

# DfBB Women in Transport Podcast: Sarah Bell

## Anne-Marie:

Welcome to the Driving for Better Business podcast celebrating women working in transport, fleet management, and road safety. Now, some areas of fleet management are highly regulated but that doesn't always mean that these fleets are managed well. Today, I'm thrilled to be joined by Sarah Bell, Traffic Commissioner for London and the South East.

Sarah, welcome to the Driving for Better Business podcast. You've had over 20 years of working with the transport industry and now as a Traffic Commissioner. How did your career develop?

## Sarah:

First of all Anne-Marie thank you for inviting me, following Jo Shiner – difficult footsteps to follow but I'll do my best. My career... developed is probably too sophisticated a word for it. It flowed, really. I qualified as a solicitor in 1993, with a regional practice down on the South Coast. I stayed with them until 1995, but then I wanted to get into commercial litigation but there were no positions there, so I went elsewhere. And bizarrely I ended up doing maritime litigation as well as commercial litigation. So, for example, marine accident investigations, helping their clients weave their way through the interviews, etcetera. And then also defending health and safety executive prosecutions for their clients. And so it was regulatory as well as litigation – which is not something which I had originally signed up to. But then the opportunity came for me to take that back to the firm where I had originally trained, which was lovely because I hadn't actually particularly wanted to leave in the first place, it was just that there wasn't the sort of role that I had wanted. And we developed a wider regulatory practice. They already were RHA panel solicitors, so I started doing that work with them – so representing operators, transport managers and drivers before my predecessors as traffic commissioners, and also in the criminal courts. But at the same time, I moved from defending HSE prosecutions which I had done at my previous firm, to actually prosecuting as a solicitor agent for the Health and Safety Executive. So I have – as they say - played on both sides of the fence. I'm a prosecutor and a defence solicitor by expertise. But then in 2006 I was approached by the recruitment consultants that were in charge of recruiting the new traffic commissioner for the West of England. And they said, "why haven't you applied?" and I said I didn't know that Phillip was retiring – which was a big faux pas as he wasn't retiring, just moving London and the South East. And so that's how I ended up being a traffic commissioner.

## Anne-Marie:

Fantastic, so your experience – on both sides of the fence – has been quite broad. And you mentioned, you joined the West of England as Traffic Commissioner and now you're the responsible for the South East. What are the responsibilities of a traffic commissioner?

## Sarah:

They are wide and varied. First of all we don't sort out anyone's parking tickets, unfortunately, which is what most people think if they don't know about regulation of commercial vehicles. What we actually do is we regulate the bus, coach and haulage industry, and their vocational drivers. There are eight traffic commissioners regionally, there's one traffic commissioner for Scotland – Claire

Gilmour, one traffic commissioner for Wales – that’s Victoria Davies. And then the other regions. And, we look at commercial vehicle businesses and their drivers – and it is from cradle to grave. So, if you want to operate a one-man or one-lady scaffold business, or if you want to be the next Eddie Stobart, you need an operator’s licence. And that licence tells you where you can operate from, how many vehicles you can operate, how many trailers you can operate. And you have to tell us what your safety regime is going to be. Similarly with vocational drivers. Whether it’s lorries, or it’s buses and coaches – from your very first provisional right through to your retirement – whether you are able to hold that entitlement and whether you keep it depends on your driving and your approach to safety, and we regulate all of that as well.

**Anne-Marie:**

Excellent. So your role is not to go searching for wrongdoing, but to arbitrate on allegations when they are reported. How are most inquiries reported, are there specific triggers?

**Sarah:**

So the undertakings on the operator’s licence are all focused on the roadworthiness of vehicles, and the drivers being safe. Because, as we know, a lorry in the wrong hands is a lethal weapon. And, there are a lot of systems that we expect them to have in place, so obviously the lorries and coaches have their tachographs in... that’s not enough. We expect there to be regular downloading within the maximum timescales under the legislations. But not only downloaded – we expect it to be analysed. Have there been drivers’ hour infringements? Has there be driving off card? They have to the systems in place – likewise with the undertakings in relations to maintenance. They have to tell us how frequently they are going to have their vehicles inspected. How frequently they are going to have their trailers inspected. Who is going to be doing those inspections? And so, the inquiries flow from the success or failures of those systems. And most of the reports we receive are from the DVSA - Driving Vehicle Standards Agency – I refer to them as the Department for Transport’s commercial vehicle enforcement officers. And also, but less so, the police. With the police it depends more on the traffic area; some have more commercial vehicle police units than others. Obviously, I’m incredibly lucky in London and the South East because I have the Met, and the City of London, and I see a huge number of referrals from them. We also get referrals from the Health and Safety Executive, and the Environment Agency, because our regime is safety focused. And it’s not just about how do you run your transport, it’s what’s your approach to safety? So if there’s been a health and safety... not even prosecution... even if it’s an enforcement notice and it’s not been complied with. Or if there’s an Environment Agency prosecution. Then, we are told about those and the operator can be called in, with the transport manager, to consider their good repute.

**Anne-Marie:**

Excellent thank you – that’s really insightful and I’ve learnt some things that I didn’t know there. So, what are the common failures at any operator level that you see regularly, and is this through ignorance, inexperience or lack of care? What do you see on a regular basis?

**Sarah:**

Well I’ve been doing this since 2007. And unfortunately, I keep seeing the same stories, just different people. Ignorance... ignorance is interesting. Because, when you sign up for a licence, the form is

online now, and it's about 18 pages. So it's not like how it used to be, when you'd go to the tax desk. You are making a whole heap of promises that you know what you're doing, and that you already will have the systems in place from day one. And there's an appeal court case called MGM Haulage and Recycling 2012/030... not that I use it very much. And that said that operators, transport managers and applicants are deemed to know all the advice and guidance in the public domain. And it's vast. So there's all the Senior Traffic Commissioner statutory documents. There's all the DVSA documents – such as the Guide to Maintaining Roadworthiness, Careless Talk Costs Lives, all the drivers' hours... so ignorance is probably limited. Not as limited as it should be, but limited. In experience, we have what we call a gatekeeper role about who we let in, who gets a licence. And that's not just about "have they got convictions" etc., it is about the individual, the company, and how are they going to get it right first time. So you can be inexperienced, but you still have to have the systems in place to make sure that the business is experienced. And one of our favourite sayings also is 'never mistake experience for expertise'. Because sometimes it's the experience that has got in the way, because they're still doing things the way they've always been done. Lack of care when managing the health and safety of vehicles and their drivers - absolutely that's the key. That is what we see the most. There may be a system in place, but it's not been reviewed. There may be a system in place, but it has fallen to the wayside because there's been a change in personnel. And the worst one of all, where commercial need is put ahead of compliance. And those are the themes, really.

**Anne-Marie:**

Thank you, Sarah. I'd like to talk a little bit about the van sector as well – because vans, as you know, are not regulated in the same way. There are over 600,000 trucks on our roads, 75,000 buses. But this is dwarfed by the van sector and that has been increasing in past years. There are more than 4.8m vans on our roads now. Do you think they should be managed in the same way as trucks, and would regulation of vans be a useful step?

**Sarah:**

It's interesting isn't it, Anne-Marie. Because they're not unregulated, they just don't have this figurehead stick to beat them with, as some like to say about traffic commissioners. Section 2, section 3, section 7 of the Health and Safety traffic laws... they all still apply. And I don't think it's really for me to say that they should be or not – I'll probably get into trouble if I expressed a personal opinion. What I would say is there's lots of excellent schemes around, including the work that Driving for Better Business does... the Trade Associations etcetera. And those who want to do well, and those who want to look after their people, and those who want to be safe, will seek you out. And they will join, and they will be engaged. And the challenge, I think, for the van sector, is the same as we actually have for the haulage, bus and coach sector – which is how do you reach those that don't want to be reached? Because there are those that still are under the radar, who keep of the strategic road network, who run under the radar. And they're the ones who are the challenge. And you'll have that whether they're regulated more akin to the Traffic Commissioner Operator Licensing regime... in any event. Does that make sense?

**Anne-Marie:**

That makes absolute sense. And there is commonality regardless of which vehicle you drive or ride. We're all humans – the people operating those vehicles – affected by the same problems. Fatigue

isn't different just because you're not driving a truck, and you don't have a tachograph in your vehicle, for example. There are some standards that absolutely should be applied across the piece – and if you're good at managing your trucks, you could be good at managing your vans. Because you'd apply the same principles of that high standard.

**Sarah:**

Yeah, and Anne-Marie you've absolutely hit the nail on the head, because obviously we regulate a lot of companies that run a mixed fleet. And we say – how you run your vans should be entirely akin to how you run your lorries. And I have done a public inquiry where they run truck fleet brilliantly – to the point of exemplar. But their smaller vehicles, and the company that they subcontracted with, were regularly overloading the smaller vehicles. And I called them into public inquiry. It's all about safety.

**Anne-Marie:**

Absolutely. Traffic commissioners work closely with enforcement agencies – and I think you mentioned DVSA earlier – and most recently have contributed to the Roads Policing Review. How has this collaboration improved safety on our roads?

**Sarah:**

I have to say, you've hit the nail on the head with my favourite subject at the moment, which is the Roads Policing Review. It is a once-in-a-generation opportunity to make real change on our roads. Although it's called the Roads Policing Review, it has merged into something wider, in that it is looking at other enforcement agencies, particularly with commercial vehicles, and the role of the DVSA. And it's about having joined-up enforcement, and also joined-up education. So, the standards that the police work to would be the same as the standards that the DVSA work to – so one would be upskilling the other. Because obviously the DVSA spend all of their time on the very highly technical side of commercial vehicle regulation, whereas the commercial police still have their other role to do as well. Both see education as key, both see enforcement as key, both see referral to prosecution and traffic commissioners as key. But what we're looking at is joining up those processes, so that everything comes through to actually be triaged, and so if it's for education it goes to education, if it's serious it goes to prosecution or the traffic commissioners, and that will be the same whether you are stopped in Eccles, in Bodmin, or London, or Birmingham. There will be one rulebook, one uniformity of approach. And it will – I hope – raise awareness, both roadside and online, that there is only one way to run your business, or to drive your own car. And that is as an exemplar. Because you will be found out – that's what I hope. I think it's a real opportunity. You know, we have 44 police forces. So 44 different ways that I might receive information – a lot of them don't even know who a traffic commissioner is. I don't want vehicles being stopped and it being dealt with at the roadside with the driver, and left at that. Because very often, it is not the driver that is the problem. And there was a stat a few years ago, and it came through a Highways England collaboration piece, that the police had done 30,000 stops and issued 31,000 prohibitions. And that's brilliant, that's absolutely fantastic, that's what we want. But what happened next? Was their follow-up with the operator in the appropriate case etc.? This whole Roads Policing Review is looking at that and everybody's involved. And I just love it, it's really exciting.

**Anne-Marie:**

That's really useful to know, because I think as a program, Driving for Better Business would love to follow up on that work, and actually do a big communication piece around that, so people are aware, and they do know. At the end of the day, we don't want people to fail. We want operators to be good and be understanding of what they need to do, and to be able to take action to remedy stuff that goes wrong for them. So my final question for you, Sarah, is a very simple one. What does a good operator look like to you?

**Sarah:**

If I could bottle that up, I'd be a billionaire! It's not about the nuts and bolts – forgive the pun. I think, from what I have seen before I was a traffic commissioner, advising companies and their staff, really it is that the culture of an organisation comes from its leadership. If you bring rigour and openness to all of your systems; you don't design systems around the bare minimum; you don't mistake experience for expertise; and you invest in your people and your safety regimes – that is what 'good' looks like. And I say it time and again, when I see operators in public inquiry in front of me, I say: compliance pays dividends, literally. If you're having your vehicles regularly inspected, they break down less. If you invest in your people, and you check on them – not just 9 to 5, but you look at how they present at work before they even start – do they look well? Do they look concerned? Do they look tired? You should have systems all around that. If you look after your people, you look after your wagons... it will pay.

**Anne-Marie:**

Sarah, that was brilliant. A lovely way to end this podcast. Thank you so much for joining us.

**Sarah:**

Thank you for inviting me, I've really enjoyed it Anne-Marie – it's always a pleasure to talk to you.

**Anne-Marie:**

Thanks Sarah. And, if you'd like more information on Sarah's interview, and links that we mentioned in the course of our conversation, visit [drivingforbetterbusiness.com](http://drivingforbetterbusiness.com).

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