



Senior Traffic Commissioner for Great Britain

Traffic Commissioner
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Ms K Skerrett
H M Senior Coroner for Gloucestershire
Gloucestershire Coroner's Court
Corinium Avenue
Barnwood
Gloucester
GL4 3DJ

24 May 2019

Dear Ms Skerrett,

Re: Mr Christopher George Barnes deceased Regulation 28 Report To Prevent Future Deaths

Further to the Regulation 28 Report, following your inquiry into the circumstances surrounding the sad death of Mr Christopher George Barnes, you have suggested that I may have power to prevent future recurrence of the circumstances which led to this tragic loss.

As you are aware, the traffic commissioners for Great Britain (TCs) are independent regulators for the heavy goods vehicle (HGV) and public service vehicle (PSV) industries and their professional drivers. We are non-departmental tribunals, sponsored by the Department for Transport (DfT). We act as licensing bodies, issuing operator's licences to the above transport businesses and may take regulatory action against those licence holders, where the requirements of the operator's licence have not been met.

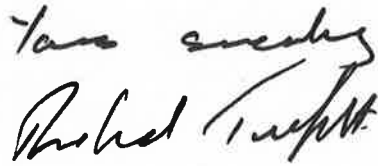
From your report I can infer that the operator in question holds a goods vehicle operator's licence. The requirements for that licence include section 13C of The Goods Vehicle (Licensing of Operators) Act 1995. Section 13C(3) requires only that there be satisfactory arrangements for securing that vehicles used under the licence are not overloaded.

Your report at item 4 refers to circumstances where Mr Barnes was involved in the unloading of a vehicle. Mr Barnes climbed onto the palletised load and, whilst attempting to untangle the straps which were used to secure the load, he took a step back and fell from the load on the vehicle. This would appear unconnected with the specific terms of the operator's licence. As you will be aware, the duties to establish safe systems of work are set out in The Management of Health and Safety at Work Regulations 1999 and The Work at Height Regulations 2005 and by reference to general duties under the Health and Safety at Work etc. Act 1974.

Traffic commissioners are not provided with investigative powers or resources. However, a conviction for breaches of the above duties might be relevant to the consideration of an operator's ability to hold an operator's licence. I regret that I do not have formal powers in the way suggested in your Report as responsibility for enforcing that legislation lies with the Health and Safety Executive.

I note that HM Inspector, [REDACTED] has been copied into the notice. You will no doubt already have been advised of the relevant guidance provided by the Executive of the risks from falls from vehicles, to be found as follows: <http://www.hse.gov.uk/workplacetransport>. I am advised that HSE is currently reviewing the approach to vehicle load security. HSE's Head of Transport Sector, is [REDACTED] who is based at 19 Ridgeway, 9 Quinton Business Park, Quinton, Birmingham, B32 1AL

It is true that traffic commissioners seek to work with other agencies to ensure that shared concerns regarding the safe operation of vehicles are more widely communicated. Through contacts such as the Vehicle Safety Compliance Forum, chaired by DfT, we continue to liaise with HSE. The next meeting is on 5th June; I will ask my colleague, [REDACTED] who represents traffic commissioners at that meeting and is commissioner for the traffic area in which your coronial district lies, to raise your concerns and to explore how that guidance might be drawn to the attention of operators more widely. I envisage that is also your purpose in seeking the involvement of The Road Haulage Association. If I have misunderstood the intent of your report, then I would be happy to discuss the issues in more detail with you.



Richard Turfitt
Senior Traffic Commissioner for Great Britain

[REDACTED] Traffic Commissioner for the West of England.