agencies, such as the Freight Transport Association, to vet operators before awarding them contracts to operate local bus services. We would therefore like to see greater resources devoted to VOSA inspection of PSV vehicles, depots as well as safety management records, systems and processes. We believe that more inspections will result in safer, better maintained buses contributing to a general improvement in the quality of the bus “offer” for passengers.

5. VOSA PERFORMANCE AT TRAFFIC COMMISSIONER INQUIRIES

5.1 The quality of evidence provided by VOSA staff at public inquiries by Traffic Commissioners is variable. With operators increasingly using lawyers to defend themselves at public inquiries it is important that the quality of evidence, and the way that evidence is presented, is to a consistently high standard. Otherwise Traffic Commissioners can feel obliged to give operators the benefit of the doubt where an operator’s lawyers can identify any procedural or technical errors or inconsistencies in VOSA’s representations.

6. PUNCTUALITY MONITORING

6.1 In a telling quote to *Transit* magazine (24/07/07), Associate Director of the TAS Partnership, Philip Higgs, said:

“Unlike rail operators, bus operators are lagging behind in the publication of performance standards. The reality is that operators do not have monitoring data to demonstrate whether reliability is getting better or worse and where the hot spots are”.

6.2 Given this we are very concerned about the feeble and derisory resources which are devoted to monitoring bus operator performance by the DfT (via VOSA).

6.3 A Parliamentary Question in 2007 by Graham Stringer revealed that VOSA provides just 10 staff to monitor the reliability of bus services for the whole of England.

| | <i>Number</i> |
|---------------------------------|---------------|
| North Eastern and North Western | 4 |
| Eastern | 1 |
| South Eastern | 2 |
| Western | 2 |
| West Midlands | 1 |

6.4 The most recent annual report (2006–07) of the Traffic Commissioners revealed that:

“Bus compliance matters . . . did not tell . . . a positive story. The statistics for the year reveal that very few cases dealing with bus punctuality and reliability were referred to Traffic Commissioners for consideration”.

6.5 The lack of resource for monitoring performance nationally is particularly regrettable given the overall paucity of performance data for the bus industry.

6.6 In London, and for national rail services, a suite of comparable and appropriately disaggregated performance data is readily available to passenger watchdogs because both London's public transport and national rail services are operated under contracts which specify performance targets and require performance data to be provided.

6.7 Performance data for bus services outside London is much harder to come by on a consistent and comparable basis. This is because of the multiplicity of operators that provide bus services and because available performance data is often highly aggregated, patchy or measured in an inconsistent way. The sources of this information also varies—and ranges from highly aggregated national information, the limited information provided by some operators, or from what emerges from Traffic Commissioner or Local Transport Authority surveys or inquiries.

6.8 One of the best sources of information on performance is a by-product of real-time information system, where satellite tracking of vehicles provides in-depth and highly detailed performance information on a real-time basis. However, the performance information that can be derived from these systems is often covered by confidentiality agreements. It seems strange that where these systems exist that the Traffic Commissioners and VOSA are still relying on the availability of a very limited number of officials to stand on street corners with clipboards, when they could be accessing all the performance data they need if they had a right of access to these real time systems.

6.9 When 40% of the bus industry's income now comes from the taxpayer (some £2.5 billion) the lack of basic performance data available to taxpayers, passengers and policy-makers alike is remarkable. It also represents a marked contrast with the performance data available for other forms of public transport and other key public services. This is typified by the lack of resources available for service monitoring from VOSA.

7. RELATIONSHIP BETWEEN VOSA, THE TRAFFIC COMMISSIONERS AND THE NEW BUS PASSENGER WATCHDOG

VOSA and bus service reliability

7.1 We are concerned that for VOSA, PSV reliability is a side show compared with its responsibilities for vehicle safety. We note the comments of North West Traffic Commissioner, Beverly Bell, in the most recent Traffic Commissioners annual report:

“While VOSA has always provided an excellent service to me with regard to maintenance and drivers' hours failings, regrettably it has not offered the same level of service with regard to registered service punctuality and reliability monitoring . . . Since my appointment I have dealt with a number of bus reliability cases as operators' failures were reported to me. I have always regarded it as one of the most important parts of my role. This year I have not dealt with any, and I perceive this to be a direct result of the role of bus compliance monitoring and bus complaints being handed to VOSA. In my view it is simply not equipped to deal with these matters . . . VOSA is essentially a road safety enforcement agency and I think that it does not understand the nuances of registered service issues”.

Relationship between Traffic Commissioners and VOSA

7.2 A cursory examination of recent Traffic Commissioner annual reports suggests that the relationship between VOSA and the Traffic Commissioners appears to be less than harmonious. It must be a distraction from the goals of improving bus safety and reliability when the two organisations responsible for delivering it appear to have such a fractious relationship and what appears to be a clash of cultures and approach.

Relationship between Passenger Watchdog, Traffic Commissioners and VOSA

7.3 We are concerned that little thought appears to have been given to the relationship between the Traffic Commissioners, VOSA and the new bus passenger watchdog. For example there was no mention of the Traffic Commissioners in the DfT's initial consultation on the role and remit of the Watchdog.

7.4 This is surprising as the Traffic Commissioners are the main instrument by which poor performance in the deregulated bus industry can be addressed and they have significant powers to investigate and, where necessary, to penalise. In effect, outside London, the Traffic Commissioners are the only passenger watchdog with teeth (other than the local transport authorities on tendered services). If the Bus Watchdog is to be able to stand up for passengers—where services are manifestly below what could be reasonably expected—then there should be good links between the Watchdog and the Traffic Commissioners so that the Watchdog can be seen to be acting effectively for passengers. There also need to be mechanisms by which performance and complaints data are shared by, and with, the Traffic Commissioners to enable poor performance to be identified, and where necessary, enforcement measures to be best targeted.

8. *A wider role for the PTEs on bus performance monitoring?*

8.1 The PTEs have no desire to take on a safety monitoring or enforcement role for buses. However there is a case for PTEs to take on a greater role on the monitoring of bus performance and reliability. Some PTEs already do their own monitoring of bus performance—either via real time software or through on-street surveys. Some of this information is shared with the Traffic Commissioners.

8.2 There is an argument for PTEs taking on the bus performance monitoring role on a more formal basis. If this were to happen (alongside Passenger Focus extending its role to buses) there is an opportunity to improve the overall robustness and effectiveness of performance monitoring and enforcement. This could take place alongside the establishment of a more credible system for passenger complaints and feedback.

8.3 Under this scenario, if Passenger Focus has a role on passenger complaints, and the PTEs have a stronger role on service monitoring (which they route into the Traffic Commissioners) then this would give the Traffic Commissioners a much better data set about performance problems. They could then target their enforcement activities more effectively for the net benefit of passengers.

September 2008

Memorandum from the Intelligent Transport Society for the United Kingdom (ITS UK) (VOSA 09)

This submission seeks to highlight current and future technological solutions to assist VOSA undertake comprehensive enforcement checks and annual testing of buses and lorries.

OVERVIEW

1. The Vehicle and Operator Services Agency (VOSA) undertakes a diversity of operations connected to road safety and environmental standards, including activities that effect private vehicle owners via the annual MOT testing procedure, Vehicle Identity Checks, Single Vehicle Approval and vehicle recalls. However VOSA's primary focus is directed towards ensuring that commercial lorry, van, bus, minibus and coach operators operate, maintain and manage their vehicles in a safe manner and roadworthy condition. Particular attention is directed to the governance of all commercial bus, minibus and van owners, operators and drivers through the regulation of bus service registration, bus and lorry annual tests, operator licensing, maintaining operator standards and roadworthiness; adherence to drivers hours and tachograph legislation as well as monitoring specialist load requirements, the movements of abnormal loads, dangerous goods, operating abroad and the issue of reduced pollution and low emission zones certificates for London's Low Emission Zone.

ITS TECHNOLOGY OPTIONS

2. Currently enforcement involves operational staff being deployed on routine or "intelligence-led" mobile or static roadside checkpoints, as well as routine and "targeted" document and registration checks at operators' premises. Verifying the lawful use of vehicles is increasingly undertaken by **Automatic Number Plate recognition (ANPR) systems** which "read" the vehicle registration mark [VRM or "number plate"] and then compare it with DVLA records. This constitutes an "intelligent" system that facilitates the ready identification of suspect, known and prolific offenders and thus enables VOSA to deploy resources more effectively by "targeting" those offenders within "intelligence-led" policing strategies. Prior to the introduction of ANPR technology identification was done by a person viewing an actual vehicle or looking at a photograph or TV image. The development of Automatic Recognition has speeded this process considerably with accuracy well above 90% helping to ensure prompt detection. However difficulties arise when a vehicle is registered outside the UK. Most ANPR engines can read non-UK licence plates satisfactorily however the subsequent identification and tracing of a foreign vehicle's owner and a successful prosecution to enforce penalties are in practice very slow and very difficult. The European Commission has issued proposals for a range of legislative measures aimed in part, at addressing this latter issue although these are unlikely to come to fruition across the EU until 2012 at the earliest.

3. Despite improvements in camera performance and the acceptance of digital camera data as evidence, non-compliance with the current regulations regarding the display of VRMs is increasing and drivers are deceiving ANPR cameras using plates that are cloned, stolen or distorted (eg incorrect spacing and/or fonts or foreign registered marks) to avoid detection is becoming more common-place. ANPR is a multi-stage process. The camera has to recognise the presence of the moving vehicle; it has to "find" the number plate which would be in a very different location for a small car compared to a 38 tonne HGV; it then has to capture the plate's image and translate it to alphanumeric characters before the decoded plate can be matched against the DVLA database. This is an intrinsically slow and cumbersome process and further ANPR improvement is difficult and expensive.

4. An alternative way to detect offenders is to avoid the indirect approach of ANPR and instead use some form of direct **Electronic Vehicle Identification (EVI)**. EVI is not one unique product—it is a term for a variety of systems that can identify vehicles using a roadside device that remotely interrogates some form

of in-vehicle unit. Technologies readily available range from a “dumb” in-vehicle unit holding minimal information (eg the Vehicle Identification Number [VIN]), to a “smart” device that provides two-way communication; stores and updates vehicle, driver and traffic data; and is integrated with other on-board systems. An EVI system cuts out at least three steps in the ANPR process: a roadside installation would interrogate the EVI devices on passing vehicles to generate an instant stream of identities which could be matched either at the roadside or in a back-office database. The discrepancies, or “electronic silence” from non-equipped vehicles, can then be used to check the vehicle’s VED, MOT, insurance, disqualified driver status, etc) and could automatically trigger enforcement action as required.

5. In effect the roadside device would be notifying that a particular vehicle was on the road. The most commonly discussed EVI systems for enforcement are some form of “chip” (similar to the tags used by shops to deter theft) which would be embedded in the actual number plate or in a Vehicle Excise Duty [VED] licence holder. Alternatively, there are microwave devices of the types used extensively for road user charging (eg the Dart-Tag or the M6 (T) tag). The chip embedded in the plate is currently cheaper than the microwave device but the need to be located low on a vehicle’s bodywork limits accurate reading; consequently the chip should be placed in a more favourable position—eg within a VED licence holder. Standards for EVI are still emerging so the market is still vulnerable to proprietary designs. In contrast microwave devices are usually fitted to the windscreen, so opening up the option of using the device for wireless confirmation of payment of VED, and the microwave standards used for pricing are not only well established but are specified in an EC Directive.

6. Clearly, **making the VED disc remotely readable** offers another set of enforcement tools, as well as supporting all Local Authorities and the Highways Agency in the deployment of road user charging schemes. There would be immediate benefits to VOSA’s enforcement capability whilst simultaneously facilitating the detection of a multitude of additional capabilities:

- detection of entry onto/within road user charging zones or low emission zones;
- minimising the environmental impacts of noise and exhaust pollutants;
- simplifying checks on vehicle and driver documentation, overloaded and/or dangerous lorries, buses, coaches and their derivatives; and
- speeding up stolen vehicle verifications.

It is generally recognised that lorry and bus operators who are convicted of roads offences relating to maintenance and operation of their vehicles are invariably engaged in dishonest criminality; therefore by enforcing one area of offences VOSA will be seen to be pro-actively suppressing another.

7. With the continual increase of the numbers of buses, coaches, lorries, vans and their derivatives on the road VOSA’s capacity is ever-stretched and the capability of addressing the number, complexity and range of offences is equally stretched. Intelligent Transport technologies are capable of offering additional technical assistance. For example, provided there were security firewalls and operational protocols VOSA could share ANPR data and information with the Highways Agency and the Police Service to deliver infrastructure cost-savings. It is readily appreciated that this is a sensitive topic and one that would not be easy to resolve. Similarly, it would be possible to streamline the VOSA’s processes by **electronic interconnection of European Union Member States’ national databases** relating to transport operators. Within the EU’s proposal for new legislation, authority is given to enforcement agencies to communicate information between equivalent bodies throughout the Member States regarding any licence infringements committed by operators. Using this information, those agencies will be able to make decisions on whether or not to issue or renew an operator’s licence based upon their pan-European conduct. It will also enable those agencies that issued an operator’s licence to impose administrative sanctions in the event that the operator commits a serious infringement or repeated minor infringements in other Member States. Given that the proposed level of interconnection is a realistic proposition VOSA staff would then be able to interrogate databases relating to operators’ track-records. However it should be noted that this function is an unexpected benefit and not a specific foresight of the Commission’s proposed legislative package.

8. Currently many VOSA operational practices require a direct physical intervention eg checking vehicle weights or tachograph discs. These processes could be radically changed by the introduction of “**ireless condition monitoring**” of suitably equipped vehicles. “Condition monitoring” is best described as remote measurement of a range of vehicle parameters such as braking system condition, engine oil volume and condition, engine emissions. Condition monitoring is very well suited to commercial vehicle operation and could deal with a range of standard checks such as gross weight, axle loadings, driver’s hours, vehicle-spring condition etc. In addition to enforcement advantages condition monitoring could provide incentives for enhanced operator compliance whilst simultaneously streamlining the testing process—vehicles consistently operated and maintained in a lawful manner could be exempted from calendar-based testing and instead called in for examination when the wireless “exception” reporting indicated that a perceptible degradation of vehicle standards had been detected.

9. Such a system would allow VOSA to concentrate its efforts on “targeting” known and prolific recidivist offenders and those vehicles/operators which have a poor or degrading performance. Through this process, roadworthiness examination could be radically streamlined changing annual testing from a mechanistic time-consuming and costly testing process to one of continuous remote electronic monitoring. Advanced data interpretation could even differentiate between two strands of enforcement, ie. safety and

environmental. Using the same technology, the impact of each could be assessed through interpretation and analysis of the data. How VOSA bring all the streams together as a cohesive strategy would have to be determined but the technological linkages that would be needed to enable safety-critical factors to be addressed are generally available.

10. Modern “**weigh in motion**” (WIM) systems fitted with advanced sensors can determine the status of a loaded vehicle whilst it is travelling at speeds typically of 100 kph. WIM technology is now sufficiently robust for devices to be considered as sole and independent evidence sources for prosecutions in the same way as using speed data from road-safety cameras. This would open up a number of opportunities to assist enforcement of operators and/or drivers who are committing offences. Technology costs would not be prohibitive and a greater deployment of WIM systems across the UK would enable VOSA resources to be deployed in a more strategic, considered and effective manner.

SUMMARY

The Intelligent Transport Society for the United Kingdom through its Interest Groups, members and industry links is ideally placed to provide independent expert advice into the effectiveness of ITS technologies and welcomes further opportunities to assist the Transport Committee in this process.

September 2008

Memorandum from the Vehicle and Operator Services Agency (VOSA) Trade Union Side (VOSA 10)

1. EXECUTIVE SUMMARY

1.1 The VOSA TUS welcomes the Governments commitment to a public sector VOSA and the additional investments recently announced.

1.2 The VOSA TUS is however extremely concerned that VOSA will lose its strategic capacity to conduct vehicles tests if it becomes dependant upon using Approved Testing Facilities (ATF's). In the current financial climate to become so reliant on private facilities is extremely dangerous and we believe these ATF's should only be used as a supplement to the network, rather than a replacement for existing Goods Vehicle Test Stations (GVTS). We are also concerned that public funds will be used to provide profit making opportunities to the private sector whilst undermining the existing VOSA network, leading to the closure of a significant number of GVTS's.

1.3 The reliance on ATF's may result in a reduction in the use of voluntary check services offered by VOSA to the industry leading to a subsequent reduction in the condition of vehicles on our roads.

1.4 The loss of VOSA's GVTS's will also significantly impact on existing small scheme testing activities, VOSA's roadside and licensing enforcement work (including provision of office accommodation) and other DfT agencies that provide services from the same site.

1.5 The VOSA TUS recommend an expansion of vehicle types requiring annual roadworthiness tests to incorporate additional categories of vehicles that are currently untested.

1.6 In respect of VOSA's Enforcement activities the VOSA TUS have concerns over the lack of access to facilities at ports of entry into the UK. Given the huge investments to target vehicles involved in International journeys and recommend VOSA's staff are given the same access rights as other border enforcement agencies.

1.7 The VOSA TUS believes that additional resource should be provided to enable VOSA staff to conduct a greater quantity of roadside inspections on light goods vehicles and agricultural vehicles, plus additional classes of vehicles not currently checked.

1.8 The VOSA TUS is aware that staff are being pressurised to rely entirely on the VOSA targeting system, which restricts the opportunities for non-compliant vehicle being operated by compliant operators to be found.

1.9 The VOSA TUS are also concerned that the recent changes to the enforcement system within the MOT scheme will lead to a “see saw” in activity on a garage, an inability to provide education to garages and a subsequent loss of locally gained intelligence through lack of contact.

1.10 It is also apparent to the VOSA TUS that VOSA has failed to learn from the experiences of many police services in that they are now concentrating on catching those who breach the rules rather than providing preventative education.

1.11 Likewise the VOSA TUS believe that VOSA's specialist staff should be used for the roles they have been employed for, rather than having to conduct additional general administrative work following the loss of significant numbers of professional support staff.

1.12 The VOSA TUS is concerned at the huge amount of public money that is being spent on the use of agency staff, contractors and consultants, many of whom are being used to conduct work previously done by civil servants released by various “Value for Money” schemes.

1.13 The VOSA TUS have no confidence in the current Chief Executive, or his board of Directors, a view shared by the staff within VOSA, and believe that their position, given the recent announcement of VOSA’s public sector future, to be untenable.

2. INTRODUCTION

2.1 This written submission into VOSA’s enforcement activity is made by the Vehicle and Operator Services Agency Trade Union Side (VOSA TUS), which represents the three recognised Trade Unions of Public and Commercial Services (PCS), Prospect and Unite, whose combined membership make up the majority of VOSA’s workforce.

2.2 The VOSA TUS welcomes the Department’s commitment to (a) improvements to the journey reliability times on both urban and strategic network roads and (b) a reduction in the number of killed or seriously injured in road accidents in its Departmental Strategic Objectives, numbers 1 and 3 respectively.

2.3 Following the Unions “Keep VOSA Safe Campaign” we were delighted that the Government’s sees “a clear agenda to be taken forward by a public sector VOSA” as announced in a written Ministerial Statement on 3 July 2008. Furthermore the VOSA TUS welcomes the additional funding which has been made available to VOSA, albeit that this now appears to be in the form of a loan rather than a grant.

2.4 Following this announcement, further work has now been undertaken as to how VOSA will be taken forward. The details of this work, or those of which the VOSA TUS are aware, contain some issues which we wish to highlight to the committee. There are some areas of concern and, we believe, opportunities to improve road safety, which we have included within this submission.

3. VOSA TESTING

3.1 The VOSA TUS acknowledges that the current location of some of VOSA’s Goods Vehicle Testing Stations (GVTS) is not ideal. Most were built 40 years ago and based on the road network of that day, giving operators access a GVTS within 35 miles of their base. We believe that this local availability should be maintained if not improved upon, given the negative impact of its loss, both financially and environmentally. We also acknowledge that the option of consolidation, ie closing two or three current stations and building one new station is valid and would undoubtedly meet the Government’s view of having “fewer, but better” VOSA GVTS’s. However, that is not what is being proposed.

3.2 The VOSA TUS is concerned that the current proposal is for the closure of a substantial number of VOSA’s GVTS’s, replacing them with a network of Approved Testing Facility (ATF) sites. We believe that such a policy could seriously damage the provision of the current, highly respected, public service to vehicle operators by forcing them to either travel greater distances (to a VOSA site) or into using ATF’s possibly provided by their commercial competitors or the vehicle manufacturers main dealerships.

3.3 The proposed ATF’s appear to be very similar to the existing Designated Premises (DP’s) which have been in operation for nearly 30 years and already provide a degree of choice for operators. The only difference appears to be that in future a formal contract will exist between VOSA and the ATF. The facilities will be privately owned and VOSA staff will travel to them to undertake the annual testing of buses and lorries. Our experience shows that these staff will be unable to carry out the same number of tests per day that they can at a VOSA GVTS. The VOSA TUS believes that the use of ATF’s to supplement the current, or revised, VOSA GVTS network, has merit.

3.4 The VOSA TUS is aware that VOSA are reportedly offering financial assistance to aid prospective ATF owners to meet the required equipment and premises standard, and to then encourage their use by offering tests at a lower price to those offered at VOSA’s own GVTS’s. If this is true, such financial assistance to the private sector, from which profit will be made, seems an inappropriate use of public money. This will lead to a publicly provided service being dependant on privately owned premises for its delivery, with no fall back position once VOSA’s GVTS’ have been closed. Little attention appears to have been paid as to what happens when these private sector facilities are withdrawn, relocated, cease to trade or fail to maintain the site or equipment to the required standards. Should this happen, or an operator choose not to use an ATF, they will have no choice but to travel greater distances to a GVTS and pay a higher test fee. In the current economic climate for VOSA to engineer a situation whereby VOSA will become dependant on ATF’s to provide testing capacity, thereby loosing its strategic capacity to provide an adequate GB wide testing capability is extremely dangerous.

3.5 Currently VOSA uses its existing GVTS’s to conduct roadworthiness checks of vehicles as part of the Operator licensing scheme and normal “in service” roadside enforcement activities. If, by depending upon ATF’s VOSA were to loose this vital resource the current enforcement capability would be diminished, as very few of these types of checks are currently undertaken at existing DP’s.

3.6 VOSA currently offers a number of voluntary checks which enable operators, who typically have few vehicles in their fleet, to have access to equipment enabling the checking of their brakes, headlight aim or exhaust emission. VOSA is currently looking to increase this activity. We fear that a dependence upon ATF's for these services, thereby losing the confidentiality VOSA provides, will result in smaller operators either not having their vehicle checked or having to travel further to a VOSA GVTS to receive such a check. Any such reduction in take up of these checks would have a serious and detrimental affect on road safety.

3.7 The loss of VOSA GVTS's will also have a detrimental effect on other areas of VOSA's operations, as well as impacting upon the Driving Standards Agency (DSA). DSA currently work from a large number of VOSA sites in providing vocational (Large Goods Vehicle and Passenger Carrying Vehicles) driving tests and, where space permits, elements of the motorcycle driving test.

VOSA also uses the GVTS's to conduct other elements of VOSA's "Testing" activities such as Vehicle Identity Checks (VIC), Single Vehicle Approval (SVA) inspections, Certification of Initial Fitness (COIF) on PCV's, the emerging EC Whole Vehicle Type Approval scheme (which will consolidate some of these earlier checks into one scheme) and the Certification of Dangerous Goods Vehicles inspections. It is unclear where these will be conducted should VOSA have to rely on a network of ATF's.

The VOSA GVTS' also provide office accommodation for VOSA staff who do not undertake statutory testing work, such as roadside enforcement and support staff. Closure of GVTS's will require additional office accommodation to be acquired for these staff.

3.8 Finally, and before moving off the topic of testing, the VOSA TUS believe a review of vehicles currently exempt from annual testing should be undertaken. Vehicles such as mobile cranes, mobile plant or agricultural vehicles are not subjected to any annual roadworthiness test whatsoever. However, some of these vehicle types have, over recent years, changed dramatically in both size and use. For example, some fast track tractors are now pulling full commercial size semi-trailers and our members experiences indicate they are often in poor condition and attract prohibition and prosecution action. The removal of such exemptions from annual testing will increase standards and would bring a clear road safety benefit.

4. VOSA ENFORCEMENT

For the purpose of this submission we will concentrate on VOSA's roadside and MOT enforcement work.

4.1 Roadside

The VOSA TUS acknowledges VOSA's previous shift in emphasis by providing education to the non-compliant, thereby encouraging them to comply before taking enforcement action. We also welcomes the recent level of additional funding committed to roadside enforcement and, in particular, the drive to ensure a level playing field for both UK and non-UK operators. The introduction of shift working roadside examination teams and the future introduction of Graduated Deposit and Fixed Penalty sanctions will assist in this work.

4.2 VOSA's enforcement activity on vehicles engaged on international journeys show they present one of the highest threats to safety on UK roads. It appears bizarre therefore that VOSA has to rely on the agreement of the port authorities, and even in some cases to pay, for entry to the ports. The thought that other border control agencies engaged in checking international traffic could conduct their business without such rights of access would be seen as absurd, and so these rights should be extended to include VOSA enforcement staff.

4.3 The VOSA TUS also believes the work VOSA does at the roadside could be enhanced by greater number of checks on agricultural vehicles, caravans, motor homes, private car and light goods vehicles (such as white van man) and motorcycles where there is currently little attention paid. Our members report that when checking such vehicles they find an unacceptable level of defects.

4.4 The VOSA TUS is concerned that the total dependency on using the VOSA targeting system will allow defective vehicles to go undetected. Pressure on staff to exclusively use the targeting system will result in a previously compliant operator's non-compliant vehicle not being examined.

4.5 MOT Enforcement

The way in which VOSA has changed its administration and standards control role in relation to the MOT scheme has changed significantly in recent years. The VOSA TUS is concerned that the current approach will see a reduction in standards and produce a "see-saw" effect in respect of MOT enforcement activities.

This regulatory system now operates on a rating type approach, where garages considered as being good only receive a visit from VOSA once in every three years and garages considered as being seriously non-compliant receive much closer scrutiny. While this rating approach appears to inconvenience the non-compliant more, we fear that those MOT garages which are deemed good simply on the basis of a yearly telephone questionnaire may, through lack of contact with VOSA, drop their standards and will then fall into the non-compliant category and thereby require enforcement activity.

4.6 It is the VOSA TUS' view that an increase in the resource dedicated to this activity to allow more frequent visits, which includes providing education, to all MOT garages would be more effective in road safety terms. VOSA examiners have always understood the value of the local intelligence obtained through regular visits to garages. It is feared that the level of local intelligence will be greatly reduced due to the demise of regular visits, as will the relationship and confidence, built up between the garages and VOSA staff.

A good analogy to draw is with the police, where there is a drive to return to the "bobby on the beat" following concern that the police are not trying to prevent crime, only reacting and prosecuting those who transgress the law. The parallel is that VOSA could be seen as only addressing, and taking enforcement action against, those who "break the rules" rather than trying to ensure that all garages comply with the current standards and improve on the error rate in MOT results, understood to be around 15%, and where 5% of vehicle passed the test with safety critical defects present.

5. SUPPORT SERVICES

4.1 For the front line to operate effectively and efficiently, staff need the assistance of a wide range of professional support staff. The staff who currently undertake this vital role are often referred to as overheads, and VOSA is looking to significantly reduce their numbers. This will result in the specialist staff having to do more administrative work thereby reducing the amount of time available to undertake their front line duties, be that in testing, enforcement or licensing. There is, again, an analogy here between this and the release of front line Police Officers from the burdens of administrative paperwork and get them back out on the beat doing the job they are employed to do.

6. VOSA SENIOR MANAGEMENT

6.1 The VOSA TUS is extremely concerned with the current practice of employing significant numbers of agency staff, consultants or contractors, some of whom have simply replaced staff who have been released from VOSA as part of the various headcount saving schemes. The huge costs for these staff, in some cases ranging from £500 to £1,000+ per day, is significantly more than the previous costs of the staff who were released, and in no way reflect the value for money objectives set out by Government.

6.2 Given the Government's statement on VOSA's future and the amount of change which will therefore emerge, the VOSA TUS believes it is essential that staff have confidence in the Chief Executive and his board of Directors.

The VOSA TUS is aware that staff have little confidence in the current Chief Executive and his board of Directors as demonstrated in the two most recent Staff Surveys carried out by VOSA in 2006 and 2007. In answer to the question "I have confidence in the VOSA Directing board" only 8% of staff answered favourably in 2006 and, in 2007, staff confidence had dropped to 6%.

The VOSA TUS believes the level of confidence in the VOSA Directing Board is hardly surprising given the Chief Executive's personal belief and statements on Outsourcing. Staff in VOSA are aware that it was the VOSA Chief Executive who instigated, headed up and championed VOSA's initial outsourcing feasibility study, announcing that a Public Private Partnership (PPP) approach was the way forward. This clearly demonstrated to staff his desire to move as much of VOSA into the private sector as possible. Subsequently control of the outsourcing feasibility study was taken away from the Chief Executive and given to officials from within the DfT. Having now received the government's decision on the future of VOSA, it is unlikely that the instigator and main advocate for outsourcing the majority of VOSA's activities will have gained any increased credibility with staff.

6.3 Finally, the VOSA TUS as a whole passed a vote of no confidence in the Chief Executive and the Directing Board at its annual meeting in March 2008. The DfT Permanent Secretary has been made aware of the VOSA TUS' position, and has responded indicating that he "does not share our sentiments".

6.4 The VOSA TUS believes that VOSA and its staff deserve a Chief Executive and a Board of Directors who share the Government's confidence in a public sector VOSA and believe that the position of the current incumbents is therefore untenable.

September 2008

Supplementary memorandum from the Vehicle and Operator Services Agency (VOSA) Trade Union Side (VOSA 10A)

EXECUTIVE SUMMARY

1. With 85% of goods vehicle operators having a fleet size of less than five vehicles (which increases to nearly 93% with a fleet size of less than 10 vehicles) it is highly unlikely that these small operators will have either the desire, facilities or financial capability to open an ATF. The loss of this estate will also have a disproportionate detrimental affect on these small operators as they will not have the ability to use the voluntary (brakes, lights, emissions, etc) checks offered by VOSA to maintain the standards of their vehicles without travelling considerable distances.

2. We question:

- If the ATF's commercial position changes (eg closes or relocates) how will VOSA be able to continue to fulfil its statutory role?
- If existing VOSA sites are sold off what will happen to the small scheme work that VOSA will still be required to undertake?
- How do the ATF proposals fit in with the content of the ministerial statement in terms of investment, and what has happened to the money obtained by VOSA in previous years' above inflation fees increases levied under the promise of improvements to the VOSA estate.

3. VOSA are in the process of recruiting a Senior Commercial Manager who will be required to "support the delivery of the initiative to transfer test stations to the private sector and the transition of existing designated Premises(DP's) to our new trading arrangements."

4. We are concerned that the impact of the changes in European Driving Licences will hinder the enforcement capability of both the Police and VOSA, and that any graduated deposits will have to be returned, with interest, should cases not reach a conclusion.

5. VOSA's continued use of consultants mean that over £1.7 million additional costs are incurred, as opposed to filling these posts with full time civil servants. We do not believe that this provides value for money from the public purse.

6. VOSA has also repeatedly failed to resolve its problems with long term temporary promotions. We believe this uncertainty and lack of promotion opportunities has had a detrimental effect on the staff moral.

INTRODUCTION

7. This written supplementary submission into VOSA's enforcement activity is made by the Vehicle and Operator Services Agency Trade Union Side (VOSA TUS) and is provided to supplement both our initial written submission and our oral evidence which was ended abruptly by the division bell.

8. Question 82 was being asked by Mr Wilson as the division bell sounded and we promised to write with an answer. Mr Wilson asked "From your point of view, what kinds of tools do you think you need to be able to target foreign drivers in the same way you target UK drivers?". We believe VOSA needs increased resources in terms of staff, equipment and systems. VOSA also needs to be able to have unhindered access to the ports of entry for conducting these checks, as we mentioned in our oral session. At present VOSA has insufficient resources to enable a full 24 hour enforcement capability at existing check locations. VOSA also has no infrastructure to support staff outside of normal working hours.

APPROVED TESTING FACILITIES (ATFs)

9. Our main concern regarding the move to ATFs is that VOSA will lose its strategic capacity to undertake its statutory functions in the testing of vehicles, together with offering voluntary checks, should they sell off the current testing estate.

10. We are also aware that the department has indicated to VOSA that, by the end of 2010–11 they require that 85% of vehicle tests should be conducted at ATF's. With 85% of goods vehicle operators having a fleet size of less than five vehicles (and increasing to nearly 93% with a fleet size of less than 10 vehicles) it is highly unlikely that these small operators will have either the desire, facilities or financial capability to open an ATF. We believe the loss of the VOSA estate will have a disproportionately detrimental affect on these small operators as they will lose the ability to use the voluntary (brakes, lights, emissions, etc) checks offered by VOSA enabling them to maintain the standards of their vehicles without travelling considerable distances.

11. If an ATF either fails commercially, chooses not to continue as an ATF, relocates to smaller premises or allows site standards to fall (to the point of being removed as an ATF) we question how VOSA will be able to continue to fulfil its statutory role.

12. Furthermore, if existing sites are sold off what will happen to:

- the small scheme work (single vehicle approval, vehicle identity check, EC whole vehicle type approval, and so on);
- enforcement officers workplaces;
- administrative support for front line staff;
- Secure location to store vehicles, such as powers to stop vehicles, roadside inspection vans, accident investigation vans and equipment such as laptops and mobile compliance devices; and
- other DfT agencies which share the same site (eg Driving Standards Agency).

13. We also question how the ATF proposals fit in with the content of the minister's statement that "I am making £28 million available to the agency this year, the greater part of which will go towards modernisation of testing facilities and IT support". We understand that VOSA has suspended its estate modernisation programme and that no further work is planned.

14. We also question what has happened to the money obtained following from the recent year on year increases in test fees of 10% above inflation, levied specifically for estate improvements.

15. We understand that consideration is being given to simply sell off the existing sites to private providers and then lease these back. This would not meet the objective of 'fewer but better', nor would it mean they are closer to the vehicle operators. This belief has been strengthened following VOSA's advertisement for a Senior Commercial Manager (salary circa £70k) which was advertised in the *Sunday Times*, 30 November 2008, and for which we have been informed a strong element of the job purpose will be to "support the delivery of the initiative to transfer test stations to the private sector and the transition of existing Designated Premises (DPs) to our new trading arrangements." This, again, seems at odds with the statement made by the Minister on 3 July 2008.

16. It is also unclear who will be responsible for the booking of tests—VOSA or the ATF, and how this will fit in with the provision of electronic/online bookings. VOSA have spent millions on developing an electronic/online booking system which now looks as though it will have very limited use. Existing DP's do not use this booking system owing to the complexities and individual nature of their facilities.

FIXED PENALTIES/GRADUATED DEPOSITS/IMMOBILISATION

17. In principle we are supportive of the scheme, however we have some real concerns in that:

- VOSA staff are not seen simply as government clampers;
- there will be a requirement to handle cash at the roadside;
- it is likely there will be no police presence—what happens if things turn violent as a result of asking for immediate payment, or in the likelihood of the loss of a driving licence by points disqualification?
- it is uncertain who will impose and/or release any immobilisation equipment; and
- it is unclear how drivers hours prohibitions, that are self clearing, will be handled specifically if these vehicles are to be immobilised.

18. We are also concerned that the changes in legislation mean that EU drivers are no longer required to exchange licences. This means that UK drivers now living abroad may still be able to produce a UK licence with incorrect contact details or a non UK EU driver will only have his/her own nations licence despite now residing in UK. Examiners and police will not know if payments need to be made at the roadside. This may also increase the workloads on magistrates courts when having to deal with the non-payment of fines.

19. We also understand that any graduated deposits will be required to be returned, with interest, if the case has not been dealt with by a court. Once this becomes widely known it may incentivise offenders to become less traceable by not amending their licence details.

ENFORCEMENT ACTIVITIES

20. We believe that, within the confines staff are required to work within, our members are very effective. Performance gain is a measurement tool to provide management information of the activities VOSA conducts. It is much better than previous systems, which relied entirely on numbers of vehicles, and enables targeting of specific categories. It was also the first step in using internal mechanisms to encourage staff to actively target defective vehicles. However, every measurement system will have its good points and bad points, and relies on being used correctly. There is a concern that misuse can lead to a "points mean prizes" mentality and that if the tariffs are not set correctly, important educational work or in-depth investigations will be seen as less productive. This has a demoralising affect on staff doing this work, especially if it is linked to performance related pay.

21. Training within VOSA is normally conducted in house, and we are concerned that the proposed HQ headcount reductions will have an impact on the number of trainers and the amount of training. Any reduction in training capacity will have a detrimental impact on the respect and standing of VOSA staff within the industry.

VALUE FOR MONEY/USE OF CONSULTANTS/VOSA STAFF MORAL

22. VOSA are currently using 25 consultants within VOSA HQ. We understand the costs of 20 of those consultants range from £231.00 up to £1,200.00 per day. The total daily costs for these 20 consultants is therefore £11,485 per day, giving an annual cost of £2,526,783. Had these staff been employed by VOSA in the grades they are working within, the annual cost would have been (using the current VOSA rate for job) £799,236—an annual saving of £1,727,547.

23. In addition to the above VOSA also use a significant number of staff contracted through employment agencies.

24. VOSA has also repeatedly failed to resolve its problems with long term temporary promotions. Currently we believe that 94 staff within its HQ function are on temporary promotion to higher grades. The worst cases being a person temporarily promoted for over five years, 10 people having been promoted temporarily for over three years, 11 people having been promoted temporarily for over two years and 25 people having been promoted temporarily for over one year. We believe this uncertainty and lack of promotion opportunities has had a detrimental effect on staff moral.

December 2008

Memorandum from Association of Transport Co-ordinating Officers (ATCO) (VOSA 11)

INTRODUCTION

1. The Association of Transport Co-ordinating Officers represents local authority officers in county, unitary and metropolitan authorities across the UK, who deal with policies for and the promotion and procurement of public transport services and the co-ordination of all modes of public passenger travel. This includes bus and rail services and home-to-school and social services transport, within the context of the wider transport agenda.

2. We are grateful for this opportunity to offer our views on the enforcement activities of the Vehicle Operator and Services Agency (VOSA), with particular emphasis on enforcement checks and annual testing of buses and lorries. However, having conducted some initial discussions with members of our Bus and Education Transport Sub Committees, we consider that the level of concern reported with these activities is not sufficient to warrant devoting time to gathering further evidence that we could present in a formal submission. The limited time of our officers, who are all full time local authority employees and carry out many of their ATCO activities in their own time, is at present devoted to the more pressing concerns around the Local Transport Bill and the Select Committee's inquiry into School Travel.

3. However, I have listed below some of the comments that have been made during our discussions, as these may be helpful to the Select Committee in supporting fuller evidence that may be received from other sources.

COMMENTS

4. While their primary focus is and should be on safety, it is considered that VOSA are woefully under-resourced to carry out their other task of investigating and enforcing compliance of local bus services with their registered timetable. ATCO has advocated (to the Transport Select Committee in 2007 and during the deliberations into the punctuality aspects of the Local Transport Bill) that punctuality matters are best dealt with locally by the local transport authority acting in partnership with operators and with the authority's Traffic Manager. However, if the arrangements currently proposed in the Local Transport Bill prevail, experience has shown that VOSA will require many more compliance officers if it is to adequately discharge this function.

5. It is strongly suggested that VOSA officers should always notify the appropriate local transport authority well in advance of any proposed enforcement action that could result in buses or coaches being prevented from continuing their journey if those vehicles are under contract to the authority and VOSA officers should collaborate with the authority's officers where appropriate so that emergency arrangements can be made as quickly as possible if the enforcement action results in passengers, especially schoolchildren, being left without transport.

6. Additionally, we believe that VOSA officers should notify the appropriate local transport authority well in advance of any proposed monitoring activities so that local knowledge can help ensure that monitoring is not carried out when there is some local issue that would make the results not reflect typical operating conditions.

September 2008

Memorandum from FirstGroup plc (VOSA 12)

INTRODUCTION

FirstGroup plc (First) is proud to be the largest private sector public transport operator in the UK and North America. We also run bus and coach services in the Republic of Ireland and Continental Europe.

First is the UK's largest bus operator running more than one in five of all local bus services. We operate a fleet of nearly 9,000 buses carrying three million passengers a day in more than 40 major towns and cities.

Our core values are safety and customer service.

The safety and security of our passengers and staff is fundamental to everything that we do. We continually seek to improve the safety culture throughout our business and apply a "zero tolerance" approach to unsafe acts and practices.

In recent years we have made great strides in improving our working practices and procedures and in monitoring our performance in this area. We are never complacent and continually strive to meet the highest possible standards of safety for our passengers and staff.

Our programme of Injury Prevention is not only innovative but unprecedented in our industry. Injury Prevention has been rolled out across all of our operations and is designed to engage all our staff and encourage good safety practices to embed the safety culture in all of our operations.

Bus and coach travel is one of the safest forms of transport. We recognise the importance of independent safety regulation of the bus and coach industry and therefore support VOSA's enforcement and annual testing role and the statutory independence of the Traffic Commissioners' semi-judicial role in licensing of buses and coaches.

ENFORCEMENT CHECKS

We fully support the principle of independent enforcement checks by VOSA as this establishes the standards for the entire bus and coach industry.

We have a good working relationship with VOSA at Board and enforcement officer level. We meet regularly with members of VOSA's Directing Board to discuss issues such as future strategic direction, consistency of approach and application of policy during enforcement checks, documentation (the issuing of paperwork following spot checks) and measurement of performance.

We support VOSA's current priority of "increasing road safety and journey reliability by improving the efficiency and effectiveness of our targeting of high risk operators and MOT garages".

Targeting is carried out through VOSA's Operator Compliance Risk Score (OCRS), a mechanism to calculate the likelihood of an operator being non-compliant. OCRS is a risk based scoring system and bus and coach operators are rated, 0 low-10 high, with an associated colour coding of R (Red), A (Amber) or G (Green). Red represents the higher scores and Green represents the lower scores. Generally an operator with a red score is more likely to be checked than an operator with a green score.

VOSA's use of a risk based enforcement has led to an overall reduction in the number of enforcement checks carried out on our fleet, which we welcome. We continue to work with VOSA on the clarity and consistency of the OCRS scoring system.

We are concerned that, for example, if VOSA carries out no enforcement checks on a bus and coach operator with a green score then that operator's score will, over time, increase and become amber and then red. This approach is understandable if used as a management tool for VOSA but could be viewed as a worsening safety record if the context is misunderstood.

However, we believe that, overall, VOSA's targeted approach will lead to a close correlation between the number of PSV vehicles subject to enforcement checks and the instances of enforcement action eg a greater number of prohibition notices issued. We would be concerned if this increase was perceived as a worsening of the bus and coach industry's safety record.

ANNUAL TESTING

We welcomed the Department for Transport's Written Ministerial Statement of 3 July on the future delivery of the Vehicles and Operator Services Agency testing service.

We believe the move to facilitate more VOSA tests at operators' premises is good news for the bus and coach industry. We agree with the DfT's assessment that: "This is a proven model of delivery, with recognised benefits in terms of reduced loss of productive time . . .". Furthermore we believe that there is an environmental benefit as bus and coach operators will no longer need to send vehicles to and from VOSA testing stations thereby reducing mileage operated.

We welcome the plans to improve and upgrade VOSA's own testing stations and customer service initiatives such as extending opening hours.

Overall, we believe that the plans set out in the DfT's July statement will allow operators to improve annual test performance through both out of hours testing where we use VOSA testing stations and—importantly—our own designated premises.

The majority of our operating locations are large enough to support a fully authorised designated premises and, following the announcement in July, we have been working to ensure that as many of our sites as possible become authorised designated premises.

We fully support the aim "to create a testing service fit for the 21st century" and welcome the DfT's announcement will enable VOSA to achieve better testing and lower costs of compliance, particularly as the cost of testing in recent years has risen at above inflation rates thereby adding to the cost pressure faced by bus operators.

PUNCTUALITY PERFORMANCE

We support VOSA's use of the OCRS approach to monitoring the punctuality performance of local bus service operators. We believe that this will improve further as the system matures as currently VOSA may decide to check an operator on the basis of a limited dataset.

We are committed to monitoring our punctuality performance and were the first major bus operator in the UK to publish punctuality and reliability data for each of our operating companies.

We can see the potential for greater use of GPRS systems as a management tool to improve the punctuality of bus services to the benefit of our customers. As we continue to invest in renewing our bus fleet, we are increasing the proportion of our fleet that is fitted with GPRS.

We believe that GPRS will assist local bus service operators—working in partnership with local authorities—to reduce congestion not only for public transport operators but also for other road users including motorists and the logistics industry.

This is because we are able to aggregate the information collected by GPRS systems over time and can use the information to work partnership with local authorities (and other highway managers)—usually through Punctuality Improvement Partnerships—to tackle issues such as the rephasing of traffic lights or minor infrastructure to resolve bottlenecks that appear at peak times.

However, the currently available GPRS systems are limited as we only receive information that tells us where our buses are at any given time ie is the bus meeting its registered timetable or, more simply, is it late? What is lacking is the "why" ie what is happening on the road network that is preventing the bus from operating on time?

So until information on the cause of a delay is available in real time then the punctuality data collected by GPRS systems may not be altogether useful. Indeed, given finite resources it may be counter productive for operators, local authorities and VOSA to put too much time and effort into analysing the masses of information provided by GPRS systems at an individual bus or even service level.

We believe that GPRS information could be useful in giving a long run trend of ranking between different operators in the same city or on the same routes to allow VOSA to target their own punctuality monitoring checks.

However, as more information becomes available on delays to local bus services (and on the causes of those delays) then there is also a risk of creating a system where local bus service operators and local authorities seek to establish delay attribution when the focus of all participants in the industry should be on improving on the road performance to the benefit of bus passengers.

Memorandum from the Confederation of Passenger Transport UK (VOSA 13)

1. The Confederation of Passenger Transport UK (CPT) is the trade association representing the interests of the bus and coach industry. It regularly obtains the views of its members through its national committee structure and regional meetings.

2. During recent years CPT has developed a good working relationship with VOSA and developed a framework which has facilitated the opportunity to exchange the views of the industry and the impact VOSA activity in conducting roadside enforcement can have on the movement of passengers within the UK. This has been achieved through regular meetings between VOSA officials, CPT and industry representatives where mechanical and operational issues have been discussed.

3. VOSA, CPT and the other trade associations representing the road haulage industry have been successful during the last 18 months in developing and agreeing Service Level Agreements which cover Annual Testing and Roadside Enforcement culminating in their signing and implementation in February 2008. These service level agreements reflected the concerns of bus and coach operators who wanted to see a number of improvements in:

Annual Tests

- Improvements in booking times at test stations.
- Offering alternative tests at another test station.
- Reduction in the time spent at test stations.
- Ability to carry out minor repairs at test stations where safe to do so.
- Publication of a complaints procedure.

Roadside Enforcement

- The purpose of the inspection to be explained to all passengers.
- Where passengers were on board delays to be kept to a minimum in carry out the inspection.
- Enforcement checks to be preferably carried out at a place where refreshment and toilet facilities were available.
- The driver to be issued with all relevant paperwork on completion of the inspection.
- Any prohibitions issued to be cleared within three days.

4. The Service Level Agreements following discussions have incorporated all of the industry's concerns listed above.

5. Since the introduction CPT has been conducting an on-line survey of its members each time they have sent a vehicle for annual test or had one of their vehicles stopped for a roadside enforcement check and encouraged them to answer questions whether the experience and service they received was in accordance with the SLA's.

6. The results to date have shown the majority of operators are experiencing the improvements requested in the SLA and these results are reviewed regularly with VOSA through our quarterly SLA performance review.

7. In some cases the service experienced has not been up to expectations and CPT and VOSA have been able to investigate each incident separately and analyse where any failures occurred and agree any remedial action required.

8. CPT regrets during the last few years that VOSA have been unable to continue with its training programmes for Operator mechanics in presenting vehicles for test as these were appreciated by the industry and did contribute to improving operators mechanical performance and would encourage VOSA to recommence this training programme in the future.

CONCLUSION

9. CPT considers the introduction of the SLA's to have been good for the bus and coach industry and VOSA in enabling a greater understanding of the problems facing the operator and VOSA officials. The establishing of regular review meetings to discuss performance will enable speedier resolutions to problems to be achieved which will inevitably go towards improving the overall standards of vehicles presented for annual test and subsequently checked at the roadside. The Bus and Coach industry has an excellent safety record and these agreements will ensure this record is maintained and enhanced.

September 2008

Memorandum from the Freight Transport Association (FTA) (VOSA 14)

The Freight Transport Association represents the transport needs of UK industry. Its membership is comprised of manufacturers, retailers, logistic companies, hauliers and organisations in the public and private sector. The Association's transport interests are multimodal and in addition to consigning over 90% of freight carried on rail and over 70% of sea and air freight its members operate in excess of 200 000 goods vehicles, approximately half the UK fleet.

OVERVIEW AND RECOMMENDATIONS

- FTA welcomes the Select Committee's invitation to comment on the enforcement activities of VOSA; FTA is a key stakeholder working in partnership with the Department for Transport (DfT) and VOSA in particular and has a significant interest in ensuring appropriate enforcement of goods vehicle operations across the United Kingdom.
- FTA's mission is to help its members develop safer, efficient and sustainable supply chains through the provision of information and services to assist members in understanding their compliance responsibilities.
- Industry contributed 57% of total income for VOSA for 2007–08 through fees levied through testing services and operator licensing requirements and therefore has a valid interest in how the money is spent on enforcement and testing.
- FTA believes the primary focus for VOSA should be enforcement and that its services should be targeted towards those operators who flout the law and pose a risk to road safety. VOSA statistics increasingly show that non resident vehicles are more likely to be involved in an accident or found to be unroadworthy.
- A combination of high domestic fuel duty costs and further liberalisation of the cabotage market will result in increasing levels of non resident vehicles on UK roads, increasing the risk to road safety. (Reference paragraph 3)
- VOSA must have sufficient resources to effectively and efficiently target higher risk vehicles and operators. Recent announcements of additional funding are welcome but this investment must be ongoing and not simply one-off gestures. Income from Graduated Fixed Penalties should be ring-fenced for VOSA activities however it is crucial that this revenue must not result in creating an incentive for enforcement staff to issue penalties in place of discretionary warnings. (Reference paragraph 1)
- FTA recommends that when a national strategic need is identified VOSA is given a stronger representation in any planning concerns. This would be in line with the Barker Review (2006) into Land Use Planning that calls for strategic issues to be devolved to most effective level of government, notably national and regional levels of government, with an independent Planning Commission determining applications, leaving local authorities to deal with local issues. (Reference paragraph 4)
- FTA recommends greater use of information exchange between government agencies to assist in targeted enforcement and urges the Committee to explore and challenge any obstacles to making this possible. (Reference paragraph 5)
- Fees paid by operators, to fund testing services, must be fair and used to provide better services. Recent proposals to revise the fee structure cannot be justified until service levels increase and expectations and promises from previous fee increases have been met. (Reference paragraph 6)
- VOSA must become more customer focussed and offer its testing services when and where operators need to use them. VOSA must align its business model to reflect how industry operates. (Reference paragraph 7)
- FTA's commitment to providing services to its members leads to improved compliance, better Operator Compliance Risk Score (OCRS) scoring and a freeing up of VOSA resources to better target high risk operators, in particular where VOSA has identified foreign vehicles to be a major issue for road safety. (Reference paragraph 8)
- The Service Level Agreement signed by all the partners in February this year is a good starting point for setting standards and monitoring progress by all the stakeholders involved. (Reference paragraph 9)

ISSUES

1. FTA welcomes the Select Committee's comments that the lack of successful enforcement against sometimes unsafe foreign registered vehicles is a problem.¹ The recent ministerial announcement that £24 million had been awarded to VOSA for enforcement activities targeting International traffic will begin to address the problem but will only allow for a small percentage of journeys to be checked.

2. Due to the "patently unfair"² situation of UK hauliers currently paying the highest fuel duty costs in the EU, to the competitive advantage of non-resident operators filling up their tanks prior to entry into the UK, the balance on international operations has shifted significantly in favour of foreign registered vehicles, roughly a 19–81 split in favour of non UK operators. UK fuel duty costs are double that of the EU fuel duty average.³

FTA recommends that excise duties for commercial vehicles are decoupled from private excise duty by 25 pence per litre (ppl) to bring the UK into line with the European average of 25 ppl.

3. FTA agrees with the Transport Committee's view that the rising cost of oil and the threat of further liberalisation of the rules governing *cabotage* will aggravate this imbalance. The European Parliament's current position, contained within a proposed new Regulation governing market access, is to remove all restrictions on *cabotage* from 2014 that will allow for unrestricted, regular, contractual work to be undertaken. This will undoubtedly lead to a further increase of non resident vehicles operating on UK roads, both on international and domestic journeys, as UK operators find it increasingly hard to compete with this unequal competition.

Studies undertaken by VOSA, notably the South East Pilot, have consistently and repeatedly shown higher levels of infringements by non resident vehicles in the areas of, *inter alia*, drivers' hours, overloading and road worthiness. It must surely follow that any increase in the levels of non resident vehicles on UK roads will constitute an increase in the risk to road safety.

4. Through analysis of its data, VOSA has identified roads leading to and from ports as one part of the road network deemed to be at highest risk. Consequently VOSA has implemented a High Risk Transport Initiative (HRTI) and submitted a planning application for a testing site at Ashford, Kent to implement their enforcement strategy.

It is deplorable that planning consent for this check site that provides the only strategic opportunity to capture international traffic entering the UK through the Ports of Dover and Folkestone before dispersing onto the road network was refused. FTA would like to take this opportunity to highlight to the Committee the conflict between national and local Government policies. It is essential that VOSA is afforded maximum support to deliver an efficient enforcement strategy at sites that have been identified as a key tool to prevent unsafe vehicles accessing the GB road network.

FTA would like to see the implementation of key points of the Barker Review that would see the introduction of "a new system for dealing with major infrastructure projects, based around national Statements of Strategic Objectives and an independent Planning Commission to determine applications".⁴

5. FTA urges the Committee to explore cooperation between government departments as an efficient means of improving information available for enforcement purposes. For example, FTA understands that HM Revenue and Customs collect data sets regarding vehicles, trailers and loads for all international operations entering the UK. This information would be invaluable in assisting with the development of a targeted enforcement regime for non-resident vehicles however VOSA currently does not have gateway access to this information.

It is regrettable that this level of data exchange is not in place between domestic agencies, especially as the UK government is currently urging its EU counterparts to adopt the principles of a new EU Regulation governing operator licensing requirements that would require the interconnection of national electronic enforcement databases on an EU wide basis.

6. FTA opposed VOSA proposed increase in test fees for 2008–09 as this came only 3 years after industry agreed to accept a 13% increase in fees to a level that, it was claimed, would cover costs and provide funding for future investment in estates, equipment and electronic services. These improvements had not been fully delivered.

FTA believes it is essential that VOSA produces both short and long term detailed business plans that clearly demonstrate investment in and overall cost of specific projects together with estimated operating costs. These plans must be underpinned by specific targets and forecasts of long term fees required to deliver VOSA commitments.

¹ Transport Committee Report "Freight Transport" paragraph 122.

² Transport Committee Report "Freight Transport" paragraph 116.

³ Forecourt diesel prices as at 08.01.08 £ per 1,000 litres (incl VAT). £500 average UK. £250 EU average excl UK. Source "EC Oil Bulletin" 13/90).

⁴ Barker Review of Land Use Planning—Final Report December 2006.

DfT recently published a consultation on proposals to consolidate and amend legislation governing how VOSA and Vehicle Certification Agency fees are structured. This includes the proposal that in future all fees could be set to recoup past deficits. FTA rejects this principle and believes that VOSA should improve its business practices. Private sector operators are currently experiencing extremely volatile market conditions, eg massive oil price fluctuations, yet are still expected to adjust their business plans accordingly. VOSA, with its more stable conditions, should be better placed to project and calculate costs. It is unacceptable to return to “customers” 12 months or more later to ask them to make up deficits created by inaccurate forecasts on volumes of work and operational costs.

7. Recent Ministerial announcements have confirmed that there will be no outsourcing of testing services by VOSA, instead changes need to be made to the business model currently in place to make it more customer focussed. FTA agrees that testing services need to be modernised and made more responsive to customer demand as it is the customer who pays.

Future plans for testing must ensure that services are provided at times and locations more convenient for operators, that fit in with maintenance arrangements. This restructuring of testing services must not result in an increase in the overall cost to operators.

8. FTA offers its members a significant number of services designed to assist with compliance. These include vehicle inspections and workshop audits, analysis of tachograph records, and a Members Advice Centre. FTA receives 30,000 calls each year from its members.

FTA’s Vehicle Inspection Service (VIS) has helped many operators improve their OCRS, which in turn frees up VOSA resources to tackle the non-compliant operators. FTA staff inspected over 100,000 vehicles in 2007 on behalf of member companies.

FTA is the single largest auditor of tachograph charts in the market and has seen its share of the total number of tachograph charts checked double in the last year. In 2007 FTA checked almost 5 million tachograph records and this is expected to pass the 10 million mark for 2008. By giving its members an audited review of their drivers’ tachograph data, FTA helps them reduce possible infringements and correct mistakes in their internal procedures.

All these services are designed to assist members to ensure compliance and improve their OCRS score, which in turn has a positive impact on VOSA resources and allows them to focus even more on the worst operators.

9. FTA was the primary initiator of the recent Service Level Agreements on testing and enforcement between VOSA and the main trade associations representing both goods and passenger vehicle operators and providers. FTA welcomes and supports the commitment and aspirations contained in these agreements that are underpinned by an action plan which is monitored and reviewed regularly by Stakeholders with an annual summary of the performance and delivery of the SLA to be produced in December of each year. Early signs are that service levels have improved and long awaited electronic information is now being piloted.

September 2008

Memorandum from the Road Haulage Association (RHA) (VOSA 15)

1. The RHA would like to thank the Transport Committee for the invitation to comment on VOSA’s enforcement and annual testing of heavy goods vehicles. The association represents firms whose main business is providing road haulage and related services. Our 9,500 members run 100,000 licensed trucks and range from owner-drivers to very large, multi-depot groups.

TRUCK AND TRAILER ANNUAL TESTING

2. The committee’s inquiry comes at a time of change for VOSA, which seems to have been going on for years and is likely to continue for some time yet. The key developments that we see revolve around the discussion of out-sourcing and the development of methods and targets for enforcement.

3. Government appears to have been considering divesting itself of truck annual testing since the first stages of the privatisation drive of the early 1980s, with the issue coming around for further study every few years. The most recent was also perhaps the most serious in 25 years, the most public and the most protracted.

4. The road haulage industry is frequently critical of VOSA and at times sharply so. In the early period of the latest review, dis-satisfaction seemed especially strong and there was a feeling that VOSA was losing its way and losing experienced staff. Some in the industry felt it was time to get on and privatise testing, as has been done for private cars and vans. Nonetheless, the majority view was that VOSA’s independence was of great value and that it should continue to set standards, carry out enforcement activities at the roadside and at depots, and carry out annual tests. It was striking that a number of third party workshops that are also “designated premises” said they wanted VOSA staff to continue to do the testing. That would ensure the maintenance of high standards and also of confidence among operators.

5. Hauliers wanted VOSA, and its core test network, to continue but to improve, showing more flexibility in testing time and place and, it should be added, a return to a spirit of partnership, which it was felt was being eroded.

6. The outcome of the outsourcing review seemed a long time coming but has been generally welcomed and gives VOSA a platform to move forward positively as a trusted body promoting road safety within the UK goods transport industry.

7. A key development now being considered in detail are changes to the times at which trucks are tested. RHA members have been strong and clear in their desire for the option of “out-of-hours” testing, during weekday evenings and night and at weekends. The industry no longer works “9-to-5” and would be able to gain significantly. In an email survey of members, more than 80% said they wanted an out-of-hours option and would be prepared to pay a premium charge. We would emphasise to the committee that the strength with which this view was expressed. There is some scepticism, however, as to the willingness of VOSA staff to rise to the challenge.

8. The rise of testing in premises other than VOSA’s own has been an interesting development and we welcome plans to develop the model further, after a protracted period of uncertainty during the review. VOSA’s test centres are not well-placed for all operators. Travelling to a site significantly closer or easier to get to save time and expense and, of course, reduces the industry’s carbon footprint.

9. VOSA now anticipates three different types of test sites: its own; those taking vehicles from any operator, to be called authorised testing facilities, or ATFs; and those for the sole use of one operator (for which a suitable name has yet to be chosen). This last category will be the preserve of companies with large numbers of trucks and trailers on-site.

10. We have yet to see the detail of the charging regime from the Department for Transport. Our chief concern, however, is to ensure fairness for smaller operators for which in-depot testing is not a practical option. The annual test is a statutory requirement and the true cost must be considered. Fleets whose trucks are being tested at their own depot are already gaining a substantial advantage through eliminating the driver time and diesel costs needed to test elsewhere.

11. Annual fee increases above and beyond inflation have been a continuing concern over recent years. These claims have been made on the grounds of promised improvements in service levels at both test station facilities and with ecommerce services, which have generally been slow to materialise. It is hoped that now the out-sourcing review has been completed we can move forward.

12. It should be noted that consideration of VOSA testing is against a background that the annual test will continue in its present form, more or less, for many years to come, despite the view in some quarters that it should be abandoned in favour of a form of continuous assessment or self-declaration.

13. One detailed point, perhaps more relevant to the DfT than to VOSA. Finding a remedy to the unsatisfactory headlight aim test is taking much too long. Significant number of trucks are being failed that should pass. The future proposed method for headlamp aim testing is currently out to consultation and we look forward to an early introduction of the necessary legislation.

ROADSIDE ENFORCEMENT

14. The VOSA targeting tool—Operators Compliance Risk Score (OCRS) is an internal tool for assessing risk of non-compliance during roadside checks. As such, its use is supported by the RHA. It is not designed as, or intended as, a system for rating operators, nor is it a declaration of legal compliance. We are concerned, however, that it may be being used as such by some customers and insurance companies, many of which do not fully understand what they are looking at.

15. We have to recognise the reality that the OCRS is taking on a role for which it was not designed and to which it is not well suited. For example, predictive scores that at face value are poor are often issued to operators, or even to part of a company’s business, for which VOSA has no encounter history. A company’s OCRS can change without the firm doing anything at all, simply by virtue of results of other operators in a table. In such circumstances, we are urging VOSA to explain as widely as possible its limitations.

16. The RHA supports the efforts of VOSA (and the police) in respect of haulage law enforcement. We have made clear to the government that extra cash is clearly needed but that money should be made available if it is needed. The RHA has never suggested that too much money is being spent on enforcement; on the contrary, we have tended towards the opposite view. In addition, we feel it important to note that enforcement costs are substantially met by fees charged to the industry.

17. We note the announcement of a £24 million/three year funding increase for enforcement in respect of foreign vehicles, or to avoid upsetting the EU authorities, vehicles engaged in international work. Although we are unclear where this extra money has come from, it does in the main appear to be genuinely new money. The government has become increasingly aware of the need for increased resources and the RHA has stressed the point to both the Treasury and the DfT; the Transport Committee, in its freight inquiry, did much to help concentrate minds. It is a welcome development. We understand that around 100 extra staff have been recruited and this is welcome.

18. Foreign trucks are more likely to be breaking the law than UK trucks and almost three times more likely to be involved in an accident. With only a handful of police forces targeting this issue, VOSA's efforts are critical to the enforcement effort.

19. The fixed penalty, deposit and immobilisation schemes in respect of foreign trucks is most welcome. We have detailed criticisms—some penalties appear to have been held at a relatively low level but at this stage our concerns are that introduction hits the April 2009 deadline and that VOSA, the police and others are fully committed to using the scheme. The committee is fully aware from the Freight Inquiry that at present there are still, in practice, no penalties that can be imposed on foreign trucks for any but the most serious breaches of haulage or road safety law.

20. We would like to see VOSA target in two areas that currently receive relatively little attention in respect of foreign trucks: axles overloads and unlawful cabotage. Most foreign tractor units have two axles, whereas most UK professional hauliers have more expensive but more road-friendly three-axled units. The foreign two-axled units are, in many cases, very obviously overloaded on the drive axle and gross weight of the tractor unit. It is our belief that a short, intensive campaign targeting the legal weight limit on tractor unit axle and gross weights would have a major and lasting impact on compliance among visiting trucks. The major obstacle is one of enforcement will and having somewhere physically to stand the offending trucks while they are made legal but we have little doubt that such an obstacle can be overcome if the political will is there. It is worth adding that the 40-tonne, two-axled tractor unit was identified specifically as a configuration that the government wanted to tax off the road (DETR White Paper on Sustainable Transport, 1998). Instead, we have these vehicles coming into the UK from abroad, often overloaded, in ever-increasing numbers. Foreign trucks now hold more than 80% share of the market between the UK and continental Europe.

21. To help police the over weight issue we would suggest that weight checks are conducted at ports of embarkation for the UK. The juxtaposed custom facilities at Calais for instance could surely incorporate a weigh-in-motion sensor.

22. Furthermore we would urge the DfT and VOSA to conduct publicity campaigns via multi language posters/leaflets distributed on ferries/channel tunnel trains drawing attention to the UK's enforcement policies and the penalties for ignoring them, especially relevant with the pending introduction of the fixed penalty scheme.

23. Enforcement of cabotage regulations has been substantially lacking from VOSA. This is a growing threat to the UK industry—and, through the increased likelihood of an accident, can also be seen as a road safety matter. We are keen to see a stronger commitment, although we recognise this is a challenging issue.

24. In addition the £200 level for unlawful cabotage added to the fixed penalty scheme is something the RHA had been keen to see included.

25. We have urged that VOSA's formally stated aims be changed. Four or five years ago, the twin pillars of its work in terms of road haulage were road safety and fair competition, both of which we strongly supported; but the competition element has been dropped. It should be re-instated.

GRADUATED FIXED PENALTY, DEPOSIT AND IMMOBILISATION SCHEMES

26. These schemes, mentioned also in para 19, will bring an important new penalty regime to the UK operating industry, a point often overlooked when they are mentioned in the context of foreign trucks. We are, broadly, content with the regulations. The acid test will be in their implementation. The schemes will save VOSA money that has been spent on prosecutions through the courts, although it is important to note that prosecutions will still be used, especially for the more serious offences. It will be of great importance to ensure that a degree of discretion remains available to VOSA officers; and that they are not excessively driven by targets.

27. VOSA's policy in terms of implementation has been slow to evolve, so far as we can see. There is the potential within the regulations to take what the industry would regard as an abusive position, using the fixed penalty regime as a means of generating revenue but we are re-assured that will not happen. There will be grey areas to resolve; to what extent will an operator be held responsible for offences committed by the driver, for example? Each fixed penalty will be reflected in the operator's OCRS and we would be keen to ensure fairness.

VOSA AND THE TRAFFIC COMMISSIONERS

28. VOSA is part of an enforcement and regulatory system that is the most coherent and advanced in the EU—and is, we think, widely recognised as having much to offer as the EU evolves. VOSA's relationship with traffic commissioners has evolved significantly over the past several years and not without friction. We await with keen interest publication of the draft guidelines for the senior traffic commissioner and how that will relate to VOSA.

Memorandum from the Department for Transport (DfT) (VOSA 16)

1. Introduction

1.1 The Department for Transport (DfT) welcomes the Committee's interest in VOSA's enforcement activities. VOSA plays a key role delivering the Government's road safety strategy ensuring that Heavy Goods Vehicles (HGVs) and Public Service Vehicles (PSVs), and their drivers, comply with EU and national standards.

1.2 The submission covers:

- Background—VOSA as an organisation and road safety;
- Enforcement—investment in enforcement and how this supports UK businesses.
- Annual testing—plans to deliver changes to modernise services and how VOSA listens to its customers to inform improvements.
- Education—investing in education and information.
- Service delivery—innovative, efficient and effective government service delivery giving more choice and value for customers.
- Working across boundaries—finding effective solutions through cooperation.

BACKGROUND

2. The Vehicle and Operator Services Agency (VOSA)

2.1 VOSA is an Executive Agency of DfT, and is part of the Safety, Service Delivery and Logistics (SSDL) Group, it was established in 2003 and is responsible for:

- the annual testing of HGVs and PSVs;
- targeted and random checks of vehicle roadworthiness;
- compliance with drivers hours, Working Time Directive and operator licensing conditions;
- supervision of the MOT scheme including training;
- offering advice and guidance to help customers comply; and
- collision investigations, monitoring of vehicle recalls and research.

2.2 VOSA provides administrative support to the Traffic Commissioners, who are appointed by the Secretary of State for Transport and are statutorily independent of VOSA and the Department. The Traffic Commissioners have responsibility in their region for:

- the licensing of operators of HGVs and PSVs;
- the registration of local bus services;
- granting vocational driver licences and taking action against drivers of HGVs and PSVs; and
- determining appeals against the impounding by VOSA of illegally operated HGVs.

2.3 The agency operates as a trading fund. In 2007–08 the total income for the agency was approximately £180 million. The majority of this income (£145 million) came from statutory fees (eg testing and licensing), the remainder came from central government funding (£14 million) and other income, such as training and interest (£21 million).

2.4 VOSA employs around 2,600 staff. They are located at its headquarters in Bristol, at offices in Swansea, Cambridge, Edinburgh, Leeds, Eastbourne and Birmingham and at 100 operational locations across Great Britain (GB). VOSA is investing in its workforce and this is reflected in it achieving Investors in People reaccreditation in December 2008. Staff turnover is very low and staff surveys show that VOSA staff are committed to improving road safety.

⁵ Road Statistics 2007; Traffic Speeds and Congestion, Department for Transport, July 2008 available at: <http://www.dft.gov.uk/162259/162469/221412/221546/226956/261695/roadstats07tsc.pdf>

⁶ Transport Statistics Bulletin, Survey of Foreign Vehicle Activity in GB—2003, Department for Transport, November 2003, available at: http://www.dft.gov.uk/162259/162469/221412/221522/222957/coll_surveyofforeignvehicleactiv/surveyofforeignvehicleactivi5130

3. Road Safety—Heavy Goods Vehicles and Public Service Vehicles

3.1 HGVs account for about 6% of all traffic; this represents a 6% increase over the last 10 years. PSVs make up 1% of traffic; a 10% increase.⁷ The number of foreign registered HGVs travelling to GB increased almost three times (232%) in the period 1993–2003.⁸

3.2 Unsafe HGV and PSV vehicles and drivers present a risk on GB roads. Accident rates have been falling, but in 2007 in GB, HGVs and PSVs were involved in 2,854 fatal or serious accidents.⁹ While they are only involved in 10% of all accidents, they have a disproportionate impact, with 18% of all fatal accidents involving an HGV or PSV and can also impact on other areas, such as road reliability. VOSA's activities help to address the causes of these accidents by promoting compliance and targeting contributory factors such as vehicle defects and driver fatigue.

3.3 Random compliance surveys carried out by VOSA indicate a deterioration in the roadworthiness of HGVs registered outside GB. The number of prohibitions¹⁰ in the survey for HGV motor vehicles increased from 8.6% in 2004 to 22.0% in the 2006 survey. A large number of these were for driver's hours and overloading offences. For comparison the random survey for GB HGVs shows prohibition rates at 8.8% in 2005 and 8.9% in 2006.

ENFORCEMENT

4. Enforcement of UK and International Vehicles

4.1 VOSA focuses on the mechanical condition of vehicles, overloading and the removal of tired drivers from the road. Most of this enforcement is done at roadside check sites, some also takes place at operator premises.

4.2 To reduce the burden on law abiding operators, and to make the best use of staff resources, VOSA is investing in technology to target the non-compliant. This includes the development of a rating system for GB operators based on the risk of their being non-compliant (the Operator Compliance Risk Score/OCRS), greater use of intelligence, and the use of weigh in motion sensors (WIMS) and automatic number plate recognition equipment (ANPR). Graph A shows the effect of this targeting on roadworthiness checks on UK HGVs.

⁷ Road Statistics 2007; Traffic Speeds and Congestion, Department for Transport, July 2008 available at: <http://www.dft.gov.uk/162259/162469/221412/221546/226956/261695/roadstats07tsc.pdf>

⁸ Transport Statistics Bulletin, Survey of Foreign Vehicle Activity in GB—2003, Department for Transport, November 2003, available at: http://www.dft.gov.uk/162259/162469/221412/221522/222957/coll_surveyofforeignvehicleactiv/surveyofforeignvehicleactivi5130

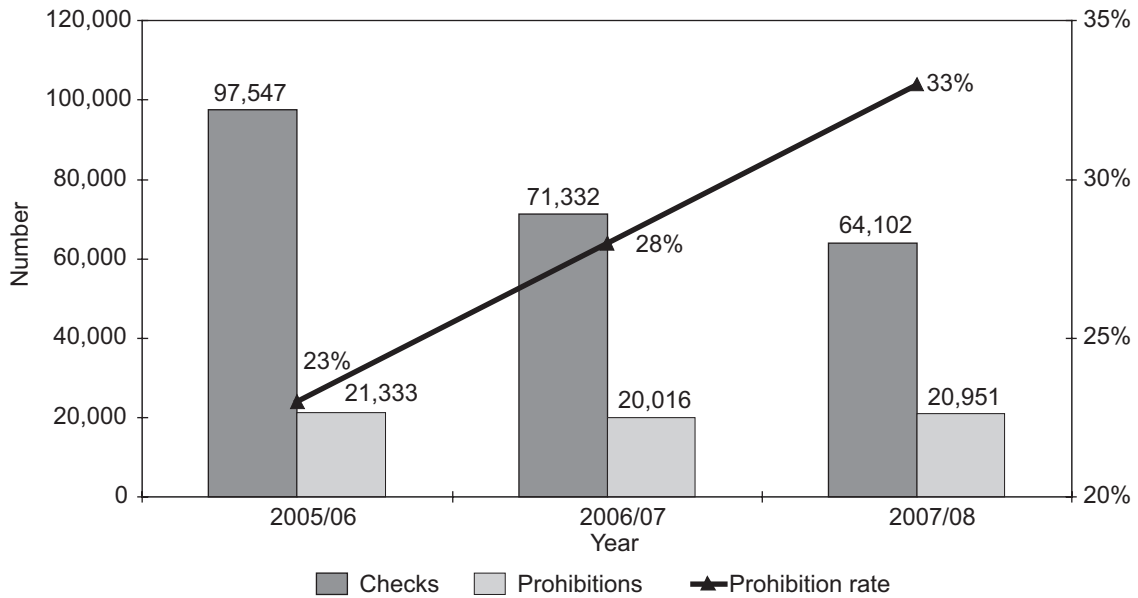
⁹ Road Casualties in Great Britain: 2007 Annual Report, Department for Transport, 25 September 2008, available at: <http://www.dft.gov.uk/pgr/statistics/datatablespublications/accidents/casualtiesgbar/roadcasualtiesgreatbritain2007>

¹⁰ A prohibition (in respect of a vehicle) is issued where an enforcement officer (VOSA or an authorised constable) considers a vehicle has a defect which is likely to cause a danger of injury (to any person) if it is used further in that condition. A prohibition may either take effect immediately, or its effect can be delayed for a period of up to 10 days (in the case of less serious defects). A prohibition (in respect of a driver) is issued where a driver is in breach of drivers' hours rules, and where the enforcement officer is satisfied that the driver must take a prescribed period of rest before continuing his journey.

4.3 Current evidence shows that HGVs on international journeys are at a high risk of being non-compliant and so VOSA is specifically targeting these vehicles in enforcement checks. In 2007–08 38% of roadworthiness spot checks were targeted at HGVs on international journeys, compared to 16% in 2005–06, resulting in 14,702 prohibitions in 2007–08 compared to 5,396 in 2005–06. Graph B shows the increasing levels of roadworthiness checks on non-UK vehicles.

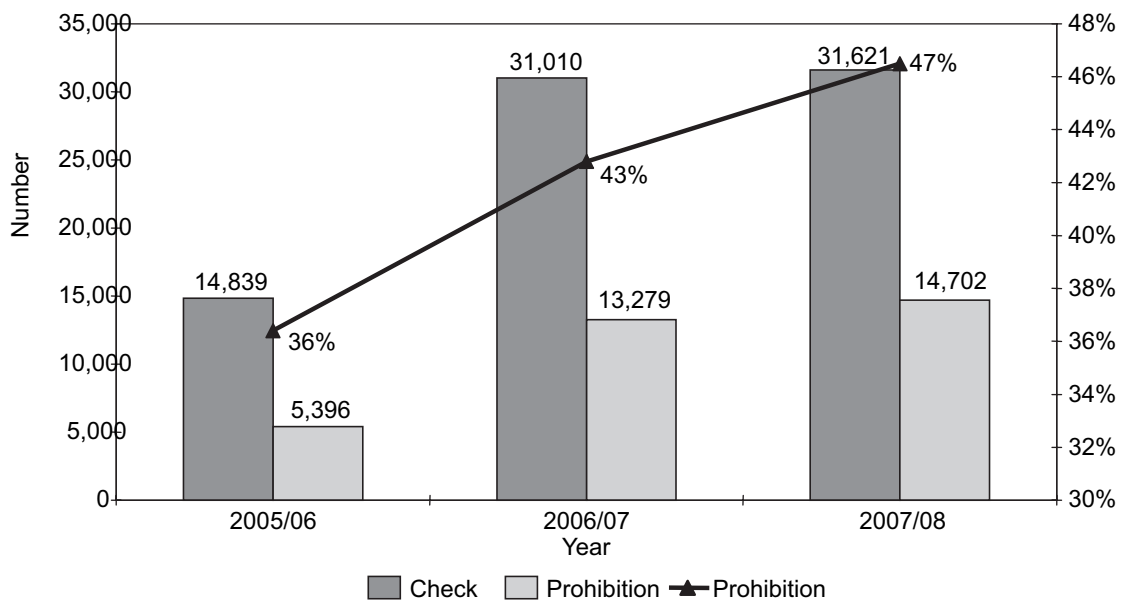
Graph A

Checks on UK HGVs



Graph B

Checks on International HGVs



4.4 Enforcement teams at the roadside are supported by VOSA’s Regional Intelligence Units which analyse intelligence to provide information for the Traffic Commissioners to enable them to decide on disciplinary action, and also by the special investigations teams that deal with serious, persistent offenders.

4.5 VOSA employs 19 bus compliance officers to monitor local bus services and report against service provision to the Traffic Commissioners. In 2007/08 86 reports were submitted to the Traffic Commissioners, 19 Public Inquires were held and fines totalling over £400,000 were imposed.

5. Cabotage

5.1 Cabotage rules allow operators from one Member State to operate temporarily under the authority of a Community Authorisation in other Member States. VOSA enforces the rules by gathering intelligence to target UK hauliers with foreign registered fleets, in addition to closely monitoring genuine foreign operations for unlawful cabotage. Where unlawful cabotage is apparent VOSA advises operators to either comply by applying for an operator's licence or to stop trading within the UK. In the most serious cases, VOSA impounds vehicles of hauliers as an alternative to establishment in the UK, and was recently successful in the Court of Appeal in defending its right to do so.

5.2 However, the rules on cabotage are currently difficult to enforce, therefore the European Commission has made proposals to simplify them. At the Transport Council on 13 June 2008, the Government secured the following political agreement:

- limits cabotage to three trips in seven days following an inward international loaded journey before a non-resident haulier has to leave the country;
- puts the burden of proof on the operator to provide evidence that its operations are compliant with the proposed Regulation;
- prohibits cabotage operations that are “permanent or continuous”; this will ensure that cabotage cannot be used to circumvent the UK's stringent Operator licensing requirements; and
- means that non-resident hauliers who commit serious offences in the UK could be banned from undertaking cabotage.

5.3 The agreement also means that Member States will have to keep standard records on the safety performance of their operators, such as those maintained in the UK. So, from 2013, VOSA can access information about non-resident operators and whether they have committed particular offences. This will enable VOSA to target checks on the highest risk non-resident hauliers. These records will also mean that VOSA can report any offences committed in the UK to the haulier's home country who can then take further action against the operator. This should improve the safety levels of non-resident vehicles entering the UK.

6. Investing in enforcement

6.1 On 8 April 2008 the Government announced an increase in funding of £24 million to support VOSA's High Risk Traffic Initiative (HRTI); targeting vehicles with a high risk of non-compliance, including international traffic.

6.2 For HRTI VOSA has recruited 148 staff to create 24/7 shift working teams that will increase its presence at ports and on the road network. This will be supported by additional ANPR and WIMS sites. VOSA is working with the Highways Agency (HA) and the devolved administrations of Scotland and Wales to identify and develop new strategic sites. VOSA is looking to obtain dedicated facilities at both Dover and Coquelles (Euro Tunnel) to target high-risk traffic. This would provide a significant opportunity to target high risk traffic from Dover and the tunnel where approximately 65% of all HGV traffic enters the UK.

6.3 The HRTI teams should be fully effective by July 2009 at 15 sites across the motorway network.¹¹ It is anticipated this will lead to least a 50% increase in the number of checks conducted compared to 2007–08.

7. Enhancements to enforcement powers

7.1 DfT is currently consulting on the introduction of measures authorising VOSA examiners to issue fixed penalty notices and collect on-the-spot penalties from drivers suspected of an offence without a satisfactory GB address. Subject to the necessary secondary legislation, it is intended that these provisions will be implemented in Spring 2009. This will support GB businesses and improve road safety by making it easier to penalise drivers who commit an offence, regardless of whether the driver resides in the GB or elsewhere. In addition, the new measures enable the Police and VOSA examiners to immobilise vehicles that have been prohibited from continuing a journey as a result of a driver contravening drivers' hours rules or driving a vehicle with defects.

7.2 VOSA's powers to stop vehicles were introduced in England and Wales under the Police Reform Act 2002. This has provided VOSA with greater flexibility in planning roadside operations in terms of times, location and duration of check.

¹¹ Including M5—Cumbria, Merseyside and Wolverhampton, North Wales—Anglesey, South Wales—Coldra, M25—South Mimms and Purfleet, Avonmouth and Immingham.

ANNUAL TESTING

8. *Annual Testing now*

8.1 All HGV and PSV annual tests are carried out by VOSA staff. In 2007–08 there were 785,103 tests carried out, and 152,800 retests. The current network of around 92 government owned testing stations was built in the 1960s for the introduction of statutory testing of HGVs. Although 15% have been refurbished the network largely remains in the same locations as it was when it was first established.

8.2 The introduction of the statutory testing of PSVs in the 1980s led to VOSA staff conducting some tests at premises that are owned by operators or maintenance providers, these are known as designated premises (DPs). There are now approximately 210 such facilities, including sites that cater for both HGV and PSV annual tests or either type individually. In 2007–08 of the 474,208 HGV annual tests carried out 16% were conducted at DPs.

9. *Plans to modernise*

9.1 On 3 July 2008 the Road Safety Minister, Jim Fitzpatrick, gave a statement to Parliament on the future of VOSA's testing service. The statement set out the Government's vision for improving the transport industry's access to good quality test centres, and reducing the time when vehicles were unavailable for commercial use, so that the industry can be helped to comply with road safety laws more easily and operate more efficiently.

9.2 This will be achieved in part by VOSA carrying out more tests at operators' and maintainers premises, at times more convenient for them. The plan to deliver also involves changes to VOSA's own testing stations, on the basis of "fewer, but better". The Government is working to identify those sites for which there is a continuing requirement so that the services provided at them can be upgraded. VOSA will look at a number of other initiatives which will give more choice and value to the customer such as extended opening times for testing sites. This will help customers access testing at times that provide least disruption to the commercial scheduling of their vehicles. £28 million has been made available this year and up to a further £36 million will be available over the next two years to facilitate achievement of this vision.

10. *Listening to our customers to inform improvements*

10.1 VOSA is working with the industry to identify specific items that regularly fail at annual test and educate vehicle presenters and operators to reduce the cost of compliance.

10.2 In 2007–08 the top failure item for HGV motor vehicles was headlamp aim with 20.75% failing for that reason.¹² Headlamp aim standards have been part of the annual test since its inception. Concerns from the trade regarding the consistency of this test led to VOSA investing in new test equipment with electronic aim assessment. VOSA is currently consulting¹³ on proposes to deliver a simplification of the test, without increasing the road safety risk. It is expected that the cost of the testing process to operators would reduce as a result of the proposed changes.

EDUCATION

11. *Investing in education and information*

11.1 Advisory and educational visits are offered to all new operators. These visits prevent offences being committed and improve compliance with transport legislation. VOSA examiners give practical advice on how to devise, install and monitor systems for ensuring compliance, including maintenance and annual test planning, scheduling for drivers hours and advice and guidance on Working Time Regulations.

11.2 VOSA also produces a range of educational material for the industry, such as DVDs on drivers hours, guides to maintaining roadworthiness and "The Safe Operators Guide". A quarterly newsletter, "Moving On" is sent to all operators to keep them up to date with developments. Regular workshops are also run for operators.

12. *Future developments*

12.1 VOSA aims to increase its preventative work and range of educational material for HGV and PSV operators and drivers. This will include information to self-monitor performance compared to the national average, and up-to-date information via a new electronic service to be delivered this year. VOSA is also running a pilot where it will take an educational approach to the poorest rated operators in order to improve compliance.

¹² Vehicles can fail on more than one item.

¹³ The consultation was published 22 August 2008 and is available from:
<http://www.vosa.gov.uk/vosacorp/publications/consultationsandresearch/consultationpapers/consultationpapers.htm>

 EFFECTIVE GOVERNMENT SERVICE DELIVERY
13. *Delivering improved services*

13.1 In line with the Service Transformation agenda VOSA is improving compliance through greater use of electronic channels which make it easier for customers to complete their transactions and easier for them to check their records.

13.2 Key developments in this area include the centralisation of operator licensing and the establishment of a Contact Centre. VOSA is centralising calls from its test stations to the Contact Centre, this will free up capacity at the stations and ensure that customers calls are answered quickly, the aim for 2008–09 is to answer 80% of calls within 20 seconds.

13.3 Recently introduced electronic services available to customers include:

- on-line booking for single tests;
- Operator Compliance Risk Score, maintenance and encounter reports from the Transport Office website;
- Electronic Bus Service Registration (EBSR) system which allows bus services to be registered with the Traffic Commissioner electronically (developed in partnership with Transport Direct); and
- Operator licensing self-service which allows operators to makes changes to their licences.

14. *Giving more choice and value for customers*

14.1 VOSA continues to improve existing services and introduce new services to improve compliance. This includes extending on-line test bookings to include bulk bookings and offering an automated service to inform customers of changes to relevant legislation and standards.

14.2 The Government aims to reduce administrative burdens on operators including making improvements to the licensing system. Key changes include:

- an application procedure enabling HGV and PSV operators to make single applications for all licences required, introduced last year;
- plans to simplify the Operator Licensing fee structure in 2009 and abolish HGV windscreen discs; and
- provisions in the Local Transport Bill to provide industry with a more consistent and transparent service from Traffic Commissioners. These are:
 - A power for the Secretary of State to appoint a statutory Senior Traffic Commissioner with a number of new powers—to determine where and on what statutory functions each traffic commissioner works; to issue general directions and guidance to the other traffic commissioners about the exercise of any of their statutory functions.¹⁴
 - The Bill will also improve accountability of the commissioners by clarifying and extending the circumstances in which existing and future commissioners can be dismissed.

WORKING ACROSS BOUNDARIES

15. *Cooperation with Other UK Agencies*

15.1 VOSA works closely with a number of UK agencies including those within DfT, other Government Departments, the devolved administrations and the Police.

15.2 For example the HA and VOSA have been working collaboratively together for some time on a number of initiatives which help to reduced incidents, congestion and injuries, and improve journey time reliability on the strategic road network. This included the South East Pilot which has now developed into the HRTI. The agencies are considering ways to continue developing this successful partnership.

15.3 VOSA has developed relationships with other agencies involved in border enforcement to reduce the road safety risk on GB roads.

16. *European Cooperation*

16.1 The Government has been working effectively at European level to influence thinking and agreements on issues such as operator licensing and enforcement activity. For example, at the Transport Council in June 2008, the Government was central in getting a commitment from other EU Member states to consider including vehicle registration numbers in national registers of haulage operators in the future—which would make enforcement of non-resident vehicles at the roadside more effective. The European Commission will make recommendations on the inclusion of vehicle registration data by June 2009.

¹⁴ Directions will cover administrative matters—such as how licence applications are processed. Guidance will cover judicial matters—such as how to interpret legislation.

16.2 VOSA along with the Driver Vehicle Agency (Northern Ireland) represent the UK within Euro Controle Route (ECR). The ECR is a group of 20 European Transport Enforcement agencies that aim to improve road safety, sustainability, fair competition and labour conditions in the commercial transport sector. Membership of ECR has enabled VOSA to use its contacts within Europe to assist in gathering information to support investigations into cabotage and highlight the worst offending operators to the enforcement authorities in their home country.

17. *International Cooperation*

17.1 VOSA is a long standing and influential member of the International Motor Vehicle Inspection Committee (CITA); an international association of roadworthiness testing and enforcement bodies. VOSA is championing the development of internationally interoperable databases of comparable annual roadworthiness test results. This can be used to compile shared ratings on operators' maintenance arrangements to enable risk based targeting of enforcement checks.

18. *Conclusion*

18.1 VOSA plays an important part in ensuring the safety of GB roads. In order to ensure this continues, and that British business is supported, the government is modernising VOSAs services and promoting efficient and effective delivery. These changes will build on previous successes, such as the targeting of enforcement. The views of customers and stakeholders will be of primary importance in shaping the future of VOSA.

September 2008

Supplementary memorandum from the Department for Transport (DfT) (VOSA 16A)

FUTURE TRAFFIC COMMISSIONER RESOURCES FOLLOWING ROYAL ASSENT FOR THE LOCAL TRANSPORT ACT 2008

INTRODUCTION

1. Traffic commissioners are responsible for key aspects of the regulation of the road haulage and passenger transport industries. Their prime function is the licensing of operators of heavy goods vehicles and public service vehicles (PSVs—buses and coaches). But they also have a number of other duties which includes a role in the registration of local bus services, with powers to impose sanctions where services are not operated as registered.

2. Most of the Traffic Commissioner functions are funded by the industry through fees. However, bus punctuality enforcement is funded by the Department for Transport (“the Department”) and therefore taxation. The Traffic Commissioners themselves are responsible for the exercise of all their statutory functions. However, the Secretary of State has powers to appoint such persons as considered appropriate to act as officers and servants of the Traffic Commissioners. The Department currently provides support staff to the Traffic Commissioners through the Vehicle and Operator Services Agency (VOSA), an executive agency of the Department.

THE LOCAL TRANSPORT ACT 2008

3. The Local Transport Act 2008 (“the Act”), which received Royal Assent on 26 November, contained a number of provisions to improve the leadership, efficiency and consistency of the Traffic Commissioner system. The legislation will give them a strengthened role, particularly on bus punctuality, but also new roles in relation to quality contracts and quality partnership schemes.

4. The Act creates a statutory post of Senior Traffic Commissioner (STC) and will remove most of the legislative barriers to the flexible deployment of Traffic Commissioners. Once the relevant provisions have been brought into force, it will be for the STC to determine how and where the individual Traffic Commissioners exercise their statutory functions, although there will be special arrangements in Scotland. This will provide additional flexibility to apply resources where they are most needed as well as allowing the overall workload to be spread more evenly across the Commissioners themselves. The Act also empowers the Secretary of State to give the STC statutory guidance as to the exercise of any of the STC functions which the STC must have regard to. The Department intends to launch a public consultation exercise on draft guidance, which currently includes a section covering some of the Traffic Commissioners' new powers, early in 2009.

5. Whilst final decisions concerning budgets, fee levels and administrative resourcing remain a matter for the Secretary of State, the draft STC guidance proposes that the STC should take a role in business and budget planning process. The STC would identify priorities within the collective budget for Traffic Commissioners and contribute to the development of the VOSA business plan in relation to the activities of the Commissioners.

LOCAL REGISTRATION OF BUS SERVICES

6. Bus operators (outside London) must register all local services they intend to operate with the relevant Traffic Commissioner giving the prescribed particulars of those services (chiefly the route and timetable). Whilst they may register and de-register any service they choose, they are obliged to operate the service in accordance with the particulars they have registered, and apply in accordance with the prescribed periods, where they want to vary or cancel an existing registration or register a new service.

7. Traffic Commissioners can penalise operators who, without reasonable excuse, fail to run services in accordance with the registered particulars, either with a financial sanction (section 155 of the Transport Act 2000) or a restriction on their operator licence (section 26 of the Transport Act 1985).

8. Traffic Commissioners do not actually carry out the detailed investigation into an operator's performance. This is done by bus compliance officers, who work for VOSA. Bus compliance officers investigate complaints received about a particular service/operator. They record the arrival and departure times of buses and then compare these roadside findings with the registered timetable. The information is set out in a report and sent to the operator for comment. The operator's response is analysed and a table produced setting out their reasons for non-compliance. These documents are then passed to the bus compliance manager who reviews the case and submits it to the Traffic Commissioner with a recommended course of action. The Traffic Commissioner then decides what action, if any, should be taken and, if appropriate, may hold a Public Inquiry, to establish whether the operator had a justifiable reason for the failings.

9. Bus punctuality monitoring is funded through the Department rather than fees. The Department provides funding for 13 bus compliance officers (10 in England, 2 in Scotland and 1 in Wales—in addition the Scottish Executive and National Assembly for Wales currently fund an extra 4 and 2 officers respectively). In the 2007/08 financial year, bus compliance officers submitted 86 reports to the Traffic Commissioners with 19 Public Inquiries held and fines totalling £407,5901 imposed.

TRAFFIC COMMISSIONERS ENHANCED ENFORCEMENT POWERS

10. The Act will give the Traffic Commissioners enhanced enforcement powers. In particular it will expand the range of sanctions that Traffic Commissioners can use against operators who, without reasonable excuse, fail to operate services as registered. The Act will also provide Traffic Commissioners with new powers under which they will be able to hold local authorities to account for their contribution to poor performance.

11. Once sections 62 to 64 of the Act are fully in force, which is expected early in 2009, Traffic Commissioners will have the power to:

- enable conditions attached to an operators licence in one traffic area to be attached to any other licence held by that operator in a different traffic area, or to the licence of another operator that is connected with the operator in default (for example, a subsidiary of the same parent company as the operator in default);
- require a local traffic authority to provide information connected to their network management duty and to attend public inquiries, when investigating an operator's poor performance;
- produce a report recommending remedial measures that could be taken by the operator or the local traffic authority to improve performance and send a copy of the report to the appropriate national authority; and
- impose sanctions against an operator that require the compensation of passengers or the investment in local services or facilities rather than, or in addition to, a penalty being imposed.

Punctuality performance regime

12. In addition to the new powers introduced by the Act, the Department has undertaken work on the development of a new punctuality performance regime. This work is still ongoing, but the model emerging is based on partnership working with local authorities and operators to ensure that problems are understood early and solutions applied. Where this is not achieved the Traffic Commissioner would be able to use their enhanced enforcement powers under the Act to deal with the immediate problem and deter similar problems in the future. This reflects the fact that the reasons for poor punctuality may lie either with the bus operator, the local traffic authority, or a combination of the two. Operators have control over issues such as mechanical problems and staffing issues, but often poor traffic management such as badly co-ordinated road works also contributes to poor performance.

FUTURE RESOURCES FOR THE TRAFFIC COMMISSIONERS

13. Whilst there will be a continued role for targeted observational work, the Traffic Commissioners' new enforcement powers will require an increased level of joint working with local authorities and operators. The Department is currently reviewing the level and type of resources needed to monitor bus punctuality in light of the Traffic Commissioners' enhanced enforcement sanctions and the emerging new punctuality regime. This will explore the use of electronic monitoring devices (including GPS) and software, and consider how data provided by bus operators or local authorities could be utilised. If the review identified that increased resources were required for bus punctuality enforcement the Department would explore the options to raise additional funds, including the use of bus registration fees.

14. The Act increased the flexibility of the fees charging regime which applies to the registration of local bus services. This ensures that if the industry was to be charged for additional Traffic Commissioner enforcement such charges could be applied evenly across the industry. However, at this stage no decisions have been made on raising additional monies. Any decision to introduce new fees would be subject to consultation.

January 2009

1 this may not be the final figure paid into the general fund as operators have the right to appeal to the Transport Tribunal against the decision of the Traffic Commissioner and the Tribunal can reduce the level of fine or cancel it completely.

January 2009

Supplementary memorandum from the Department for Transport (DfT) (VOSA 16B)

ENFORCING MOT TEST FOR FOREIGN-REGISTERED CARS

1. There is no requirement for a visiting foreign car to carry a valid roadworthiness test certificate whilst in the UK. The only requirement is for the vehicle to comply with the relevant requirements of regulations made under the provisions of section 41 of the Road Traffic Act 1988. These require the vehicle to be roadworthy at the time it is in use on the road—irrespective of whether or not a valid test certificate is in force. Such requirements are enforced mainly by the police—at the roadside—but they can also be enforced by examiners from the Department's Vehicle and Operator Services Agency (VOSA).

2. A foreign car would no longer be classified as a visiting vehicle if it had been in the country for more than six months and was therefore liable—under the provisions of the Motor Vehicles International Circulation Order 1975—to be registered in the UK. If such a vehicle had been in the country for more than six months and it had been manufactured three or more years before the time that it was first registered in the UK then it would need to have a valid MOT certificate in order to be lawfully used in accordance with section 47 of the Road Traffic Act 1988. That requirement is enforced by the requirement to have a valid test certificate in order to obtain a licence for the vehicle, and both requirements are enforced by the police at the roadside.

January 2009
