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'Phoenix' firm application rejected

REGULATORY

An application for a standard national goods vehicle operator's licence was refused recently by the traffic commissioner on the grounds that it was an example of a 'phoenix' business. A phoenix business is a commercial entity or business which has emerged from the collapse of another through some sort of insolvency.

The applicant had applied for a licence for two vehicles, and stated that she would be operating in the haulage sector. However, possible links with a revoked operator were spotted by the central licensing unit. The revoked operator was not a sole trader but instead was operating as a partnership. That business had



never downloaded vehicles' tachograph data or cards, had failed to give any vehicles any sort of safety inspection after MOT and had operated a vehicle with false number plates which was also not taxed and didn't have an MOT. The business had also operated four vehicles instead of the authorised two, and had failed to carry out any form of driver

defect reporting system.

The traffic commissioner revoked a total of two applications. Further down the line, the traffic commissioner then received a third application.

It now transpires that the applicant intended to use vehicles transferred to her from the other business, and that the business would not operate in the general haulage sector, and instead, would operate in the waste sector. This was all brought to light during the subsequent public inquiry.

The traffic commissioner refused the application on the grounds that the applicant lacked the necessary good repute, as she was attempting to resume the business of a revoked licence.

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Fact File

FUEL-SAVING ADVICE

A revamped online freight portal aimed at helping operators to reduce their carbon footprint and cut their fuel bills has been launched by the Department for Transport and the Energy Saving Trust. The Freight Portal is available via www.is.gd/ikolax.

It includes advice about how to save money on fuel bills, make operations more efficient, get the best from drivers and prove green credentials. It also has advice on vehicle adaptations, training courses and telematics systems.

The portal includes case studies and worked examples to help estimate expected savings.

Users can also sign up for newsletters and updates on new developments and tools to help save money and reduce the operation's carbon footprint.

REGULATORY

Don't ignore the regulator

A public inquiry held in September 2021 showed the dangers of ignoring the regulator, after Calder's Concrete Products had its licence revoked. In addition to not proving it had sufficient funds for its vehicles, the company tried to avoid engaging with the traffic commissioner at every available opportunity.

On differing occasions, the company director pretended correspondence had not arrived, that it had been signed for by someone else and that he had replied on

one occasion, but it had somehow not been received by the commissioner. After the use of special delivery to confirm the public inquiry call-up, Mr Calder appeared at the inquiry without any of the requested documentation as he had been 'too busy' to read the letter.

The traffic commissioner for the West Midlands, Nick Denton, revoked the company's licence "because of the company's complete failure to treat the regulatory system seriously and because there is no evidence at all that its vehicle is in a roadworthy condition or that

it has complied with the laws relating to drivers' hours and tachographs".

REGULATORY

Learning from failure

The DVSA has updated its guidance (first published in April 2021) on understanding driving test results. It provides information on understanding driving test results from bus, coach or lorry (including towing a trailer). Details include what was assessed, what sorts of things counted as faults and how to improve in each area. The full guidance can be found via www.is.gd/oquwef.

REGULATORY

Transport manager guidance refresher

There are two types of transport manager: haulage and passenger transport. To become a transport manager, you need skills and knowledge in subjects including civil law, financial management and road safety. When you've qualified, you'll be responsible for certain tasks for your drivers and vehicles. Two new guides set out the skills and knowledge you'll need, and what you'll be responsible for, respectively. Read the guides via www.is.gd/orisab.