

# HAPLESS NEW YEAR?

**As we kick off 2014, fleet engineers and transport managers need guidance on changes to the legislative and enforcement environment likely to affect their operations. Brian Tinham talks to traffic commissioner Kevin Rooney**

**N**o one doubts that VOSA (the Vehicle and Operator Services Agency – shortly to be renamed the Driver Vehicle Standards Agency, with the Driving Standards Agency under its wing) plays a key part in enforcement activities. But, when it comes to licensing and regulating operators of HGVs and PSVs, the people that matter most are the traffic commissioners.

So what's their strategy? Well, we don't actually know, because neither do the traffic commissioners. As we go to press, the DfT (Department for Transport) is embarking on its now triennial review of the traffic commissioners – with external consultants not expected to report until June.

That said, Kevin Rooney, traffic commissioner for north east England, is happy to give us a steer on what we might reasonably expect. That's good news on several levels. Unusually, Rooney is not a lawyer: although he admits to spending most of his career working with the legal profession, in fact he is an automotive engineer by training. So he's one of us. What's more, he's experienced life at the sharp end of TRL (the Transport Research Laboratory), the VCA



(Vehicle Certification Agency) and VOSA, where he rose to head of enforcement policy before joining the board in 2009.

It's an aside, but Rooney believes the Secretary of State for Transport's decision to depart from conventional wisdom (Nick Denton, the traffic commissioner for London and the South East, is also not a lawyer) was a good one. It means, he says, that the team headed by senior traffic commissioner Beverley Bell is now more grounded.

"Consider overloading, for example," he says. "Some might imagine that 15% over might not matter. It may be within the design weight of the vehicle. But engineers know that means it's going to take 15% longer to stop, give or take. So, yes, it does matter." Point taken.

So, what are the traffic commissioners planning, given the current state of purdah? "We're positing ourselves to respond to the report, when it's published," replies Rooney, demonstrating a clear grasp of the gentle art of diplomacy. "We're assessing our priorities, in the knowledge that there is virtually zero chance of change to primary legislation."

### Roadworthiness

Taking it from the top, expect VOSA's 'Guide to Maintaining Roadworthiness' to be updated sooner rather than later. And with Rooney taking the lead for the traffic commissioners, expect aspects such as the 'standard' six-week inspection schedule to be challenged. "98% of commercial vehicles in the UK run to that and most operators have no idea why. For some, that's fine. For others, it's too frequent. And for others again, it's not often enough," he states.

"So fleet engineers need to examine their PMI records and, if they're substantively clear of significant defects, then they might judge that they could go out another week or more. That would mean more earning power and less cost for the business. But if there are broken suspension mountings, then plainly they need to bring it back to four weeks."

Rooney insists that, apart from some of the blue chips, he doesn't see any of that kind of analysis. "It would prove that the transport manager was doing his job, running a quality system that is risk-based, as it should be," he observes. And he adds that the same process should be undertaken with trailer inspection frequency. "The Guide to Maintaining Roadworthiness states that six weeks is an indication only, but I want to make this more explicit. The traffic commissioners will expect operators to be able to demonstrate that they're doing this analysis annually or biannually. This will be a step change."

### Operational changes

What about operations and maintenance? Rooney says operators need to recognise that this is 2014 and that certain approaches that may never have been ideal are certainly no longer acceptable. "I

## Transport managers beware

The traffic commissioners have been banging the drum increasingly loudly over operators needing to recognise the key role of transport managers as CPC (certificate of professional competence) holders. Expect that to ramp up further in 2014. "We'll be looking out for TMs who are paid a fee merely to put their name to an 'O' licence," says traffic commissioner Kevin Rooney. "And the same goes for those who come in once a week and do a quasi-audit: that's not managing vehicle operations on a daily basis and it isn't acceptable."

Neither, however, can a lead national fleet engineer manage a fleet of several hundred vehicles single handed, even where supporting systems are in place, he insists. "In some ways such systems are fine," comments Rooney. "But the TM has to own the system, and manage it and those working on it and the vehicles. Otherwise he or she is not in control."

What does good look like? Rooney explains that it's about authority, management and control. For him, there are six main aspects that transport managers and their bosses need to consider.

**1** How much power does the individual wield? "It's a balance: the ideal is someone close enough to the board to have real authority, but close enough to the front line so they know what's happening on a day-to-day basis."

**2** How much capacity do they have? "It's not a limit, but the trigger for traffic commissioners to start asking questions is 30 vehicles. One I know has 250 and it's well-managed, but we will want to know about the TM's support, in terms of electronics and people."

**3** Knowledge and skills. "All TMs have their CPC, but how many have updated their skills since they got the certificate? If they're members of IRTE and reading *Transport Engineer*, that shows they're taking an interest and keeping up to date."

**4** Decision-making and autonomy. "Are they empowered to say, 'You're not taking that vehicle on the road today', or 'I don't want that agency driver'? Some have no operational management autonomy. That's not good enough."

**5** Management of resources. "Do they have their own budgets, or do they need to ask the boss before they can buy new tyres or wheel nut indicators? They must have full budgetary control."

**6** Impact. "Would anyone notice if they just didn't turn up? Or would they realise that the business wasn't running properly?"

cannot believe that technicians are still being required to run around under vehicles on creeper boards in yards, in rain or snow, doing their PMIs," he asserts.

"It is not good enough – even for tipper and skiploader operators. We will be pushing for all depots where maintenance is carried out to be under cover and equipped with proper facilities for getting underneath vehicles."

And there's more: poor practices in workshops around brake testing will be penalised. "The Guide to Maintaining Roadworthiness doesn't say anything about testing vehicles with roller brake equipment with any particular frequency, but there are limits. There certainly should be metered brake tests on all vehicles several times a year, and not just on multi-

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DEAN SMITH,  
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## Don't duck Driver CPC

Don't expect leniency from the traffic commissioners. "We will suspend the licence of any driver who, for any reason, hasn't got his or her CPC. And we will call in the operator concerned, because, clearly, it hasn't got systems in place to ensure that it is operating legally," warns Kevin Rooney.

The industry has had plenty of time to acquaint itself with DCPC, with the directive having been around since 2003, he argues. Also, the PSV industry got itself compliant perfectly well. So there are no excuses and you can expect the traffic commissioners to take offences "very, very seriously". And with the deadline for HGVs only nine months away (September 2014) and PSVs already passed (September last year), this is no time for complacency.

Rooney's advice: "Get on and do it. But also, since you have to do it, make sure your training is relevant to your business and operations, so you get some real value." There's no point in having drivers sitting in a room for 35 hours if they're not learning anything, he insists.

"This is another job for transport managers. If your drivers are picking up unaccompanied trailers from the ports, then make sure some of their DCPC training is around a real focus on walk-around checks. Spend time on what matters to business – such as customer care or manual handling. And they need to be thinking about cyclists, too."

## Changes to financial standing

Operator licence applicants and existing licence holders are now being assessed against new financial standing for 2014. The revised minimum for standard national and international licence holders and applicants is now £7,400 for the first vehicle and £4,100 for each additional vehicle. The rates for restricted licence holders and applicants remain the same as 2013: £3,100 for the first vehicle and £1,700 for each additional authorised unit.

Note that any applicant or licence holder appearing at public inquiry where evidence of financial standing is requested, will be required to satisfy the new levels. Note also that this is a continuing requirement. "If an operator's cheque bounces at DVLA, the traffic commissioners are told and we will write and ask for details of their financial standing," states Kevin Rooney. "Remember, failure is a reason to revoke a licence. So if you have, say, 20 or 30 vehicles on your 'O' licence, you better make sure there's enough money continually in your nominated account."

axle units. How can it possibly be enough to just jack up a vehicle and see if a fitter can turn the wheel on a 12-tonne axle? Or drop the red line on a trailer and look for three black tracks when it's pulled by a tractor unit?"

Rooney makes the point that there are now more than 350 ATFs out there, all fully equipped with professional roller brakes. "VOSA examiners are only using those test lanes for eight hours a day, so there's plenty of capacity for proper brake testing. It's a matter of using it and recognising that proper roller brake tests are a safety issue – and that failure to do them will affect your 'O' licence."

## Operator licence

You get the message? But it's not all proscriptive. Rooney also advises that he is working with VOSA, leading a project to replace the online operator licence business system, which manages the self-service aspects of 'O' licensing. The goal: "Bringing the system into the 21st century by making it more user friendly and dealing with some of the bureaucracy that catches people out," he says.

At the moment, transport managers can use the online service to notify the licensing authority of changes to directors and some aspects of vehicles, but little more. Rooney suggests that, within the next 12 months, operators can expect improvements.

"Most 'O' licence applications that fail, do so because they're incomplete or don't show the required financial standing," explains Rooney. "With the new system, we hope they'll just enter their finance details and it will do the calculation automatically, providing a green tick to continue or a red cross indicating aspects that need attention."

And it's a similar deal with the requirement to advertise 21 days ahead of opening new truck depots. "Online, operators will see a request to attach their application and advert. If it's all in order, the system will proceed. If not, it won't. It'll save them and us money and time." Rooney also says that applications that pass through the initial hurdles will be published online as they are lodged. "That means they'll be granted earlier, which will get businesses up and running faster, if they deserve to be, driving out some of the cost of compliance."

Note the operative words, though: 'if they deserve to be'. For those that don't, expect the new online system to find you fast. "When companies go into administration, are liquidated or change their directors, if they don't tell us, we don't find out until something happens. So another feature of the new system will be a direct link into Companies House, with, say, a weekly update," explains Rooney.

"That will deal with the kind of situation I had recently where one company had continued using an 'O' licence from a firm that had gone into liquidation in 1999. It will also catch those who just don't fancy paying their tax bill to HMRC, so go into pre-pack administration... We'll still be able to look at the detail behind why companies fold – some of which are completely understandable. With one company I saw recently, its fuel supplier had changed payment terms overnight from 90 to 30 days, so it had to fold. This is about ensuring fairness, a level playing field and also that people know who they're transacting with." 

