



ROAD TRANSPORT FORUM

Is the gamble of not being represented at Public Inquiry worth it?

The Traffic Commissioners' Annual Reports 2013-14 has recently been published and the data on Public Inquiries makes interesting reading.

Although the actual number of Goods Vehicle operators Public Inquiries held has fallen from 996 in 2012-13 to 915 in 2013-14, the proportion of operators having their licences revoked at these hearing has increased by approximately 5% in the same period.

In 2013-14:

- Over 35% of Goods Vehicle operators attending Public inquiry had licences revoked.
- Over 48% of Goods Vehicle operators attending Public Inquiry had licences revoked or suspended.

This makes stark reading for those operators who think it is not worth investing in proper representation for their Public Inquiry. All too often we hear operators tell us that they'll "go on their own and see what happens." This is a risky attitude to have and one wonders whether these are the operators who end up in the 48% of operators who attend Public Inquiry and have their licences revoked or suspended.

It is important that operators prepare thoroughly for Public Inquiry and, not only make sure they take all the relevant evidence with them on the day, but make sure that evidence is presented properly to the Traffic Commissioner. It is an unfamiliar situation for most people and even the most confident and articulate of operators can become tongue-tied under the stresses of an Inquiry.



Therefore Operators should carefully consider the gamble they may be taking by attending a Public Inquiry on their own. An Operator should ask themselves:

- How important is my licence to my business?
- Could my business function without a Licence?

What may appear an unnecessary cost to an operator called to Public Inquiry, that cost pales into insignificance when set against the financial cost of an unsatisfactory outcome.

Written by Jared Dunbar

Warning over drug use by drivers

Attention has focused in recent months on proposed punishments for drivers who test positive for the use of illegal drugs but a new warning has indicated that something bought from the local chemist could be as potentially dangerous.

A survey by Brake and Direct Line has found an alarming level of ignorance about the effects of many prescription and over-the-counter medications on driving, as one in six (17%) drivers said that they either ignored warnings not to drive or had not bothered checking the label at all.

The road safety charity, Brake, said that it has issued the warning to coincide with the pollen count starting to soar at the beginning of the hay fever season, as hay fever medication is one of the most common drugs that can impair driving.

"Many prescription and over-the-counter medications can impair your ability to drive safely, by causing drowsiness or affecting reaction times, co-ordination, concentration or vision," the charity warned. "These include some hay fever medications, painkillers, antibiotics, and cough and cold medicines."

However, 30% of drivers told the survey that they were unaware that some hay fever and allergy medications can impair the ability to drive, with lack of awareness higher among men (39%) than women (23%).

Brake's deputy chief executive Julie Townsend said: "It's not just illegal drugs that make you unsafe to drive; legal, over-the-counter and prescription drugs can make you a danger too, to yourself and others. This widespread lack of awareness among drivers is alarming, suggesting many are unwittingly posing a threat to safety on our roads."

Transport managers advised to attend Public Inquiries

The most important piece of advice for transport managers is to turn up if a Public Inquiry is called after something has gone badly wrong with the operation of the licence on which they are nominated. If they fail to do so and they sometimes do, it almost inevitably makes things worse.

In giving that advice, Traffic Commissioner Nick Denton said that the majority who admit when things have gone wrong, or tell the traffic commissioner about the problems they are having, can be helped to learn from their experiences and to identify a solution for the future.

"Transport managers who haven't turned up have given many excuses - including one who had 'work commitments', even though being at the Public Inquiry was vital to his duties as Transport Manager," he said. "Some fail to give any reason at all. The result can be professionally disastrous, with traffic commissioners having the power to take away the good repute of transport managers who flout the rules and ignore their obligations, preventing them from working in the whole of the EU. Bans can range from a few months to an indefinite period and commissioners can also tell transport managers to take specific action before they can work again - such as re-sitting their transport manager Certificate of Professional Competence (CPC) examination."

Jared Dunbar comments "There is rarely ever a situation where it makes sense not to turn up to a Public Inquiry, as normally, all it will do is compound the problem. If anyone called to a Public Inquiry was considering not attending then I would recommend thinking again and seeking specialist legal advice so that they are fully aware of the future ramifications such action might have."

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