

GV79G: Guidance notes to help you complete your application for a Goods Vehicle Operator's Licence

You must complete form GV79 in full and include all supporting documents. If you complete the form in full and submit the correct supporting documents it will help the traffic commissioner make a decision on your application as quickly as possible.

If you are applying for an interim licence by using the separate INT1 form, please note it can only be considered if your application is complete and all supporting documents have been received and accepted.

You must read the information in these guidance notes when completing the application form.

How to use these notes

These notes are in sections in the same way as the application form, to make it easier for you to find the right information. For example guidance note 1 refers to section 1 on the application form and there is a guidance note which corresponds to each question on the application form. The notes describe what you need to tell us and also gives details of any supporting documents that you must send with the form.

Further information

If you have read the guidance notes and are still not sure how to complete any part of this form, please call the contact centre on 0300 123 9000 for advice, **before** you submit your application.

The guidance notes only contain the information necessary for you to complete the form. For general information on goods vehicle operator licensing, including further details as to the obligations every licence holder is expected to meet, you should read the Guide for Operators (GV74) which is available at www.businesslink.gov.uk/transport It is important that you understand the responsibilities of being a goods vehicle operator before you apply for a licence, as you will be required to meet the obligations immediately if your licence is granted.

Guidance Note 1 – Your contact details

- 1a) Once you have submitted your application, you may be contacted to discuss it or to obtain further information. You must therefore provide us with details of who the contact is for this purpose. The applicant should ensure that the person listed will be contactable during the weeks after your application has been submitted. If further information is required and you cannot be contacted, then your application may be refused.
- 1b) Please give you correspondence address telephone number and email address. The email address will also be used to send publications such as ‘moving on’ and other important information. These details will continue to be used to contact you about your licence if your application is successful. You should inform us immediately of any changes to your contact information. You should note that the address cannot be a PO Box or third party address and must be an address in Great Britain

Standard licence applicants please note- There is a requirement that every standard licence holder/applicant must have an establishment in Great Britain (GB) with premises in which it keeps its core business documents. Examples of these documents include accounting and personnel management documents and data on driving time and rest. This means that the use of PO Box and third party addresses are not permitted.

Guidance Note 2 – Your business

- 2a) Please state your main trade or business in the box provided.
- 2b) Please tick one box only to let us know what type of business you have. This business entity is the applicant and should be the ‘user’ of the vehicles to be authorised under the licence. You will be considered to be the user of the vehicle if:
- you are the driver and owner of the vehicle;
 - the vehicle is in your lawful possession under an agreement for hire, hire purchase or loan; or
 - the driver is your employee or agent (i.e. you pay them to drive the vehicle for you).

An operator’s licence is not transferrable from one business entity to another. For example, if you obtain a licence as a sole trader and then later become a partnership, you would have to apply for a new licence as a partnership.

Guidance Note 3 – Limited company or Limited Liability Partnership (LLP) details

You should only complete section 3 of the application form if you are a limited company or LLP.

- 3a) You must provide details of the company or LLP applying for the licence. You must ensure that these details are the same as those on the Companies House register. **Trading name:** A trading name **must** be provided if the limited company trades under a different name from that incorporated with Companies House but the trading name **cannot** be another limited company.
- 3b) Include details of all company directors if a limited company, or members if an LLP. If there is not enough space to list all the directors/partners on the form you must provide the details requested on a separate sheet, clearly marked with the question number.

Where it is an LLP, provide the details of the managing board and attach a full list of members.

3c) As a limited company you may have a “subsidiary”.

A company is a “subsidiary” of another company, (its “holding company”), if that other company—

- holds a majority of the voting rights in it, or
- is a member of it and has the right to appoint or remove a majority of its board of directors, or
- is a member of it and controls alone, pursuant to an agreement with other members, a majority of the voting rights in it,

or if it is a subsidiary of a company that is itself a subsidiary of that other company.

A company is a “wholly-owned subsidiary” of another company if it has no members except that other and that other's wholly-owned subsidiaries or persons acting on behalf of that other or its wholly-owned subsidiaries.

“Company” includes any body corporate.

If you wish to operate vehicles owned by your subsidiary companies under your company’s operator’s licence you must give details of the subsidiaries.

Any statutory requirements that apply to the holding company and any undertakings given in the application for the operator’s licence will apply equally to the subsidiary companies.

You should note that if the subsidiary operates the vehicles they own themselves, then they should hold the licence. You should only apply to add subsidiaries to your licence if your company will be controlling the use of the vehicles.

Guidance Note 4 – Sole trader details

You should only complete Section 4 of the application form if you are a sole trader.

- 4a)** Please include your full details as requested.
- 4b)** You do not need to specify a trading name, but if you have one you should provide details here.

Guidance Note 5 – Partnership details

You should only complete Section 5 of the application form if your business is a partnership. Please note that this section is not to be completed by LLPs – please refer to Guidance Note 3 if you are a Limited Liability Partnership.

- 5a)** Please give details of all partners. If there is not enough space to list all the partners on the form you must provide the details requested on a separate sheet, clearly marked with the question number.

Note: In a partnership, each partner is jointly (together) and severally (individually) liable for the acts of the partnership. Compliance with an operator’s licence is therefore the

responsibility of all the partners and you must ensure that you provide details of **every** partner of the business.

- 5b) You do not need to specify a trading name, but if you have one you should provide the details here.

Guidance Note 6 – Other organisation details

You should only complete Section 6 of the application form if you are an organisation which is not a sole trader, partnership, LLP or limited company.

- 6a) Please give the details of the official name of your organisation and state what type of organisation it is.
- 6b) Please give details of the persons responsible for your organisation. This is the person or group of people with the controlling influence over the organisation, for example the board of directors, board of trustees, governing body or persons or the chief executive.

If there is not enough space to list all the persons responsible for your organisation on the form you must provide the details requested on a separate sheet, clearly marked with the question number.

Guidance Note 7 – Type of licence

- 7a) You must specify which type of licence you require*. You must ensure that you only tick one box. The three types of operator licence are as follows:

Standard National

A Standard National licence is required if you carry other people's goods, as well as your own, for hire or reward within the United Kingdom only. This type of licence is required even if you only carry goods for other people occasionally.

Note: although the statutory provisions of operator licensing apply only to Great Britain, Northern Ireland falls within the scope of national licence journeys, whereas the Irish Republic does not.

Standard International

A Standard International licence is required if you carry other people's goods, as well as your own, for hire or reward within the United Kingdom and abroad.

Restricted

If you only want to carry your own goods in connection with your trade or business then you need a restricted licence. **You must not carry goods for other people for hire or reward if you have a restricted licence.**

*Whilst regulation 5 of the Road Transport Operator Regulations 2011 makes clear that a standard licence granted under the Public Passenger Vehicles Act 1981 or the Goods Vehicles (Licensing of Operators) Act 1995 constitutes an authorisation to pursue the occupation of road passenger or haulage operator (as applicable) for the purposes of EU Regulation 1071/2009, references to national and international standard licences are included above for transitional purposes.

Guidance Note 8 – Standard licence applicants – professional competence

Section 8 of the application form only applies if you are applying for a standard national or standard international licence.

You must employ one or more people who will act as the transport manager(s) on your licence. They are responsible for the continuous and effective control of the management of the transport operations of the business.

Qualifications

Your transport manager(s) must hold one of the following:

- A certificate of professional competence (CPC) in Road Haulage Operations
- An 'Acquired Rights' certificate (which replaced Grandfather Rights) issued by the Department for Transport after 26th September 2011.
- A qualification recognised as equivalent to the CPC such as membership by examination of a body recognised by the Department for Transport.

You must provide the **original** certificate(s) of qualification, for each Transport Manager you wish to specify on your licence, with your application.

Form TM1

You must complete form TM1 at Annex E for each transport manager you intend to specify on your licence. The guidance notes TM1G (at Annex F) will help you to complete the form and provide further information about the role of the transport manager.

- 8a)** You must confirm, by ticking the box, that for each person you wish to be named as a transport manager on your licence, even if you are a sole trader who is also the Transport Manager, or you are one of the named partners or directors on the application, you have:
- completed form TM1
 - provided original proof of qualification(s)

Guidance Note 9 – Total vehicle and trailer authorisation required on this licence

- 9a)** Enter the **total** number of vehicles and trailers you want to be authorised under your operator's licence. This can be more than the number you plan to operate straight away if you would like a margin for future expansion.
- 9b)** You will need special permits, referred to as Community Licences, if you plan to carry

out hire or reward operations to, from and through other European Community countries. A copy must be carried in each vehicle.

You will be issued with these permits if you are granted a Standard International Licence. At question 9b give the number of authorised vehicles you plan to use for international operations. *For more information on Community Licences see the **GV74 Guide for Operators**.*

Guidance Note 10 – Operating Centre details

When choosing an operating centre you should make sure that there is sufficient space to park all your vehicles when they are not in use, even if all vehicles will not be in the operating centre at the same time. You should also make sure that you can enter and exit the site safely and that visibility is clear in each direction.

In addition to your application for an operator's licence, you should check that your proposed operating centre meets the requirements of planning law. **If you are unsure, contact your local planning authority.** Authorisation to use an operating centre under an operator's licence does not convey any approval under planning law and using the operating centre without the correct planning approval may lead to enforcement action by the planning authority.

- 10a)** Please give the address at which you will be parking the vehicles and trailers. It is essential that you use the full and accurate address of any operating centre which must include a postcode and should also include a unit number if one exists.
- 10b)** Please give the **total** number of vehicles which you wish to keep at your proposed operating centre(s). If you are applying for a margin for future expansion please ensure that you include this within the total.
- 10c)** Please give the **total** number of trailers which you wish to keep at your proposed operating centre(s). If you are applying for a margin for future expansion please ensure that you include this within the total.
- 10d)** Please give the total number of off-street parking spaces available to you for parking your vehicles and trailers at your proposed operating centre(s). Please note that if you are applying for one vehicle and one trailer, it is expected that at least 2 parking spaces are available.
- 10e)** Please tick a box to confirm whether you either own, lease or rent the premises at which you wish to keep vehicles/trailers.
- 10f)** You must have permission from the owner of the premises at which you wish to park if you do not own the site.
- 10g)** **Please read this note carefully in full. Your application will be refused if you do not meet the advertising requirement and your application fee will not be refunded.**

You must advertise your application at your own expense in one or more local newspapers circulating in the locality of the operating centre(s) listed in the application. It is important that your advert(s) appear:

- with the correct wording,
- within a suitable newspaper, and
- within the correct time period.

The traffic commissioner will refuse your application if you have not advertised it correctly.

What wording should I put in my advertisement?

Annex A of the application contains a sample advertisement and a template for you to complete and give to the newspaper. You should not add or remove any of the wording in the template except where stated in the instructions at Annex A. It is important that the details you put in your advertisement are the same as the details provided in your application.

How do I choose a suitable newspaper?

Select a local newspaper circulating in the vicinity of the operating centre. "Free sheet" newspapers that only carry advertisements are not acceptable. If you use such a publication your application will be refused and you will have to re-advertise at further expense to yourself.

When does my advert need to appear in the paper?

Notice of your application must appear in a local newspaper during the period beginning 21 days before the traffic commissioner receives your application and ending 21 days after the receipt of your application. For example, if your application is received on the 1 June, your advert must have been in a local paper between 11 May and 22 June.

It is strongly advised that you place your advert so that it appears in a local newspaper within the 21 days **before** you submit your application. This will give you time to re-advertise your notice if the original advertisement is wrong.

What if I am applying for more than one operating centre?

If you are applying to use more than one operating centre, you must take extra care when placing your advertisements. If the proposed operating centres are in different locations, covered by different local newspapers, you must place a separate advertisement for each one. Each advertisement must meet the criteria stated above.

If the operating centres are in locations that are all covered by the same local newspaper, one advertisement will be sufficient, but it must include each operating centre's address and the total number of vehicles and trailers to be kept at each site.

If the operating centres are in different traffic areas you must complete an application for each traffic area. Please call the contact centre on 0300 123 9000 if you are unsure.

How do I prove I have met the advertising requirement?

You select a local newspaper in which other public notices regularly appear, such as notice of planning applications placed by local authorities and place the advertisement.

You must submit the whole page of the newspaper(s) containing your advert(s) to the traffic commissioner. You should ensure that the page with your advert also contains the full name and date of the newspaper.

It is in your interest to send the newspaper page(s) with your application form. If this is not possible, you must submit such pages separately to: Office of the Traffic Commissioner, The Central Licensing Office, Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF as soon as possible after the date of publication. If you have been given a reference number you must quote it.

Are there any exemptions to placing an advertisement?

The majority of applicants are required to publish notice of their application in a local newspaper. However, in limited circumstances, you **may** be exempt if you are taking over an operating centre from the holder of a valid operator's licence. **This process (known as “schedule 4”) is subject to strict limitations** including:

- There must be no increase to the existing number of vehicle/trailer authorisations at the operating centre
- The existing licence holder must be giving up the premises before the traffic commissioner grants your application
- The operating centre should not be shared with any other operators

If you think that this may apply to you, call the contact centre on 0300 123 9000 **before** submitting your application.

If Schedule 4 does apply to you then form GV72 is also required which the contact centre will provide.

Guidance Note 11 – Vehicle details

The vehicle details provided here will be listed (specified) on your operator's licence if the traffic commissioner grants your application. Only vehicles registered in Great Britain (GB) can be specified on your operator licence.

Restricted licence applicants:

If you intend to operate hired vehicles for short periods only you do not have to give vehicle details. However if the hire contract should extend beyond one month, the vehicle must be specified on your operator's licence.

Standard licence applicants:

From 4 December 2011 standard licence applicants must be able to prove they have a formal arrangement for access at all times to at least one vehicle registered or in circulation in GB.

This could be by specifying a vehicle for use under an O-licence or by demonstrating on request that the licence holder has a vehicle available – so vehicles may be either wholly owned or held under a hire-purchase, hire/leasing arrangement or other type of formal arrangement.

- 11a)** If you know the details of the vehicles you wish to operate, you must provide them now, otherwise you should tick the box to confirm that you are not submitting vehicle

details at this time.

Please provide all information requested in the table for each vehicle and print the information clearly so that the correct details are printed on the vehicle identity discs.

Gross plated weight

This is the total permitted weight of a loaded vehicle and can be found either on the Department for Transport plate or the manufacturer's plate, usually inside the cab of a motor vehicle or on the nearside headboard of a trailer.

Body type

Choose the body type from the following list:

1. flat sided or skeletal
2. box body, or van, or curtain side
3. tanker
4. other type (such as, cement mixer, livestock carrier)

If a tipper, put a T after the number. If refrigerated, put an R after the number. If articulated, put an A after the number.

If a vehicle falls into more than one class, give each letter that is relevant (eg. an articulated, refrigerated box body is 2AR).

Guidance Note 12 – Safety inspections

You must satisfy the traffic commissioner that you will keep your vehicles and trailers in a fit and serviceable condition. It is your responsibility as operator to ensure that you meet this requirement at all times. You must ensure that daily walk round checks are carried out, as well as regular safety inspections, and ensure that any necessary maintenance work is carried out as soon as you become aware of a problem.

You may carry out the safety inspections and maintenance work yourself if you employ someone who is suitably qualified and you have adequate facilities available, or you may contract this work out to a third party. If you contract the work out you should have a formal contract in place with them and you must provide a copy of this contract with your application. **A sample contract is provided in your application pack at Annex D.**

The Guide to Maintaining Roadworthiness, available from www.businesslink.gov.uk/transport, explains the responsibilities and systems involved in maintaining vehicles in a roadworthy condition, and gives information setting out the specific standards for inspections, checks and the monitoring of maintenance arrangements. You are strongly advised to read this document.

You may also seek advice from trade associations such as the Road Haulage Association and Freight Transport Association, or from VOSA examiners by calling the contact centre on 0300 123 9000.

- 12a)** You should enter the maximum number of weeks between safety inspections for vehicles and trailers. This should not exceed 13 weeks. You may choose to have safety inspections for some vehicles more often than others but you must not exceed the maximum number of weeks stated for any vehicle. For example if you have some vehicles inspected at 6 weeks and some at 8 weeks, put down 8 weeks.

Guidance on the length of time between safety inspections is available in Annex 4 of The Guide to Maintaining Roadworthiness.

- 12b)** You should give details of who will carry out the safety inspections on the vehicles and trailers you intend to operate and where this will take place. If this will be carried out by more than one garage please provide details on a separate sheet.
- 12c)** You must ensure that you are aware of the standards for maintenance and have put suitable maintenance arrangements in place, whether you will be inspecting and maintaining your own vehicles or contracting the work out.

If you are granted a licence a VOSA vehicle examiner may visit you to check your maintenance arrangements and vehicles. You will also be required to present your vehicles for annual vehicle testing. If the vehicles are not in a fit and serviceable condition then regulatory action may be taken by the traffic commissioner.

If a third party will be carrying out either the safety inspections on your vehicles, or any maintenance work required, or both, you must put a contract in place, using the sample contract from your application pack as a guide. This should be signed by both yourself and the contractor. You **must** provide a copy of the contract with your application. If you will be contracting this work out to more than one person or company then you must provide a maintenance contract for each one.

Guidance Note 13 – Financial evidence

- 13a)** The traffic commissioner must be satisfied that you have sufficient financial resources to maintain your vehicles and run your business. This requirement is **not** reduced in the case of contract or lease hire vehicles whose maintenance is included in the hire charge.

The financial standing requirement for operators is a continuing and mandatory requirement that must be kept up to date. Existing operators will be liable to demonstrate the increased pound sterling rate whenever their licences are considered by or on behalf of a traffic commissioner, either at the five year review stage or where a traffic commissioner considers an operator's licence for any other reason.

The traffic commissioner will assess the evidence you send in against the current financial levels, which change on an annual basis based on the rate of exchange for the Euro as at 1 October each year and shall have effect from 1 January of the following calendar year. Details of the current financial levels can be found at Annex B of the application. **You should ensure that you have sufficient financial evidence to show that you meet the current levels for the type of licence and number of vehicles you are applying to operate.** If you are applying for a margin for future expansion, you must ensure that you can show access to sufficient funds for all the vehicles you are applying for, not just the ones you wish to operate straight away.

All applicants must provide financial evidence so the traffic commissioner can assess this requirement, as follows.

Availability

The key test in demonstrating financial resources is whether the applicant or operator has available capital and reserves of an amount equal to the sum specified. "Available" is defined as: "capable of being used, at one's disposal, within one's reach, obtainable or easy to get". The three questions an operator needs be able to answer are:

- how much money can the operator find if the need arises?
- how quickly can they find it?
- and where will it come from?

Name(s) on financial evidence supplied

All financial documents should be in the same name as the applicant or licence holder. In the case of partnerships be in the same name(s) as one or both of the applicants or licence holders.

In the case of a Limited Company and Limited Liability Partnerships (LLPs) the funds must be held within the company.

The traffic commissioner may allow documents in a different name, but in the case of an individual applicant/operator this must be supported by a statutory declaration signed by the natural person.

For companies, group and cross guarantees will be referred to the traffic commissioner to consider the merits and will require evidence of the financial standing of the guarantor.

The types of evidence listed below are not exhaustive.

Bank statements

You should provide **original** bank or building society statements covering the last 28 days, the last date of which must not be more than 2 months from the date of receipt of the application. If original bank statements are not available, for instance if you have an online only account, then you may provide printouts that have been signed and stamped by the bank as verification that they show a true reflection of your account. Any such printouts must contain the account holder's name and account number, the name of the bank, and all transactions taking place within the 28 day period.

Building society accounts will only be acceptable if funds can be drawn down within one month.

Unusually large deposits/withdrawals which have influenced the average balance might lead to further enquiries and a request for an explanation from the applicant/operator. The traffic commissioner might ultimately decide to discount these deposits/withdrawals from the average balance. If there is any doubt as to the source of funds this will be referred to the traffic commissioner.

Credit card accounts (in the same name as the application or licence holder) must be

supported by original documents, as with bank statements, to show that over the same 28 day period the funds available meet the criteria. Where a credit card account is the sole source of evidence to prove the availability of finance traffic commissioners are entitled to ask why there is no other evidence of banking facilities available.

If the applicant has a new business and thus does not have statements for 28 days, an opening balance meeting the requirement may be accepted, with an explanation regarding the source of funds but it may be the subject of a requirement to submit further financial evidence within a specified period after the date of grant (likely to be 6 to 12 months) to provide the operator with an opportunity to then supply three months of evidence.

Overdraft facility

The applicant or operator can supplement the original or certified copies of any bank or building society accounts statements by the use of an overdraft or credit facility. That is an overdraft at their disposal in the sense that there is a balance undrawn before the limit is reached. The facility must be demonstrated by a formal written commitment by the bank, etc. (An offer of such a facility will not suffice.)

The average balance shown in the statements will be calculated, and added to any overdraft or credit facility to show the amount of credit that can be used as proof of financial standing. If the average balance is negative, this will be subtracted from the overdraft limit to find the available finance.

Invoice Finance Agreement

An invoice finance agreement is acceptable, but only if accompanied by:

- confirmation of available balances not drawn down averaged over a 3 month period.
- a copy of the signed agreement from the finance company in which they agree to retain the amount of money needed to meet the definition of financial standing.
- a completed schedule signed on behalf of the finance company.

If you are supplying an invoice finance agreement you must still provide bank statements as detailed above.

Audited accounts – limited companies and Limited Liability Partnerships

These must be certified by a properly qualified person, be drawn up clearly and give a true and fair view of the company's assets, liabilities, financial provision and profit or loss.

The items that must comprise the annual accounts are:

- a balance sheet
- that the company is trading profitably (on the profit and loss sheet)
- notes on the account
- a positive ratio of more than 1.0 (when dividing total assets by total liabilities)
- a positive ratio of more than 0.5 (when dividing current assets by current liabilities)

The latest audited annual accounts (in respect of the financial year end, to a date not

more than 18 months prior to the date of application) can be used as a substitute for bank statements, generally only where the entity is an established and substantial limited company/plc with a turnover of more than £5.6m (subject to statutory uprating).

Smaller businesses have historically produced annual accounts as additional evidence to establish financial standing. However under Regulation (EC) 1071/2009 traffic commissioners will accept annual profit and loss accounts and balance sheets or a statement of an opening balance if they are certified by a properly accredited person. Draft annual accounts to a date not more than 12 months prior to the date of application/licence check may be sufficient but will be referred to the traffic commissioner who may require further evidence.

Annual financial accounts can be a very useful cross check on an operator's financial health. If audited, they should give an accurate (though historic) 'snapshot'. Businesses with a turnover of less than £5.6m are not required to have their accounts audited. Operators, however, with a turnover of more than £1m are advised that your accounts should be prepared by a chartered or certified accountant. Company law allows unaudited financial accounts for businesses with a turnover below £5.6m but the traffic commissioner may not place as much weight on unaudited accounts as those which are independently certified. Where any accounts are relied upon it is open to the traffic commissioner to seek a further check of finances either by way of a condition upon grant or an undertaking.

It is open to the traffic commissioner to consider financial accounts for all other types of business (i.e. not companies) whether audited or not. This might highlight any insolvent trading positions or unpaid taxes such as PAYE/NI/VAT etc. and may indicate cash flow problems. Where accounts contradict the impression given by the bank statements the traffic commissioner might ask for further enquiries to be made. Applicants and operators are reminded of the need to reply to these further enquiries in a timely manner.

In addition to the types of financial evidence shown earlier, the traffic commissioner may agree that an operator can demonstrate its financial standing by means of a certificate such as a bank guarantee or insurance, including professional liability insurance from one or more banks or other financial institutions, including insurance companies, providing a joint and several guarantee for the operator in respect of the amounts specified above.

The evidence must be those of the economic entity (applicant/operator) established in Great Britain where an authorisation has been applied for and not those of any other entity established in any other country or European Member State.

- 13b)** The traffic commissioner requires details about any insolvency history of applicants for an operator's licence. Previous insolvency history may affect an applicant's fitness or repute. Traffic commissioners will consider each case on merit and it is vital that you declare all previous insolvency history.

Please tick either 'yes' or 'no' in answer to **all** five parts of Question 13b.

If you tick 'yes' in answer to **any** of the questions then you must provide full details, on a separate piece of paper. This should include the circumstances leading to the insolvency proceedings, the people, dates and any courts involved, details of any operator's licence affected by such action (including the licence number, licence holder,

people involved and so on), plus any other information you think may be relevant.

You must also supply further information if you ticked yes to the relevant part of Question 13b as follows:

- 13b)i.** You should provide a copy any certificate of discharge from bankruptcy.
 - 13b)ii.** You should provide a copy of the Liquidator's report. If this is not yet available please provide a copy of the report to the creditors, and state when the full Liquidator's report is likely to be available.
 - 13b)iii.** You should provide a copy of the Receiver's report. If this is not yet available please provide a copy of the report to the creditors, and state when the full Receiver's report is likely to be available.
 - 13b)iv.** You should provide a copy of the Administrator's report. If this is not yet available please provide a copy of the report to the creditors, and state when the full Administrator's report is likely to be available.
 - 13b)v.** You should provide a copy of the disqualification orders.
- 13c)** You must inform the traffic commissioner immediately as soon as you become aware of any new insolvency proceedings that involve anyone named on the application, which take place between sending in your application and being notified of any decision on your application. This includes any of the following: bankruptcy, liquidation, receivership, administration or disqualification from being a director.

You should inform the traffic commissioner as soon as you become aware that financial difficulties may lead to insolvency proceedings, and should not wait until the procedures are already underway.

If you fail to inform the traffic commissioner of any such proceedings then you risk having your application refused and/or any operator's licences on which the relevant person(s) are specified may be subject to regulatory action.

Guidance Note 14 – Previous licence history

The answers you give in this section will be checked against records. If you are unsure, please include the detail and if it is not required it will be noted before your application is determined by the traffic commissioner.

- 14a)** Please answer the question 'Yes' or 'No' and provide details if you have answered 'Yes'.
- 14b)** Please answer the question 'Yes' or 'No' and provide details if you have answered 'Yes'.
- 14c)** Please answer the question 'Yes' or 'No' and provide details if you have answered 'Yes'. The question applies whether you have had an application for an operator's licence refused by a traffic commissioner or by any other EU licensing authority.
- 14d)** Please answer the question 'Yes' or 'No' and provide details if you have answered 'Yes'. The question applies whether you have had an operator's licence revoked, suspended or curtailed by a traffic commissioner or by any other EU licensing authority.

- 14e)** Please answer the question ‘Yes’ or ‘No’ and provide details if you have answered ‘Yes’.
- 14f)** Please answer the question ‘Yes’ or ‘No’ and provide details if you have answered ‘Yes’.
- 14g)** Please answer the question ‘Yes’ or ‘No’ and provide details if you have answered ‘Yes’.

If you have purchased the assets or shareholding of a company, but you are not sure whether they hold a licence, you may carry out an operator search by visiting the business link website, or you can call the contact centre on 0300 123 9000.

Guidance Note 15 – Convictions and Penalties

You must declare all relevant convictions and penalties on the application form.

You are reminded that it is a criminal offence to make a false declaration on the application.

A more general explanation of what a traffic commissioner can take into account is detailed at section 15a below. You should provide full details of the background circumstances of any convictions or penalties declared on a separate piece of paper.

Failure to provide information that may influence a decision to grant your licence could subsequently lead to regulatory action.

Spent convictions

You do not have to declare convictions which are “spent” under the Rehabilitation of Offenders Act 1974. The table below shows the rehabilitation period, at the end of which convictions will become spent. The rehabilitation period depends on the sentence for the original offence and runs from the date of conviction.

A sentence of imprisonment for life or a sentence of imprisonment, detention in a YOI, a sentence of preventative detention or a sentence of detention during Her Majesty’s pleasure for terms exceeding 30 months are excluded from rehabilitation. Otherwise:

Where on a conviction the sentence (or equivalent) imposed is:	The rehabilitation period begins on conviction and lasts for:
Life imprisonment or imprisonment/ detention in a Young Offenders Institute (YOI)/ a sentence of preventative detention or a sentence of detention during Her Majesty’s pleasure, FOR TERMS EXCEEDING 30 MONTHS	Excluded from rehabilitation
Imprisonment in a YOI, Corrective Training for MORE THAN 6 MONTHS but not exceeding 30 months	10 years*
Imprisonment NOT EXCEEDING 6 MONTHS	7 years*
Fine (or other order not specified below)	5 years*
Borstal Training	7 years
Detention (PCC(S)A 2000, s.91) under CYPA 933, s.53 for MORE THAN 6 MONTHS but not exceeding 30 months	3 years

DETENTION under PCC(S)A 2000, s.91, s.53 for NOT MORE THAN 6 MONTHS	3 years
Detention in a YOI	3 years
Probation (Community) Order, where offender 18 years or over at date of conviction; Where offender under 18 at date of conviction	5 years 2½ years from conviction or a period beginning with date of conviction and ending when order ceases to have effect (whichever is the longer)
Detention and Training Order under CDA 1998, S.73	In the case of a person aged 15 or over a date of conviction, 5 years if order was, 3½ years if it was not, for a term exceeding 6 months. In the case of a person under 15, a period beginning with date of conviction, and ending 1 year after the date on which the order ceases to have effect
Secure Training Order. Bind Over (to keep the peace or be of good behaviour), Care Order, Supervision Order under PCC(S)A 2000, s.63(1), Care order under CYPA 1933, S.57, Supervision order under CYPA 1933 or CYPA 1963	1 year or duration of order (whichever is longer)
Attendance at an Attendance Centre	Duration of the order plus 1 year
Hospital Order (with or without restriction order)	5 years or duration of the order plus 2 years (whichever is longer)
Disqualification, disability, prohibition or other penalty	The duration of the order

* Reduced by half if the offender was under 18 at the date of conviction.

A later conviction may affect the rehabilitation period for an earlier conviction if it happens before the first period has run out.

If you are not sure whether your convictions are “spent”, you should declare it and the traffic commissioner will then consider each case on its merits.

15a) All applicants

You must notify the traffic commissioner if any person named in this application, (including partners, directors or transport managers), any company of which a person named on this application is a director, or any parent company if you are a limited company, has been convicted of any of the following:

- An offence under the Goods Vehicles (Licensing of Operators) Act 1995
- An offence under the Transport Act 1968 or the Road Traffic Act 1960 which relates to licences or means of identification
- An offence relating to section 13 of the Hydrocarbon Oil Duties Act 1979 (unlawful use of rebated fuel oil in relation to goods vehicles)
- An offence under Section 74 of the Road Traffic Act 1988 (duty to keep inspection records in relation to goods vehicles)

You must also notify the traffic commissioner if any person named in this application,

(including partners, directors or transport managers), any company of which a person named on this application is a director, or any parent company if you are a limited company, or any of your employees or agents, has been convicted of any of the following:

- An offence under section 53 of the Road Traffic Act 1988 (plating certificates and goods vehicle test certificates)
- An offence in relation to a goods vehicle relating to the maintenance of vehicles in a fit and serviceable condition
- An offence in relation to a goods vehicle relating to speed limits or overloading
- An offence in relation to a goods vehicle relating to the licensing of drivers
- A drivers hours offence relating to a goods vehicle
- An offence under sections 173 or 174 of the Road Traffic Act 1988 (forgery, false statements or the withholding of information) in relation to an international road haulage permit
- An offence under section 2 of the International Road Haulage Permits Act 1975 (removing, causing, or permitting the removal of a goods vehicle or trailer from the UK in contravention of a prohibition)
- An offence under section 3 of the Control of Pollution Act 1974
- An offence under section 2 of the Refuse Disposal (Amenity) Act 1978
- An offence under section 1 of the Control of Pollution (Amendment) Act 1989
- An offence under section 33 of the Environmental Protection Act 1990
- An offence in relation to a goods vehicle in contravention of a provision prohibiting or restricting waiting vehicles made under the Road Traffic Regulation Act 1984 or a relevant traffic regulation order

Applicants for Standard National and Standard International licences only

In addition to the above convictions, you must notify the traffic commissioner if any person named in this application, (including partners, directors or transport managers), any company of which a person named on this application is a director, or any of your employees or agents, has any of the following:

Any conviction under the law of Northern Ireland or any country outside the United Kingdom which relates to the offences noted above for all applicants

Any conviction where one or more of the following punishments was imposed:

- Imprisonment exceeding 3 months
- A fine exceeding level 4 on the standard scale
- A community service order (or equivalent) requiring unpaid work for more than 60 hours
- Any punishment outside the UK corresponding to any of the above
- Any conviction or penalty for an offence under UK law relating to road transport, or any corresponding offence outside the UK. In particular, but not limited to offences relating to:
 - Drivers' hours of work and rest periods
 - The weights and dimensions of commercial vehicles
 - Road and vehicle safety

Any conviction or penalty for an offence under UK law relating to road transport, or any

corresponding offence outside the UK. In particular:

- Exceeding the maximum 6-day or fortnightly driving time limits by margins of 25 % or more.
- Exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more without taking a break or without an uninterrupted rest period of at least 4,5 hours.
- Not having a tachograph and/or speed limiter, or using a fraudulent device able to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card.
- Driving without a valid roadworthiness certificate if such a document is required under Community law and/or driving with a very serious deficiency of, inter alia, the braking system, the steering linkages, the wheels/tyres, the suspension or chassis that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle.
- Transporting dangerous goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle.
- Carrying passengers or goods without holding a valid driving licence or carrying by an undertaking not holding a valid Community licence.
- Driving with a driver card that has been falsified, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents.
- Carrying goods exceeding the maximum permissible laden mass by 20 % or more for vehicles the permissible laden weight of which exceeds 12 tonnes, and by 25 % or more for vehicles the permissible laden weight of which does not exceed 12 tonnes.

15b) You must inform the traffic commissioner immediately of any convictions that occur between the date of you applying for a licence and a decision being made on your application. The traffic commissioner will decide whether the convictions are relevant to your application.

Guidance Note 16 – Undertakings and declaration

Please read the undertakings carefully and ensure that you fully understand the obligations you are making before signing the declaration. By signing the application you are accepting the undertakings and you are responsible for ensuring that you comply with them at all times.

The application must be signed by the person who will be the licensed operator.

- If you are applying as a sole trader, then you must sign the form yourself.
- If you are applying as a partnership it may be signed by all partners named in your answer to question 5a) or by one partner with the authority of the others.
- If you are applying as a limited company or LLP it must be signed by one or more

of the partners/directors named in your answer to question 3b).

- If you are applying as any other organisation, it must be signed by one or more of the people named in your answer to question 6b).

Guidance Note 17 – Payment details

You must pay the application fee in full by credit/debit card or by cheque/postal order. Details of the amount payable can be found at www.businesslink.gov.uk/transport or at Annex C of the application.

The application fee is non-refundable. You will not get the money back if you withdraw your application or it is refused.

If your application is granted, then there is an additional fee payable for the issue of the licence. This covers your operator's licence for a five year period. The licence fee is also non-refundable.

- 17a)** If you are paying by cheque or postal order, you must enclose this with your application.

If you are paying by credit or debit card, you must give all details required. The card details will be used to pay for the application fee only. They will be destroyed once they have been used to pay the fee.

If you are sending your credit/debit card details by post you should consider using a secure method.

Guidance Note 18 – Checklist

The traffic commissioner will only consider **complete** applications.

Throughout the application form and guidance notes you have been advised if supplementary evidence is required to support a particular section. Please use the checklist provided to help ensure that you have included everything required.

Your application must contain the correct documentary evidence. If it does not then it cannot be considered by the traffic commissioner. **Failure to supply the correct evidence will result in a delay in the processing of your application and may also result in your application being refused.**

I have submitted my application - what happens next?

The central licensing office aims to process your application as soon as possible. The information provided will be checked and details of your application will be put forward for publication in "Applications and Decisions" which is sent to organisations including Local Authorities, Police and Trade Associations who have a statutory right to object to the grant of your application. Internal checks will also be carried out and further information may be requested from other parties.

Once your application has been processed, a letter will be sent to you at the correspondence address provided advising you of your reference number. If the application is incomplete or there is any further information required by the traffic commissioner you will be advised of this.

The central licensing office aims to ensure that the traffic commissioner is in a position to make a decision on 85% of unopposed applications (and those not requiring a public inquiry) within 9 weeks of the date of receipt of the application and the required fee. If your application is opposed or if the traffic commissioner requires a Public Inquiry to determine the application then your application is likely to take longer.

You must not operate goods vehicles until a licence has been issued to you.

If you need to start operating urgently you can apply to the traffic commissioner for an interim licence. You must give full reasons why you want to operate urgently and these should be stated on the separate INT1 form. Any application for an interim licence will not be considered unless a complete application has been received for a full licence. Interim licences are granted at the discretion of the traffic commissioner and are not guaranteed. If you are granted an interim licence there is no guarantee that a full licence will be issued and you should not make any long term commitments.

If your application is opposed you will be given further advice by this office and you will be asked for supplementary information.