

News story: Level playing field for all operators is key aim of traffic commissioners

Sarah Bell, the London and South East Traffic Commissioner, has used the actions of two bus companies to highlight the importance of providing a level playing field for all operators.

At the conclusion of a public inquiry last month, she said the commissioners' role is protect operators when fair competition is compromised.

She added that failing to complete forms and ignoring guidance, as the two operators had, was a gross breach of trust.

"Traffic commissioners understand that we live in challenging times. We have done for years," Miss Bell remarked.

"But we regulate for the benefit of all operators including those suffering the same operating challenges.

"Margins are tight, but if you choose to operate buses, coaches or lorries, then there are rules to be met and they are there to make sure that standards are maintained for public safety."

Forms and guidance, Miss Bell pointed out, aren't just administrative paperwork. They are the "bedrock" on which commissioners ensure road safety and fair competition.

"It is essential not just because there is an operator's licence – all directors of companies across Great Britain have a statutory duty to exercise independent judgement, skill, care and diligence."

The two firms, Renown Transport Services Limited and Eastbourne Coachways Limited, were criticised by the Traffic Commissioner for failing to disclose links between their businesses ahead of a pre-pack sale.

Renown entered financial difficulties and tried to save parts of the firm, with a view to resurrecting it via Eastbourne Coachways. This left HMRC, trade creditors and some financial institutions out of pocket.

Before all of this was disclosed, Eastbourne Coachways had applied to the Traffic Commissioner's Office to get special permission to run bus services at short notice. This followed Renown cancelling its services without giving legal notice.

Operators are required to give certain periods of notice to local authorities and the Traffic Commissioner's Office before they can start, change or stop running a bus service.

Miss Bell told both companies their actions were “not how we do things”. She added that the regulations, legislation and processes are very clearly set out in guidance and on the relevant forms.

Concluding that the firms had “avoided a whole process”, the Commissioner said she couldn’t step back from revoking the licences held by both companies and noted compliant bus operators are entitled to protection.

Miss Bell also remarked on the importance of local authority transport officers better understanding the role of traffic commissioners and giving greater consideration to the fair competition element when supporting applications by bus operators who want permission to run services at short notice.

Decisions

The public inquiry was held on 13 March 2019.

The operator’s licence held by Renown Transport Services Limited was revoked with immediate effect.

The operator’s licence held by Eastbourne Coachways Limited will be revoked from 23:45 on 24 July. Until that time, the licence will be reduced from 16 to 8 vehicles.