

LONDON OLYMPIC GAMES AND PARALYMPIC GAMES (AMENDMENT) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 9 – Goods vehicle operator licences: waiver of procedural requirements

67. This section amends the 2006 Act to provide an expedited process for applications from goods vehicle operators who wish to seek, at short notice, a temporary variation to the environmental conditions, in particular hours of operation, attached to their operator licence. This enables a traffic commissioner to give a direction modifying the normal procedures in the Goods Vehicles (Licensing of Operators) Act 1995.
68. *Section 9* inserts new section 16E into the 2006 Act. That section allows traffic commissioners to shorten the application process for variations which have a connection with the 2012 Games but which have not been made with sufficient time to be disposed of before the London Olympics period begins and which could not have been made earlier. Under section 1(3)(c) of the 2006 Act, the London Olympics Period begins four weeks before the opening ceremony of the London 2012 Olympic Games. The process may be expedited by disapplying provision for publication of notices by the operator and by the traffic commissioner, and for allowing the traffic commissioner to abridge notice periods for a public inquiry (if one is to be held) without obtaining the consent of interested parties. One consequence is removing the formal right for objections and appeals from statutory objectors such as local authorities. In addition, removing the requirement to advertise the application in local newspapers will make it more difficult for local residents to make advance representations. However, traffic commissioners' powers to determine individual applications are retained, including their ability to inspect the operating centre and powers to refuse an application or to impose additional conditions to counter any additional environmental nuisance that may result if the variation is granted. Operators will have to pay the standard fee for an application to vary an operator's licence, notwithstanding the waiver of the normal requirements for publication of notices, as this will be necessary to cover the expenses of the traffic commissioner in dealing with the application.
69. Any variation granted to an operator is temporary and will last only for the duration of the London Olympics period, which ends with the fifth day after the closing ceremony of the London 2012 Paralympic Games. Additionally an operator would be required to prove to the traffic commissioner's satisfaction that there was insufficient time to submit an application under normal procedures.