



**OFFICER REPORT TO LOCAL COMMITTEE
(WAVERLEY)**

**ANNUAL REVIEW OF MONITORING OF APPLICATIONS FOR
GOODS VEHICLE OPERATOR'S LICENCES**

17 June 2011

KEY ISSUE

This annual monitoring report to the Local Committee is to inform members of applications for Goods Vehicle Operator's Licences (VOLs) for the period April 2010 to the end of March 2011.

SUMMARY

All operators of heavy goods vehicles have to have an Operator's Licence and have to have an operating centre where their vehicles are kept when not in use. Surrey County Council does not grant these licences but can object when there are sufficient grounds to do so. There were 137 applications for Goods Vehicle Operator's Licences in Surrey in the period April 2010 to the end of March 2011. 5 of these were in Waverley and Surrey County Council objected to 3 of these. The County Council was able to reach agreement on conditions in respect of both of these applications and they were subsequently granted. The County Council attended public inquiries in June 2010 in respect of an objection made in 2009 and February 2011 in respect of the review of an operating centre in Waverley that the County Council had previously requested. The evidence of the County Council and local residents resulted in the Traffic Commissioner attaching conditions to the Operator's Licence, limiting numbers and times of movements. As from 1st January 2010 all County Councillors are consulted on applications within their divisions.

OFFICER RECOMMENDATIONS

The Local Committee (Waverley) is asked to:

- (i) Note that there is now an established system in place for notifying and consulting County Councillors of applications in their divisions.
- (ii) Note that training for members was carried out in September and November 2009 and that this was made available to all County Councillors.
- (iii) Note the contents of this annual information report.

1. INTRODUCTION AND BACKGROUND

- 1.1 The Leader of the County Council introduced a requirement for officers to consult members on applications for Goods Vehicle Operator's Licences in their divisions. The County Council's dedicated VOL officer retired in Autumn 2009 and, as a result of the change in personnel and procedure, this was implemented on 1st January 2010. It has now been in operation for approximately 17/18 months and appears to be working well. All members are now consulted on applications within their divisions. Training for Members took place in September and November 2009.
- 1.2 With very few exceptions, any person or company who uses goods vehicles above 3.5 tonnesgvw for the carriage of goods on the public highway in connection with a trade or business needs an operator's 'O' licence. In order to obtain an 'O' licence, the operator has to meet criteria in respect of available finance, fitness to operate goods vehicles, and must also be of good repute. Furthermore he/she must have at least one operating centre to keep vehicles to be authorised on the licence, within each traffic area in which he/she wants to operate. Operating centres must be large enough to accommodate all of the vehicles to be authorised. They should, in addition, have an access on to the public highway that does not cause danger to the public. The environmental suitability of an operating centre can also be a consideration.
- 1.3 Since 1 January 1996, Operator's Licensing has been governed by the Goods Vehicles (Licensing of Operators) Act 1995, and the Goods Vehicles (Licensing of Operators) Regulations 1995. Applications are made to the Vehicles and Operators Services Agency (VOSA) and are determined by the Traffic Commissioner. VOSA is an agency of the Department for Transport and the Traffic Commissioner is an appointee of the Secretary of State for Transport. All Local Authorities have a statutory right to object to applications for operator's licences under this Act. This includes the Borough and District Councils in addition to the County Council. They also have the right of appeal against a decision made by the Traffic Commissioner. Affected individuals and organisations who own or occupy property in the vicinity of an operating centre have a right to make representations against applications, (but only on environmental grounds). They have no right of appeal.

- 1.4 All applications for operator's licences must be advertised in a newspaper which circulates in the *locality* of the proposed operating centre. Local residents who consider that the use or enjoyment of their property will be adversely affected by the use of an operating centre, have 21 days from the date of publication of the newspaper to make representations against any such application. Local Authorities do not object to applications at this stage, even though as a result of public concern they may be aware of a particular application. This is the point at which councillors and members of the public may contact officers to express concern and to make their views known. This warns officers to keep an eye out for a specific application.
- 1.5 Traffic Commissioners have to publish applications for operating centres within their Traffic Area. Surrey is covered by the South Eastern and Metropolitan Traffic Area, which used to be based at Eastbourne and is now based in Leeds. The publication entitled "Applications & Decisions", (informally known as "A's & D's"), is issued fortnightly. On publication the local authorities, as statutory objectors, have their opportunity to object to such applications. The Traffic Commissioner must receive such objections no later than *21 days* after the date of publication of "A's & D's".
- 1.6 Objections may be made on a number of grounds, but these basically fall into three categories.
- 1 Fitness, repute and financial standing of an operator, which could affect the ability to hold an operator's licence.
 - 2 General suitability of an operating centre. This can include such matters as:
 - a The adequacy of maintenance facilities.
 - b Road safety, which can include visibility of and from the access, the geometry of the access, and the nature and adequacy of the public highway in the immediate vicinity of the operating centre, and also the adequacy of any private road or track leading from the operating centre availability. Is the site available for use? Does the public highway leading to the operating centre have a weight restriction ?
 - c The capability of the operating centre to accommodate adequately the vehicles to be authorised. (Taking into account all other activities taking place on the site) An authorised vehicle is one which is operated by the applicant under his 'O' Licence, and is specified on that licence.
 - 3 Environmental suitability of an operating centre. This can include such matters as:

- The proximity of an operating centre to residential properties, and other sensitive sites, e.g. Common Land, SSSI's, nursing homes, schools.
- The times of use of an operating centre, and the resulting disturbance and/or nuisance caused to local residents.
- The visual intrusion of an operating centre, resulting from parking of authorised vehicles at, or in the vicinity of, an operating centre.
- The unsuitability of the access to the operating centre, due to disturbance caused by the passage of authorised vehicles to or from that centre.
- Fumes and dust caused by the use of the site as an operating centre, and/ or the passage of authorised vehicles to and from the operating centre.
- Environmental unsuitability of the highway in the vicinity of the site, e.g. intimidation caused by the passage of authorised vehicles to and from the operating centre where the road is very narrow, and/or is a recommended cycleway. Also damage caused by authorised vehicles to verges etc. Does the public highway leading to the operating centre have a weight restriction ?

1.7 The Traffic Commissioner has the opportunity to review Operating Centres every 5 years. The Traffic Commissioner will only do this if a complaint has been made within the preceding 5 years. It is therefore essential that local residents and local authorities complain to the Traffic Commissioner about problem sites.

2. ANALYSIS

2.1 Surrey County Council (SCC) can only object to applications for O' Licence applications on the grounds outlined in Section 1.6 above. This is defined in statute and case law. Objections can often be resolved by the imposition of conditions that have been negotiated and agreed with the applicant. SCC has a proactive approach to resolving concerns and will only pursue an objection to a Public Inquiry as a last resort as it is very resource hungry. During the period April 2010 to the end of March 2011 the County Council has objected to 27 applications for Operator's Licences and has attended 7 Public Inquiries, 1 in Dorking and the remainder in Eastbourne. In addition to the 27 objections, there were 14 objections outstanding from the previous year. Some of the Public Inquiries relate to these objections and 1 was in respect of a review of an operating centre that the County Council had requested.

2.2 The majority of applications for operating centres relate to existing sites or existing commercial/industrial premises. With the exception of a small number of problem sites within the county, the majority of these existing sites do not generate any issues. Applications to which the County Council objects are often for new sites which have not previously been used as operating centres. Most, although not all, objections relate to residential or rural areas. Objections to existing sites often result in the imposition of conditions which restrict either the number of HGV

movements or, more likely, the hours of HGV operation in order to protect residential amenity.

- 2.3 There are some divisions in the County where there have been no VOL applications and therefore these Members will not have had any notification.

3. CONSULTATIONS

- 3.1 Every County Councillor is consulted on VOL applications within their division. In addition, the Vice-Chairman of the Elmbridge Local Committee is notified of all applications in Elmbridge at his request.
- 3.2 It has been suggested previously that the Local Committee and Parish Councils are formally consulted by the County Council in respect of 'O'Licence applications. Given that the period for response is so short, 21-days including weekends and bank/public holidays, with the resources currently available for this work area there is not enough time in the process to consult either Local Committees or Parish Councils on individual applications.
- 3.3 The applications in Waverley over the period April 2010 to the end of March 2011 are as follows:

Harvey John Rivers t/a H J Rivers – 2 vehicles & 2 trailers
Park Farm, Middle Old Park Road, Farnham GU9 0AW

AVS Fencing Supplies – 4 vehicles
Chapel Lane, TVVM site, Milford, Godalming GU8 5HV

Watson Petroleum Ltd – 5 vehicles
Dunsfold Park, Stovolds Hill, Dunsfold GU6 8TB

Refine Metals (UK) Ltd – 1 vehicle
Pollingfold Works, Horsham Road, Rudgwick, Horsham RH12 3AS

R G H Supplies Ltd – 3 vehicles
Pallinghurst Farm, Guildford Road, Rudgwick, Horsham RH12 3BQ

- 3.4 The County Council objected to the following applications:

R G H Supplies Ltd – 3 vehicles
Pallinghurst Farm, Guildford Road, Rudgwick, Horsham RH12 3BQ
(Objection on highway safety grounds – granted with condition requiring applicant to carry out and maintain visibility improvements)

Harvey John Rivers t/a H J Rivers – 2 vehicles & 2 trailers
Park Farm, Middle Old Park Road, Farnham GU9 0AW

(Objection on highway safety grounds – granted with condition that only permits 1 vehicle and 1 trailer to operate from the site at any one time)

Watson Petroleum Ltd – 5 vehicles

Dunsfold Park, Stovolds Hill, Dunsfold GU6 8TB

(Objection on environmental grounds – granted with conditions limiting times of operation)

- 3.5 The County Council attended a Public Inquiry at Eastbourne in April 2010 in respect of an objection that had been made in 2009. The operator was Aspen Construction Ltd and the site was Manley Bridge Farm, Manley Bridge Road, Rowledge. The application was for 1 vehicle and the County Council objected on the grounds that the proposed operating centre was a residential property in a quiet rural area, that the access was unsuitable and that there was a history of personal injury accidents in the vicinity of the operating centre. The Traffic Commissioner heard the County Council's evidence but still determined to grant the application, albeit with conditions to overcome the reasons for the County Council's highway safety objections. The conditions limit the weight and size of the vehicle and ensure that the vehicle enters and leaves the public highway in forward gear. It is worth noting that, had the County Council not objected to this application, the 'O'licence would have been granted without any conditions.
- 3.6 The County Council attended another Public Inquiry in Eastbourne in February 2011 in respect of a review of an operating centre that the County Council had initially requested in 2008. Two local residents also attended the Inquiry and gave evidence. The operator was Cranleigh Freight Services Ltd and the site was Dunsfold Park. Dunsfold Park is an operating centre for 16 companies with a total of 110 vehicles and 108 trailers. As a result of the County Council objecting to applications at the site, the vast majority of operators have restrictions on their licences limiting the hours at which they can operate. Cranleigh Freight Services had no such limitations on their licence and the County Council requested that their licence be reviewed in 2008 so that restrictions could be attached. Cranleigh Freight Services Ltd are the largest operator at Dunsfold Park with a total of 70 vehicles and 70 trailers on their licence. The Company did not wish to have any restrictions on their licence, although they did reach agreement with the County Council in respect of limitations on the number of night- time movements, but weekend operations remained a major sticking point. As a result of the Public Inquiry, the Company has gone from an Operator's Licence with no restrictions to one which has restrictions both overnight and at the weekends.

4 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

- 4.1 There is no full-time dedicated officer in this work area. It is managed by the Transport Development Planning Manager (East) with support from

other colleagues within Transport Development Planning (TDP) and Legal Services when required. It is managed alongside other workloads. There is no specific budget for this work area.

5. EQUALITIES AND DIVERSITY IMPLICATIONS

5.1 There are no equalities and diversity implications.

6. CRIME AND DISORDER IMPLICATIONS

6.1 There are no crime and disorder implications.

7 CONCLUSION AND RECOMMENDATIONS

7.1 The requirement to consult County Councillors on operator's licence applications in their divisions has worked well so far. Members have provided officers with useful background information about some sites and drawn their attention to problems at others. Members have also taken the opportunity to express support for applications and given their backing to local businesses. It is therefore recommended that this continue. Letters of objection can be copied to members on request.

7.2 Training for members in respect of this matter was previously carried out in September and November 2009. All members were invited to these events, although not all have attended. It is accepted that this was some time ago so further training can be arranged if required, alternatively officers are happy to discuss this matter individually with members.

7.3 The Local Committee (Waverley) is asked to:

- Note that there is now an established system in place for notifying and consulting members on applications in their divisions.
- Note that training for members was carried out in September and November 2009. This was made available to all County Councillors.
- Note the contents of this Annual Information Report.

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BACKGROUND PAPERS:	None