

## **COMPLAINT ABOUT AN OPERATING CENTRE**

### **Guidance:**

**Please read the attached guidance, 'A summary of matters a traffic commissioner may take into account', regarding the traffic commissioner's jurisdiction, carefully before completing this form.**

- This form **GVenv05** is for complaints about an operating centre **only**.
  - ⇒ If you suspect non-compliance with the Operator Licensing system, for example parking at a site which is not an authorised operating centre, breach of licence conditions, unlicensed operators, etc, you may report this on 0800 030 4103 for VOSA to make enquiries.
  - ⇒ If you wish to oppose an application for or to vary a goods vehicle operator's licence, please complete form **GVenv03** (if you own or occupy land (including buildings) in the vicinity of the operating centre(s) detailed on the application) or form **GVenv04** (if you are a statutory objector as listed in Section 12 of The Goods Vehicles (Licensing of Operators) Act 1995).
- If you need any help with completing this form please call the contact centre on 0300 123 9000\* and ask to be put through to a member of the environmental team.
- Further guidance can be found in 'A Guide to Making Representations, Objections and Complaints', available from <https://www.gov.uk/government/publications/a-guide-to-making-representations-objections-and-complaints-goods-vehicle-operator-licensing>

### **Data Protection**

The personal information you provide on this form will be used for the purposes of a traffic commissioner's statutory functions. This may include sharing the information you provide with other traffic commissioners, DfT, other government departments and enforcement agencies. Standard licence/application information will also be included in a national register which is available to other member states. Further information is available from the Office of the traffic commissioner.

**PLEASE COMPLETE ALL SECTIONS FULLY IN BLACK INK**

\*Calls provided by BT are charged at a low rate.  
Charges from other providers may vary.

## Your details

1 Your full name

2 Full name of the body you represent (if applicable)

3 Your address

Postcode

4 Your daytime telephone number

5 Your email address

## The complaint

6 Address of the operating centre

Postcode

7 Do you own or occupy land or property within the vicinity of the operating centre?

Yes ☐ No ☐

**8** If you answered 'Yes' to question 7, approximately how far (in metres) is your land or property from the operating centre?

**9** Please draw a sketch in the space below showing the location of your land or property (with distances in metres) in relation to the operating centre. Alternatively please enclose a map, plan or aerial photograph with the relevant properties clearly marked.

**10** Name of operator(s) you wish to complain about and operator licence number(s) (if known)

Licence number	Operator name

Please continue on a separate sheet if necessary

**11** If there are any particular vehicles which are giving cause for concern, please list the vehicle registrations below, if known


Please continue on a separate sheet if necessary

**12** If there is a specific type of vehicle which is giving cause for concern, for example refrigerated vehicles, articulated vehicles, skip lorries, etc. please give details below


**13** What usage affects you

Please confirm which of the following you are affected by. You may tick more than one box if more than one of the following applies to you.

- ☐ The use of my land or property is affected by the operator's heavy goods vehicles whilst they are within the confines of and/or at the entrance point to the operating centre.
- ☐ The use of my land or property is affected by the operator's heavy goods vehicles whilst they are travelling on any privately maintained road between the entrance point to the operating centre and the place where they first join the public highway;
- ☐ The use of my land or property is affected by heavy goods vehicles travelling along a public highway

## 14 Your grounds for complaint

Please state your grounds for complaint in the space below. This should state what is happening at the operating centre in question and how this is affecting you.

Please ensure that you have read through the last page of this form which gives matters which can be taken into account by traffic commissioners when reviewing an operating centre. Your complaint should relate to these matters only.

If your complaint is that the place in question is unsuitable on environmental grounds for continued use as an operating centre for any vehicles under any operator's licence you should make a clear statement to that effect and give your reasons.

If there are any conditions which you feel could be put on to the licence which would address your concerns, please give details.


Please continue on a separate sheet if necessary

## 15 What happens next

By law, the traffic commissioner can only consider complaints about an operating centre on each individual licence once every five years when it falls due for review. At that point the traffic commissioner will decide if there are grounds to conduct a review of the operating centre on that licence.

**15a** The traffic commissioner would like to be able to send a copy of this form, including your name and address, to the operator. This will give the operator the opportunity to rectify any problems before the next review date, and to comment on the matters raised. It would also, potentially, allow the operator to contact you to gain a better understanding of your complaint, and to discuss how they might be able to remove your concerns. If, on the other hand, the operator does not know where the complaint has come from then they may not be able to fully address all of your concerns or target their efforts towards resolving the specific matters that are the cause of your grievance.

You should also be aware that whilst there is no obligation on you to copy your complaint to operator, not doing so may ultimately mean that your concerns cannot be fully considered by the Traffic Commissioner in reaching his final decision. For example the Goods Vehicles (Licensing of Operators) Regulations 1995 specifically prevents a traffic commissioner from taking into account any written evidence at a Public Inquiry unless it can be disclosed. The Traffic Commissioner is also obliged to act in accordance with Article 6 of the Human Rights Act 1998 which prescribes that a person should be able to examine, and therefore be in a position to challenge the evidence in any hearing.

Please tick one of the boxes below to confirm whether you agree to the whole of this form being sent to the operator(s) concerned.

☐ **YES** – the traffic commissioner can provide the operator(s) concerned with a copy of my complaint form.

☐ **NO** – I am not prepared to allow the traffic commissioner to provide the operator(s) concerned with a copy of my complaint form.

### **15b This question only applies if you have ticked 'no' in answer to 15a.**

As you are not prepared to allow a copy of the whole form to be sent to the operator, the traffic commissioner would like to send them a copy of your response to Question 14. If this can be sent to the operator then although they will not know who has made the complaint, they may be able to comment to some extent on the matters raised and it is possible that they may attempt to rectify any problems before the next review date. Please tick one of the boxes below to confirm whether you agree to this.

☐ **YES** –the traffic commissioner can provide the operator(s) concerned with a copy of my answer to Question 14 (detailing my grounds for complaint).

☐ **NO** – I am not prepared to allow the traffic commissioner to provide the operator(s) concerned with a copy of my answer to Question 14 (detailing my grounds for complaint).

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**15c This question only applies if you have ticked 'no' in answer to 15b.**

As you are not prepared to allow a copy of your response to Question 14 to be sent to the operator, the traffic commissioner would like to inform the operator that a complaint has been received and provide them with a brief summary of the grounds on which the complaint has been made. The summary would not include any information which would identify you as the person who made the complaint. The action the traffic commissioner will be able to take will be limited if you are not prepared to reveal to the operator that a complaint has been received. Please tick one of the boxes below to confirm whether you agree to this.

☐ **YES** –the traffic commissioner can inform the operator(s) concerned that a complaint has been received and provide them with a brief summary of the grounds of complaint.

☐ **NO** – I do not wish the operator(s) concerned to be informed of my complaint. I understand that this may limit the action the traffic commissioner is able to take.

**15d** If you have ticked 'NO' in answer to 15a, 15b or 15c above, please give your detailed reasons below:


**15e** The traffic commissioner may wish to provide the operator(s) concerned with a copy of any further correspondence which you send in connection with your complaint, so that they may address the matters raised. If you agree at this time, then the traffic commissioner may provide the operator(s) concerned with a copy of any correspondence you provide in connection with your complaint, unless it explicitly states that you are not happy for that piece of correspondence to be copied to the operator(s) concerned, or you have written to advise us that you no longer agree to this. Please tick one of the boxes below to confirm whether you agree to this.

☐ **YES** – the traffic commissioner may provide the operator(s) concerned with copies of any subsequent correspondence I send in connection with this complaint unless I either state in an individual item of correspondence that it must not be copied to the operator(s) concerned, or write to advise the traffic commissioner that I no longer agree to copies of my correspondence being copied to the relevant operator(s).

☐ **NO** – I am not prepared for a copy of any future correspondence I send in connection with this application to be provided to the applicant.

### DECLARATION:

**I would like the traffic commissioner to consider my complaint when the relevant operator licence(s) is/are due for review. I confirm that all the information I have given you is true and accurate to the best of my knowledge.**

Signed

Dated

Please return your completed form to the following address:

Environmental Team,  
Office of the Traffic Commissioner,  
The Central Licensing Office,  
Hillcrest House,  
386 Harehills Lane,  
Leeds LS9 6NF



## REVIEW OF A GOODS VEHICLE OPERATING CENTRE

### A summary of matters a traffic commissioner may take into account

#### Environmental suitability

1. In reviewing the environmental suitability of an operating centre, the traffic commissioner may have regard only to the environmental effects of the use of the operating centre and its approach roads by the operator's vehicles, taking account of:
  - a) the nature and use of other land/property in this vicinity;
  - b) the number, type and size of the operator's vehicles which use the operating centre and the parking arrangements for those vehicles;
  - c) the nature and times of use of the operating centre by the applicant's vehicles, including the use (if any) of special equipment relating to the operation of vehicles;
  - d) how, and how often the operator's vehicles may enter and leave the operating centre.
2. The traffic commissioner can attach conditions, for environmental reasons, covering:
  - a) the number, type and size of vehicles which the operator may keep at his operating centre, and the hours of operation and/or maintenance;
  - b) the parking arrangements, including prohibiting parking on roads in the vicinity;
  - c) the means of entry and exit of the operator's vehicles.

Also, in considering environmental suitability, he/she can (in certain circumstances) remove an operating centre from a licence on the grounds of adverse environmental effects of the parking of the operators vehicles either within the confines of the operating centre, or on the roads in the vicinity of the operating centre.

#### General Suitability

3. When reviewing the suitability of an operating centre in non-environmental terms, the traffic commissioner may have regard to the safety of the means of access to and from the operating centre. He may attach conditions to, or remove an operating centre from a licence for road safety reasons. However, road safety considerations beyond the immediate point of access cannot be taken into account by the traffic commissioner.

#### Matters which a traffic commissioner cannot consider

4. In considering the suitability of an operating centre, the traffic commissioner **cannot** take account of:
  - a) other operators' vehicles which are visiting the operating centre;
  - b) any vehicles outside the scope of the licensing system – generally those weighing 3.5 tonnes gross weight or less.
  - c) Any use of the site which is not related to the operation of goods vehicles
  - d) the physical suitability of the surrounding road network – this is a matter for the Highway Authority

The relevant statutory provisions containing the rules governing the application process are in the Goods Vehicles (Licensing of Operators) Act 1995 and the Goods Vehicles (Licensing of Operators) Regulations 1995

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