

LEGAL
UPDATE

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Vans targeted in London stings

ENFORCEMENT

DVSA removed 31 defective and dangerous vans in two targeted operations in London in July. During two operations, examiners found 14 overloaded vehicles. One of the vehicles was more than two tonnes overweight, loaded with tree stumps and tools. The driver was also found to be driving under the influence of drugs and was arrested by the Met Police.

DVSA targeting of overloaded light goods vehicles (LGVs) has seen the issue become the most common offence for prosecution over the past five years.

Overloading compromises the stability, steering and



braking capability of a vehicle. This means the vehicle will behave differently on the road, posing a danger to the driver and other road users, it says.

Operation Marmalade was carried out on 1 and 2 July at London Gateway services working alongside

the Metropolitan Police, Environment Agency and Barnet Council. The operation was organised in response to an increase in fly tipping in the local area.

Operation Lemon was held on 20 July at Spitalfields Market in Leyton at 4am alongside the Metropolitan Police. DVSA intelligence had led examiners to suspect that vehicles leaving the wholesale fruit and vegetable market would be overloaded. Examiners checked a total of 14 vehicles and found that five were overweight; in addition, seven of the vehicles were taken off the road immediately due to mechanical issues including lights, tyres and steering.

Right-to-work checks

EMPLOYMENT

Do your drivers know what to do regarding their right to work in the UK? From 1 July, Irish citizens can continue to use their passport or passport card to prove their right to work, but all other EU, EEA and Swiss citizens will no longer be able to use their passport or national identity card to prove their right to work. Instead, their right to work can be checked online using a share code or their date of birth. If the individual does not have a UK immigration status which can be shared digitally, he or she can provide their original

documents which can include:

- A frontier worker permit
- A biometric residence permit or card
- An outstanding application to the EU Settlement Scheme
- Indefinite leave to enter or remain (sticker or stamp in their passport) or
- A visa to work or study in the UK.

Ensuring the correct right-to-work checks are undertaken prior to hiring an individual will help employers prevent illegal working, as all UK employers have a responsibility to help prevent such activity. Employers can

face civil penalties if they employ a worker and have not carried out a correct right-to-work check. On top of that, employers can face up to five years in prison and an unlimited fine if they are found guilty of employing someone who they knew, or had reasonable cause to believe, did not have the right to work in the UK. It is therefore critical that if an individual's right to work is time-limited, follow-up checks must be conducted.

Employers must not discriminate when conducting right-to-work checks, and backdated checks do not need to be undertaken as

Fact File

CONTACT DETAILS

There is nothing more boring than keeping your electronic contacts up to date, but unfortunately, this is one area where the devil is in the detail.

Backhouse Jones is finding that operators are missing key documents and correspondence and, in some cases, this is creating real issues and even leading to a Public Inquiry in several cases. This could easily have been avoided.

So, at the start of the pandemic, the Office of Traffic Commissioners confirmed that it would be using electronic means of communicating with operators, and that operators should do the same to contact the OTC.

It is therefore essential that operators keep their contact details up to date via VOL - particularly their email address.

It is also essential that, even if your business is not currently operating, or if the person whose email address has been declared is on furlough, that it is monitored regularly.

long as the correct check was completed at the time of employment before 1 July 2021. Right-to-work checks should be conducted on all prospective employees. If an employer was to only check the status of individuals appearing to be a migrant, this could be viewed as discrimination and therefore could open the company up to a discrimination claim.