

NA Commercial
Solicitors



A Guide to Public Inquiries

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Introduction

This is a guide to Public Inquiries produced by NA Commercial Solicitors, the law firm of Simon Newman who specialises in road transport law.

Clients of NA Commercial Solicitors are based in all parts of the UK. Simon Newman regularly appears in every traffic area in England, Wales and Scotland.

Why have you been called to a Public Inquiry?

There are numerous reasons you may have been called to a public inquiry. The main reasons are :

1. Maintenance failings
2. Other regulatory failings
3. You've made an application for a new licence or a variation and there are irregularities
4. You've been convicted of an offence

5. Suffered a business insolvency
6. Issues which bring the reput of you or a transport manager into question

What is a Public Inquiry?

As you are probably aware, Britain is split into eight different traffic areas : Scotland, North East, North West, Eastern, West Midlands, South Eastern and the Western traffic areas. Each traffic area is headed by a Traffic Commissioner who has a legal duty to regulate all goods vehicle operators within their traffic area.

It is the Traffic Commissioner who ultimately grants your operator licence but also has the power to call you in for disciplinary action for alleged misconduct.

The Traffic Commissioner can convene a special legal hearing held in a court room. This is what is called the Public Inquiry.

The Traffic Commissioner makes a decision at the end of the Public Inquiry based on legal powers under the Goods Vehicles (Licensing of Operators) Act 1995.

What are the Traffic Commissioner's Powers ?

Where a new licence is being considered, the Traffic Commissioner decides whether to grant or refuse the application or whether conditions should be attached.

In disciplinary cases, the Traffic Commissioner can decide to terminate the licence, suspend it or reduce the number of vehicles authorised. Conditions can also be placed on the licence.

The Traffic Commissioner can also disqualify operators and directors which means you would be unable to hold a licence in the future.

Statistics for 2009

Results of 995 public inquiries :

31% licence terminated

10 % licence suspended

24% licence curtailed /
conditions applied

28% formal warning

8 % operator disqualified

7 % no action taken

What normally happens at a Public Inquiry?

You should arrive at the Public Inquiry venue in good time. The Traffic Commissioner's clerk will come and speak to you at some point and take your details. When the inquiry starts the Traffic Commissioner will introduce the hearing and then it starts.

Your representative will have the opportunity to address the Traffic



Commissioner at the start. After that if VOSA are represented, they will present their evidence. You or your representative will have the chance to cross examine VOSA and probe their evidence. The Traffic Commissioner will then also have the chance to question VOSA.

In some cases VOSA may have witnesses who are police officers or others.

Once VOSA's evidence has been presented and questioned, it is the operators turn to present their evidence. This will usually be a mixture of witnesses and documents.

Once all the evidence has been presented to the Traffic Commissioner, you or your representative give a closing statement. This will normally involve a summary of the evidence and legal argument. Sometimes even straight forward looking public inquiries can involve complex legalities so its important to be prepared on that front. The closing submission is very important.

I set out in the next section the types of evidence which might be relevant to your public inquiry.

What kind of evidence does the traffic commissioner look at ?

Usually there will be a detailed report from VOSA. It could be a report based on a maintenance investigation for example or tachograph analysis. Sometimes there will have been interviews.

The report could documents gathered by VOSA during any prior investigation. It may contain photographs or reports prepared by third parties such as the police.

All of the VOSA evidence is disclosed to you in advance of the public inquiry. It is usually sent to you in a package called the Public Inquiry Brief. This is what the Traffic Commissioner will have in front of them at the start of the public inquiry.

What evidence you will want to present to the Traffic Commissioner depends on the particulars of your case. You should always take careful advice from a Transport Law solicitor before submitting any evidence.



The type of relevant evidence for you could include the following :

- a. Witnesses in person
- b. Witness statements
- c. Letters and references
- d. Maintenance records
- e. Tachographs
- f. Hand books
- g. Written instructions
- h. Websites
- i. Computer records
- j. CV's
- k. Training certificates
- l. Photographs
- m. Business plan
- n. Expert reports
- o. Membership certificates
- p. Computer records
- q. Bank statements

... and much, much more.

Caution : - evidence is only the basic building blocks of your case. You must take expert legal advice before

anything is submitted to the public inquiry.

Should you choose our service ?

Whoever represents you at your public inquiry, you must be confident that you can work with them and that they understand fully how to run your case successfully.

I consider that my firm's service is of the highest standard. It goes beyond a dry legal analysis but incorporates a real practical understanding of the road transport industry.

Our costs are manageable and affordable. We always quote you a fixed price so we're all clear on the total cost at the start.

Contact Us

Contact us to discuss your case or if you want more information about the Public Inquiry process.

You can :

Telephone us on 01302 882 555 (7 days a week)

Email us at Contact@NACommercial.co.uk

Go to our website at www.RoadTransportSolicitors.co.uk