

**Applications to the Traffic Commissioner for vehicle operators licences:
Note to Local Councils' Liaison Committee meeting on 26 March 2008**

Advice has been requested on:

- 1 How Parish/Town Councils can have an input into the decision making process in respect of applications to the Traffic Commissioner for goods and public service vehicle operators licences.
- 2 What action the District Council takes when it considers such applications.

1 Having an input to the decision making process

Applications for goods and public service vehicle operators licences and decisions on such applications are published as "Applications and Decisions" on the Vehicle & Operator Services Agency website, www.vosa.gov.uk. The home page includes a link to them. Applications and decisions relating to the Epping Forest District can be found under A & D – Eastern Traffic Area.

Parish/Town Councils can monitor applications and if they wish to comment they should do so directly to the Traffic Commissioner. Guidance on how to object is given on the VOSA website. Objections should not be sent to the District Council since it is not responsible for issuing vehicle operators licences.

The stated grounds for objection fall into 2 categories: Environmental and Non-Environmental.

The environmental factors that result from the use of land as an operating centre and which can be considered relevant to an objection may include noise, fumes, pollution, vibration and visual intrusion. It has been made clear by VOSA that these matters can only be given weight where they cause problems from or on the site. The same issues cannot be given weight if they occur on the public highway. Residents have to be prejudiced by operations from the site if the Commissioners are going to consider any sort of appropriate action.

Non-environmental objections comprise:

- a) The suitability of the applicant to hold an operator's licence on the grounds that he cannot meet the requirements to be: of good repute (for standard licences only); fit to hold a licence (for restricted licences only); of appropriate financial standing (for standard licences only); and, professionally competent (for standard licences only).
- b) The suitability of the operating centre in relation to: size for the number of vehicles and trailers proposed to be parked there; the safety of the entrance and exit arrangements from the site onto the public highway; and, parking facilities in or around the site.

Further information on VOSA and how it considers applications for goods and public service vehicle operators licences can be found in the attached note of a recent

presentation by VOSA to the Environment and Planning Standing Scrutiny Panel on 28 February 2008.

2 Action taken by the District Council

The District Council's Planning Enforcement and Environment and Street Scene Teams monitor applications for goods and public service vehicle operators licences and decisions on such applications.

The Environment and Street Scene Team considers whether the operation of the vehicles is likely to cause a nuisance. In doing so particular regard is had to the proximity of neighbouring residential properties. Where the operation of the vehicles is assessed as likely to cause a nuisance the Team objects to the application.

The Planning Enforcement Team considers whether the grant of an operators licence would be likely to result in a material change of use requiring planning permission. It should be noted that the operation of a vehicle does not of itself require planning permission, but the associated use of land might require planning permission. The fact that an application for an operators licence has been made does not necessarily mean that a material change of use of land would result. That is because many established uses make reasonable use of large vehicles in connection with their everyday business, e.g. a scaffolding firm lawfully using land as a depot can be expected to operate vehicles for delivering scaffolding.

Where officers assess that the grant of an operators licence is indicative of a material change of use requiring planning permission having taken place or likely to occur, officers write to the applicants to advise them of this. In cases where no material change of use has taken place yet applicants are invited to make a planning application to carry out the proposed use. In cases where a material change of use has already taken place applicants are either asked to cease the use or asked to make a planning application to continue it, depending on whether the use has been assessed as likely to be refused planning permission or not.

Although the Team has in the past raised objection to the grant of an operators licence, it has repeatedly been made clear that the Traffic Commissioner cannot give weight to objections made on the basis that no planning permission exists for the use of the land that gives rise to the operation of a vehicle requiring a licence. It has also been made clear that the Commissioner cannot give weight to planning policy objections to the use of land giving rise to the operation of a vehicle requiring a licence.