

# Notifications to the Traffic Commissioner – Pitfalls and Best Practice

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# Disclaimer

*Any characters, places and incidents in this presentation are either products of the author's imagination or are used fictitiously.  
Any resemblance to actual events or locales or persons, living or dead, is entirely coincidental.*

# Virtual Traffic Commissioner Curbitt



# Introduction – the legislation underpinning the notification requirements

- The Goods Vehicles (Licensing of Operators) Act 1995
  - The Public Passenger Vehicles Act 1981
- N.B. The Senior Traffic Commissioner's Statutory Documents  
(Stat Doc 1 Good Repute and Fitness)

# What requires notification?

## Includes:

- The name/legal form of the undertaking;
  - the address of the establishment;
  - changes to Operating Centre;
- matters affecting good repute, financial standing, professional competence;
- matters affecting a Transport Manager's good repute and/or professional competence;
  - the type of authorisation, number of vehicles etc.

# Matters that require notification

- Matters affecting “good repute” –very wide
  - Convictions and conduct
- Is a notification enough? Has a material change occurred that requires a period of grace or further application



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# Example notification

Dear Sir or Madam,

We thought we should let you know that our driver, Mr V. Speedy, has been convicted of criminal offences some time ago. We have been busy dealing with various issues and did not realise we needed to notify you straight away.

Mr Speedy has been with us for a number of years and knows what he did was wrong. As a result, we have treated this matter as concluded and trust that you will do the same.

Please note that this was an oversight and not deliberate.

Regards,

Office Manager

# Example notification

What are the issues with this notification?



Review answers 38

Note from the Operator, some time ago

No details of operator license

Poor

Been too busy is not good enough

Insufficient

Busy



No details given

Bad

Late

Vague

5095888

No TM

Brief and lack of information

Nothing specific

Not great

Untimely

Speeding

Too casual

# Example notification

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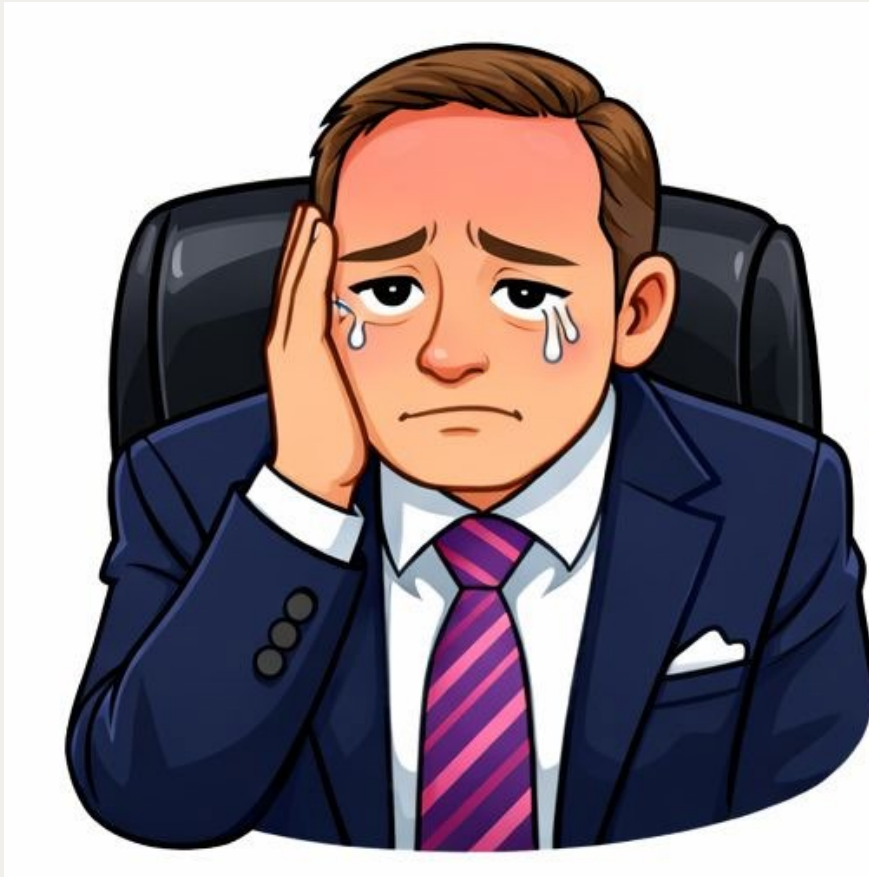
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Regards,

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- Timing
- Lack of detail
- The right tone?
- Evidence of control and focus on compliance?
  - Demonstrate understanding of licence undertakings?
- Increased risk of further undisclosed issues?
- Who is it signed off by?

## The VTC's response...



# Let's try again...

Dear Traffic Commissioner,

**Notification on behalf of the Operator, [Name]**

**(Licence Number)**

**Conviction of employee driver**

In accordance with the declaration made when the Company was originally granted this Operator Licence, we can confirm that our employed, professional driver Mr V. Speedy has been convicted of a drivers' hours offence relating to our goods vehicle AB10 CDE. This incident arose on [date], at [location].

The summary of the matter is as follows:

Driver name: [Full Name]

Date of birth: [DOB]

Driver number / internal reference: [If applicable]

Court: [Name of Magistrates' Court]

Date of conviction: [Date]

Offence: Breach of EU/GB drivers' hours regulations – [brief description, e.g. exceeding daily driving time / insufficient daily rest]

Date(s) of offence: [Date or date range]

Penalty imposed: [Fine, costs, points if applicable]

### **Circumstances and Investigation**

Upon becoming aware of the offence, we immediately commenced an internal investigation led by our Transport Manager and Compliance Manager

This investigation included:

- A full review of the driver's tachograph data for the relevant period and the preceding three months.
- An examination of planning records, work schedules, and any instructions issued to the driver.
- A formal interview with the driver to establish root causes and contributory factors.

The investigation concluded that the infringement arose primarily due to [e.g. driver error / misjudgement of remaining driving time / failure to correctly manage breaks]. Importantly, there was no evidence of systemic pressure, unrealistic scheduling, or instruction from the operator that would encourage or require non-compliance.

## Immediate and Remedial Actions Taken

We take drivers' hours compliance extremely seriously and have implemented the following actions:

- **Disciplinary Action:** The driver was subject to our internal disciplinary procedure. A [formal warning / final written warning] has been issued, and the driver has been clearly reminded of their legal responsibilities.
- **Targeted Retraining:** The driver has completed refresher training on drivers' hours and tachograph rules on [date], with specific focus on the area relevant to the offence. Records of this training have been retained.
- **Increased Monitoring:** The driver's tachograph records are now subject to enhanced scrutiny, with weekly reviews for a minimum period of [e.g. three months].

- **Wider Compliance Review:** As a precaution, we undertook a wider audit of drivers' hours compliance across the fleet. This review did not identify any comparable patterns of non-compliance.
- **Systems and Processes:** We have reinforced our compliance processes, including:
  - Additional toolbox talks for all drivers.
  - Clear escalation procedures where a driver believes a run may risk non-compliance.
  - Continued use of [tachograph analysis provider/software], with infringements reviewed at least [weekly/monthly].

## **Operator's Position**

We fully recognise the importance of drivers' hours legislation in protecting road safety and driver welfare. We regret this breach and have taken comprehensive steps to ensure that it is not repeated. We are satisfied that this was an isolated incident and that our systems, culture, and management controls remain robust and effective. Should the Traffic Commissioner require any further information, documentation, or wish to discuss this matter, we will cooperate fully.

Yours faithfully

[Name] (Transport Manager), on behalf of the Operator



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# Best practice and questions to ask before responding

- Are your reporting policies and procedures robust?
- Are the right people involved at the right time? N.B it is Operator who has signed up to the undertakings
  - Make it **evidence based** and show insight
- What do you want your notification to say about your attitude, culture and systems?
  - Be proactive not reactive
- Put yourselves in the Traffic Commissioner's shoes and think:  
*“will my response allay their concerns, or will it lead to more questions?”*



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# Thank you

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