



Office of the
Traffic Commissioner

Traffic Commissioners'
Corporate Office
Office of the Traffic
Commissioner
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T: [REDACTED]
www.gov.uk/traffic-commissioners

Mr Kevin McLoughlin
The Senior Coroner
West Yorkshire (Eastern) Area
71 Northgate
Wakefield
WF1 3BS

Your reference: KM/ST/16216

29 October 2019

Dear Mr McLoughlin

**Regulation 28: Report to prevent future deaths
Inquest touching the death of Jonathan Edward Ball (deceased)**

I refer to the Regulation 28 report dated 17 September 2019 following the inquest held into the death of Dr Jonathan Ball following a road traffic collision on 24 November 2018.

Your report was circulated to four parties with various connections to the road haulage industry, which included the Traffic Commissioner for the North East of England. You requested a response on the action taken or proposed to be taken or an explanation as to why no action is proposed. The Senior Traffic Commissioner for Great Britain has asked that I respond on his behalf.

It may assist if I start by summarising the jurisdiction of the Traffic Commissioners.

There are eight individual Traffic Commissioners for Great Britain. They are appointed by the Secretary of State for Transport but act independently of Government. One traffic commissioner is appointed as the Senior Traffic Commissioner and he has statutory powers to deploy traffic commissioners and to provide guidance and directions. Each traffic commissioner is deployed to one of eight traffic areas within Great Britain. The North East traffic area includes the county of West Yorkshire.

Traffic commissioners are responsible for the licensing and regulation of those who operate large goods vehicles and public service vehicles through the operator licensing system, the registration of local bus services, granting vocational driving entitlements where there may be a conduct issue and taking regulatory action against vocational driving entitlements when issues related to conduct are referred for consideration on behalf of the Secretary of State.

Before being granted an operator's licence an applicant must satisfy a traffic commissioner that they meet the requirements to hold a licence. The framework of the requirements are set out in European and domestic legislation and include that the applicant is of sufficient financial standing or resources to run a transport business safely and that they will make proper arrangements to ensure that the vehicles are maintained to the correct standards. Further

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standing or resources to run a transport business safely and that they will make proper arrangements to ensure that the vehicles are maintained to the correct standards. Further guidance on the expectations of traffic commissioners are set out in the Senior Traffic Commissioners Statutory Documents. These can be accessed at:

www.gov.uk/government/collections/senior-traffic-commissioners-statutory-guidance-and-statutory-directions

An operator must continue to meet these requirements and standards once an operator's licence is granted. The traffic commissioners are not an investigatory body and rely upon evidence of non-compliance being submitted by enforcement agencies, most commonly the police or the Driver and Vehicle Standards Agency (DVSA). When evidence is received a traffic commissioner will consider whether to take regulatory action against the operator's licence in accordance with the relevant legislation and guidance. This action may include the revocation or suspension of the licence and the disqualification of the licence holders or directors.

The Senior Traffic Commissioner was concerned to learn of the events leading to Dr Ball's death and of course shares your desire to prevent similar circumstances arising in the future. You will appreciate that it is the role of Government, through the Department for Transport, to consider the need to legislate on the matters relating to vehicle design or to impose a mandatory requirement for warning triangles to be deployed at a time of a breakdown. To assist you we have identified the relevant section of the Department for Transport, namely the Freight, Operator Licensing and Roadworthiness Division at:

Department for Transport,
Freight, Operator Licensing and Roadworthiness,
Zone 2/21,
Great Minister House,
33 Horseferry Road,
London,
SW1P 4DR

You may be aware that, in addition to the general health and safety duties and those relating to the assessment of risk on operators, that there is a requirement under European legislation for holders of vocational entitlements to undertake periodic training under the umbrella of the Drivers' Certificate of Professional Competence. The DVSA administer this scheme and may be able to work with and provide advice to training providers on the inclusion of safety training into the modules available to drivers. The DVSA can be contacted at:

Driver and Vehicle Standards Agency,
Berkeley House,
Croydon Street,
Bristol
BS5 0DA

I hope this information is of use to you and please contact me should you have any further questions.

Yours sincerely

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Office of the Traffic Commissioner

Email:

[Redacted]