

# APSE Event – Wednesday 8<sup>th</sup> May



Freight Transport Association  
Margaret Simpson  
Regional Head: Scotland and NI

Delivering safe, efficient, sustainable logistics



# Consequences of Non Compliance

# Topics to Cover...



- Driver walk around checks
- Operator Compliance Risk Score (OCRS)
- Most Serious Infringements (MSI)
- The penalties

# Driver Walk Round Checks



- Vehicles used on the road **MUST** be in a roadworthy condition
- All operators must have system and procedures in place to ensure compliance
- Operator Licence undertakings were signed to agree to this

# The Operator Undertakings...



## The Operator Undertakings

The licensed operator, UNDERTAKES to make proper arrangements so that:

The laws relating to the driving and operation of vehicles used under this license are observed

The rules on drivers' hours and tachographs are observed, proper records are kept and that these are made available on request.

Vehicles and trailers are not overloaded;

Vehicles operate within speed limits;

Vehicles and trailers, including hired vehicles and trailers, are kept in a fit and serviceable condition;

Drivers report promptly any defects or symptoms of defects that could prevent the safe operation of vehicles and/or trailers, and that any defects are recorded in writing;

Records are kept (for 15 months) of all driver reports which record defects, all safety inspections, routine maintenance and repairs to vehicles, and that these are made available on request;

In respect of each operating centre specified, that the number of vehicles and the number of trailers kept there will not exceed the maximum numbers authorized at each operating centre (which will be noted on the license);

An unauthorized operating centre is not used in any traffic area;

Furthermore, I will notify the Traffic Commissioner of any convictions against myself, or the company, business partner(s), the company directors, nominated transport manager/s named in this application, or employees or agents of the applicant for this license and, if the license is issued, convictions against the license holder or employees or agents of the license holder;

I will, ensure that the Traffic Commissioner is notified within 28 days of any other changes, for example a change to the proposed maintenance arrangements; a change in the financial status of the license holder [eg if placed in liquidation or receivership], or a change to Limited Company status or partnership, that might affect the license, if issued.

I understand that the above undertakings will be recorded on the license. Failure to comply with the conditions or undertakings recorded on the license may result in the license being revoked, suspended or curtailed. Failure to comply with conditions is a criminal offence.

# From the Operator Undertakings...



**Vehicles and trailers, including hired vehicles and trailers, are kept in a fit and serviceable condition;**

**Drivers report promptly any defects or symptoms of defects that could prevent the safe operation of vehicles and/or trailers, and that any defects are recorded in writing;**

**Records are kept (for 15 months) of all driver reports which record defects, all safety inspections, routine maintenance and repairs to vehicles, and that these are made available on request;**

# Driver Check Sheet



The form is titled 'VCAO - DRIVER VEHICLE CHECK AND DEFECT REPORT' and is produced by the Freight Transport Association. It includes a table for a 'DAILY VEHICLE CHECK' with columns for 'Function - Storage - Cleanliness etc.', '✓ = Serviceable', and '✗ = Defect'. The table lists various components such as Lamps/bells/studs/tyre/brake, Fuel/water/oil/washing device, Battery - security condition, Mirrors - condition/security, Brakes - pressure/operation/leak, Water - warning device and instrument, Driving controls/steering - wear/operation, Tyres - inflation/damage/size, Body/Guards/Wings/Tyres - sagging/alignment - damage, Body/seat - security/protection, Number plates - condition/security/illumination, Horn/Hipers/Washers - operation/condition, Engine oil/Water/Fuel - levels/leak, Exhaust - condition/smoke emission, Tachograph/Speedometer - operation, Speed limiter - operation, Tantal coupling - operation/condition, Tantal connections - condition/function/leak, Trailer landing legs - condition/operation, and Auxiliary equipment - Loading etc., etc.

DEFECT REPORT - Details of any faults noted should be entered below

ACTION TAKEN

Signature \_\_\_\_\_ Position \_\_\_\_\_ Date \_\_\_\_\_

THIS FORM IS PRODUCED BY THE FREIGHT TRANSPORT ASSOCIATION FOR MEMBERS USE ONLY AND IS NOT PART OF THE FTA VEHICLE INSPECTION SERVICE SYSTEM

© FTA 2007 • Freight Transport Association (Limited) • Registered Office • Victoria House, 51 John Street, Parkbridge Walk, Apsal TR4 9UE • Registered in England Number 201917

The check sheet is the drivers' proof that the vehicle was in a roadworthy condition at the start of the journey

# Roadworthiness and OCRS



OCRS affected by issues with roadside encounters and annual test pass rates

Trailers going to test do NOT have an affect on OCRS



# Affects of OCRS Changes

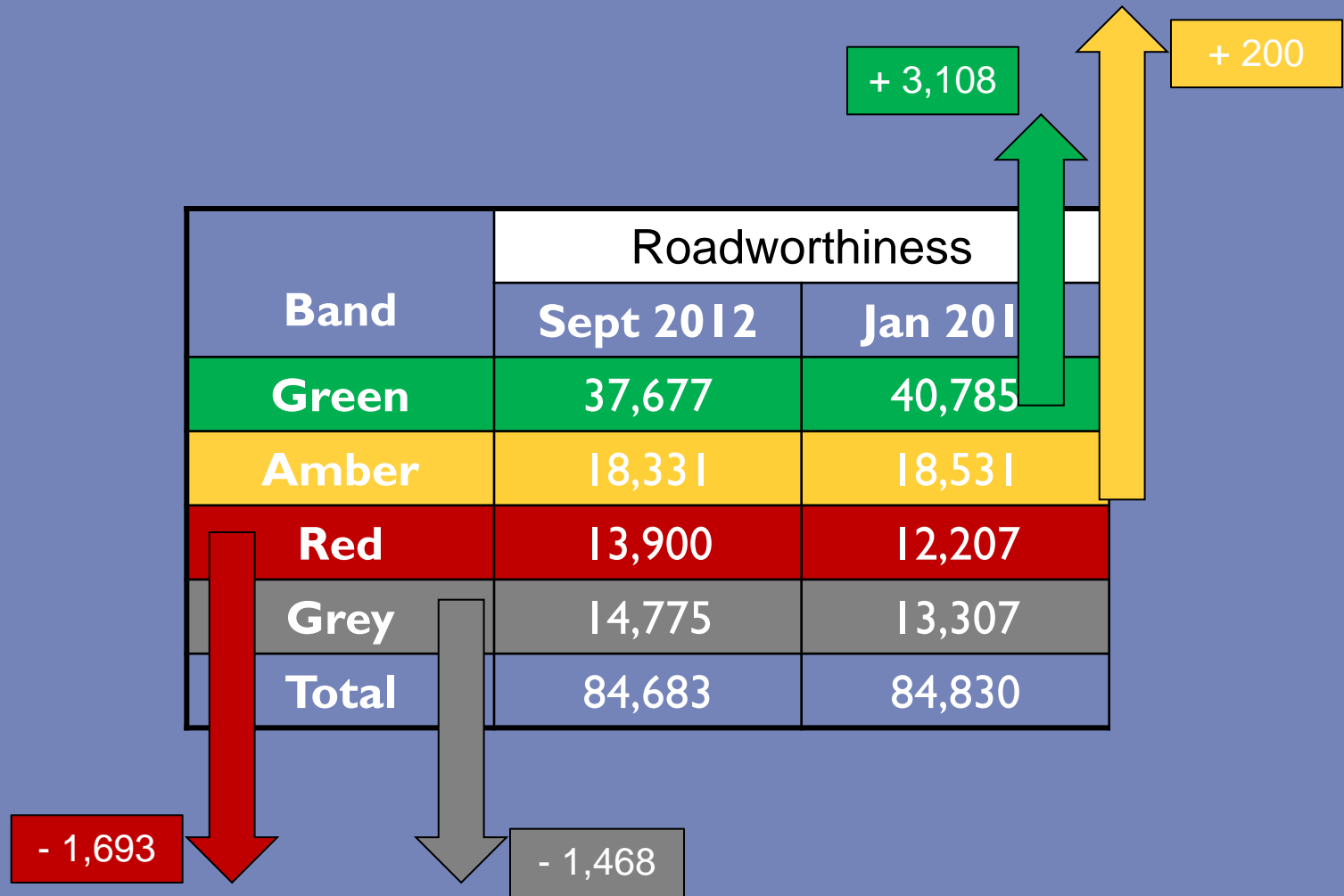


Changes came into force October 2012

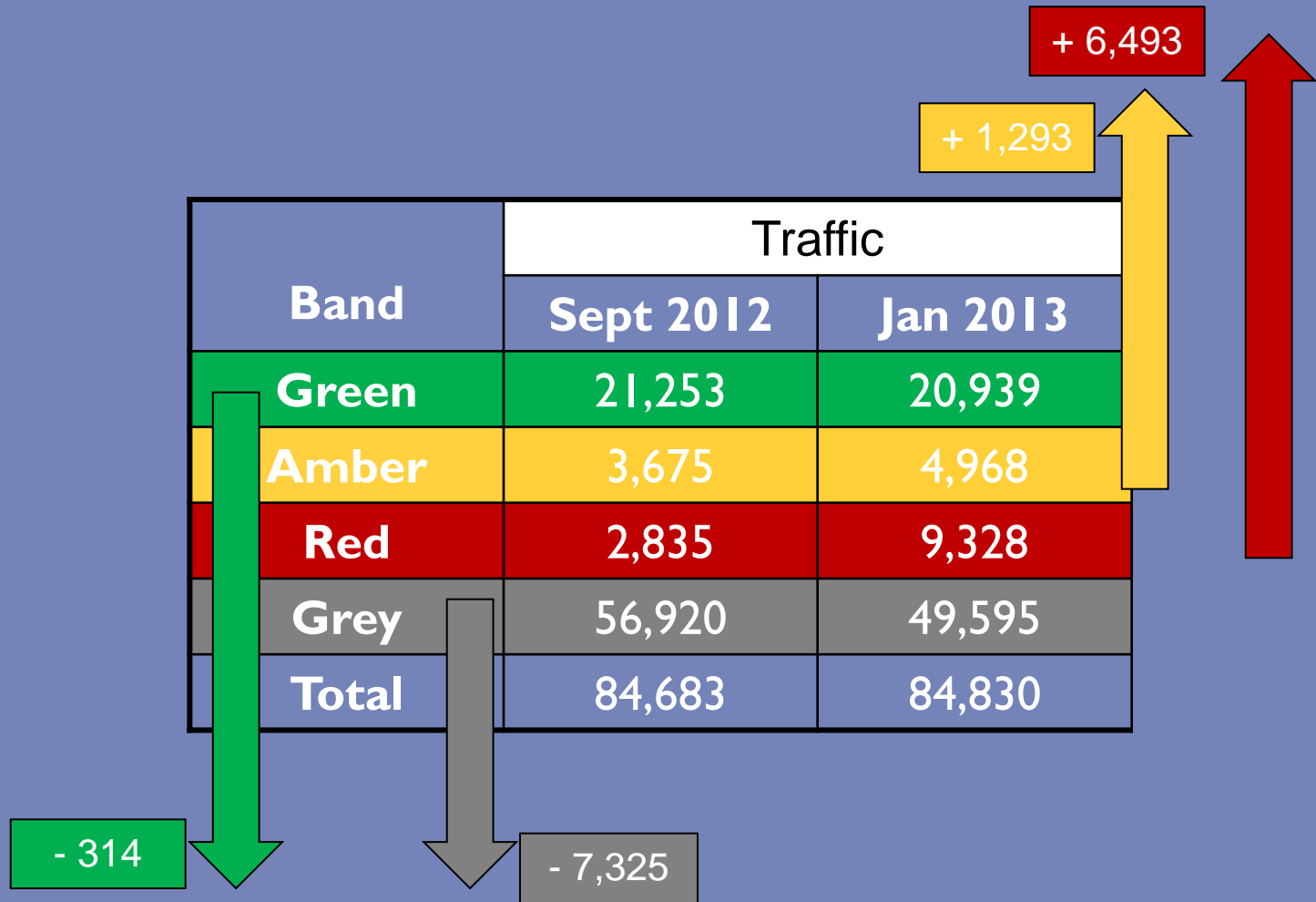
What has happened since October 2012?

Band	Roadworthiness		Traffic	
	Sept 2012	Jan 2013	Sept 2012	Jan 2013
Green	37,677	40,785	21,253	20,939
Amber	18,331	18,531	3,675	4,968
Red	13,900	12,207	2,835	9,328
Grey	14,775	13,307	56,920	49,595
Total	84,683	84,830	84,683	84,830

# Roadworthiness First of all....



# And Traffic.....



# Most Serious Infringements (MSI)



Seven MSI in all known as the seven deadly sins

Five act as triggers for OCRS 'straight to red' these are;

- Exceeding weekly/fortnightly drivers hours by >25%
- No tachograph or speed limiter, tampering or false records
- Transporting dangerous goods without being identified as dangerous or appropriate containment
- Driving with someone else's driver card or card obtained with false documents or declarations
- Exceeding daily driving period by >50% without break

# Operator Licensing and MSI's



All seven MSI may affect the operator licence

Five as per OCRS plus

- Driving without valid roadworthiness certificate or serious defect
- Driving without valid driving licence

Could lead to loss of repute

# Potential Penalties



**Graduated fixed penalties**

**VOSA issued prohibitions**

**Driver conduct hearings**

**Public Inquiries**

- **Curtailment**
- **Suspension**
- **Revocation**

# Our Advice to you ....



## **Always keep the Traffic Commissioner informed of any changes, offences, infringements etc**

**From the operator undertakings;**

**•Furthermore, I will notify the Traffic Commissioner of any convictions against myself, or the company, business partner(s), the company directors, nominated transport manager/s named in this application, or employees or agents of the applicant for this license and, if the license is issued, convictions against the license holder or employees or agents of the license holder;**

**•I will, ensure that the Traffic Commissioner is notified within 28 days of any other changes, for example a change to the proposed maintenance arrangements; a change in the financial status of the license holder [eg if placed in liquidation or receivership], or a change to Limited Company status or partnership, that might affect the license, if issued**

# Questions



Margaret Simpson  
07985-887-401  
msimpson@fta.co.uk

Member Advice Centre  
0870 605 0000