



Department for

Infrastructure

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A Guide to Instructing Transport Consultants

Goods Vehicle Operator Licensing

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Background

The process for applying for an operator's licence is designed to be user friendly and intuitive. Applications must be completed by the applicants themselves. [Check you are ready to apply](#) or watch a video demo on how to apply for an operator's licence at the link below.

[How to apply for a vehicle operator's licence](#)

If an applicant needs help in applying for a licence using the digital Vehicle Operator Licensing (VOL) system, assistance is available by contacting the self-service team by email at Notifications@vehicle-operator-licensing.service.gov.uk, or by calling 020 4551 8711 between the hours of 10am and 4pm, Monday to Friday.

Some operators instruct transport consultants to assist them in many aspects of operator licensing. Their advice and guidance may ensure that applications progress quickly or that operators comply with the legislation.

Operators should however be aware that transport consultants act in an unregulated market without a regulatory body. This could result in transport consultants not providing the best service possible to their clients.

This guidance is intended to assist applicants or operators when considering whether to use the services of transport consultants.

Areas of identified poor service

Some issues that have concerned the Department in its dealings with consultants in the UK are their failure to:

- identify themselves as a consultant working on behalf of an operator on the [Vehicle Operator Licensing system](#), giving the impression they are the operator. For example, providing the transport consultant's email address in the operator email address field
- conduct basic checks on their client's application. For example, transport consultants should be checking that the correct entity is applying for the licence, the advert wording, convictions and that the operator has appropriate finances otherwise this can delay an application
- check the application form thoroughly with the applicant before submitting. These checks are relatively straightforward and avoids the risk of delays caused by incomplete applications being submitted
- remove their access to the self-service accounts on the [Vehicle Operator Licensing system](#) following grant of the application if they are no longer acting for the operator

- keep up to date with legislation or the Department's [Practice Guidance Documents](#). The Upper Tribunal expects applicants and operators to be aware and so you should expect any transport consultant representing you to also be aware
- check the conduct and competence of their employees to make sure they are qualified to be giving advice to your business

Operators should be cautious of transport consultants who attempt to tie in the provision of a transport manager with a consultancy service.

Steps you should take when instructing transport consultants

Ensure they have the required knowledge and skills

Before deciding who to instruct, operators should consider whether the transport consultant, and everyone in their employment who will be involved with your operator's licence, has the relevant experience and qualifications to advise your business properly. Operators and transport managers are expected to complete continuous professional development to make sure they keep up to date with changes in legislation and the Department's [Practice Guidance Documents](#); this applies equally to transport consultants.

You should consider asking them for details of their professional qualifications (e.g. Transport Manager Certificate of Professional Competence), any accreditations they hold and whether they have ever been required to attend a public inquiry as a transport manager. You may wish to seek references from their previous clients.

Questions you should consider asking a transport consultant before instructing them:

- are they a member of a trade association, for example, Logistics UK, Road Haulage Association, British Association of Removers
- are they a member of a professional body, for example, Institute of Transport Administration, Chartered Institute of Logistics and Transport, Society of Operations Engineers, Institute of Road Transport Engineers
- have they been to public inquiry and had action taken against their good reputation as a transport manager
- their last refresher training date
- are they signed up to receive the [Transport Regulation Unit Newsletter](#)

Applying for a licence

Once you've decided to instruct a transport consultant you should expect them to conduct a challenging and searching interview about your business. This will be with the sole trader, partners or the statutory office holders of a limited company. The transport consultant should then be able to give you an assessment of the application, identify any potential issues which will need to be overcome and whether it is likely to be granted. The interview should also identify whether you require an interim licence, how you have met your transport needs to date, any prior involvement you have had with transport operations using vehicles exceeding 3.5 tonnes, and areas where you may need to evidence improved compliance following past breaches. This will help speed up the process once the application is submitted.

Questions that applicants should be prepared to answer include:

- why does the business need the licence? Are you operating already? If you are already operating without the benefit of any licence or interim licence, you should be told to stop immediately. The Department is entitled to conclude that a person does not have the required repute where they have decided to operate without authorisation (either on an interim or full licence) particularly in the face of warnings not to do so
- do you have any convictions which must be disclosed? If in doubt the transport consultant should advise you to disclose them to the Department so it can rule on their applicability
- do you have any operator licence history? All operator licensing history should be disclosed no matter how old
- do you have any familial or other links to previous licence holders? If so, the transport consultant should seek explanations of these links so that this information can be provided to the Department to prevent delays
- what is the source of the business's finances? If a loan is being relied on, the transport consultant should ask for a copy of the agreement so the terms can be assessed. Are the finances in the name of the entity applying for the licence, if not they can only be considered in very limited circumstances and will cause delay
- does the business have confirmation that they have access to an operating centre and is the operating centre suitable from both an environmental and road safety perspective?
- if a standard licence applicant, have you and the transport manager met and discussed how you will work together? Is there a contract in place with the individual rather than a company?
- has the advert been made in time and in the correct newspaper?

The above is not an exhaustive list. The transport consultant should review the entire application with at least one statutory director for limited companies and the transport manager - where a standard licence is required - before it is submitted. Transport consultants should bring to your attention any potential issues with the application so that these can be addressed before submission. Any requests for information from the Department should be responded to promptly.

If the consultant submits the application on your behalf, you should ensure that this is made clear by ensuring:

- the user details submitted are the consultant's details, and not that of the applicant
- the user ID reflects the consultant's business e.g. ABCconsultants, Xsolicitors
- the e-mail address used must be the consultant's business e-mail

If a transport consultant fails to comply with the above requirements or pretends to be the applicant, the user account may be terminated due to a breach of the [Vehicle Operator Licensing Terms and Conditions](#). This may also delay the consideration of your application.

Post-application

Transport consultants are expected to surrender their self-service accounts on the [Vehicle Operator Licensing system](#) following grant of the application unless you have an ongoing written contract with them for support.

Operators are responsible for ensuring only authorised people have access to the self-service account for the operator's licence. Every user with access must have their own account.

Public Inquiries

Whilst presiding officers allow unqualified advocates to appear before them, this is always at the discretion of the presiding officer. As with the courts, an unqualified representative must first seek permission well in advance of the hearing date to appear from a presiding officer. The transport consultant will need to satisfy the presiding officer that they have the relevant experience, no personal interest in the outcome of the case, no conflicts of interest may arise and that they understand the duty of confidentiality.

Presiding officers may refuse to hear representatives other than from regulated counsel or solicitors. This distinction is based on the fact that unlike that of other representatives the conduct of counsel and solicitors is regulated in Northern Ireland by the Law Society of Northern Ireland, and therefore the submissions from counsel and solicitors may carry more weight than those from other representatives.

Transport consultants and representatives are expected to display a degree of competence and openness with the tribunal and if they fail in that regard, it is open to the presiding officer to indicate that the person will not be acceptable to act as an advocate at any public inquiry in the future.

Consultants are unable to act as both an advocate and witness in the same proceedings. You should be particularly mindful of this where a consultant has undertaken work with you to improve your compliance, and consider whether it may be more beneficial for them to act as a witness in the inquiry rather than attending as an advocate. The practice of seeking to appear as both advocate and witness has been disapproved of by the Upper Tribunal.

Concerns

If you suspect that a transport consultant is not acting in your best interests, you should consider terminating your contract with them.