

## Member Briefing Webinar – Compliance Calendar

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### Questions and answers

**Q.** As a local authority cutting grass on roadside verges, can rebated fuel be used in these machines as they travel to numerous sites (verges) every day?

**A.** Unfortunately not, white diesel must be used, as yourselves as an operator are not an agricultural, horticultural, forestry or fish farming operator.

**Q.** Are operators that are exempt from operator licencing (Fire Service), legally required to comply with the guide to maintaining road worthiness?

**A.** No operators are legally required to comply with the guide to maintaining roadworthiness, but all vehicle operators are required to ensure their vehicles are roadworthy at all times, including the Fire Service. The guide to maintaining roadworthiness is the industry benchmark for achieving this.

**Q.** Can a driver use a D1(101) licence when taking another driver to collect a minibus following PMI?

**A.** Providing you are not moving people or goods, it is not hire and reward and is acceptable.

**Q.** Did you say a teacher could drive a minibus on a B licence and without a CPC?

**A.** It depends on their terms and conditions of employment. If part of their employment includes driving the minibus, they would not be able to drive using their Category B entitlement and may need Driver CPC as a result. If the driving is purely voluntary, and they meet the other criteria from DVLA's INF52, a category B entitlement could be used which means Driver CPC would not be required. However, it cannot be stressed enough, that the terms and conditions of their employment, such as what is in their employment contract, would be used to determine the licence and CPC requirements for teachers.

**Q.** Sorry still don't understand the Traffic Commissioner's statement. How can a vehicle not need authorisation on an operator's licence but still "MAY" be counted as capacity?

**A.** You are correct, in the examples related to the transport tribunal, all vehicles were part of the capacity but as there were more than the margin on the licence, vehicles were being added and removed all the time. The change means that all vehicles in possession still need to be declared on the licence, but if they are declared not in use by being SORN'd then they do not need to be declared on the licence. When considering the capacity of an operating centre, the Traffic Commissioner may still take into account any vehicles subject to a SORN notice an operator has in their possession, to ensure there are adequate parking arrangements for their vehicles.

**Q.** Can we provide a community minibus service free of charge to the residents of the borough and put in a driver with D1 grandfather rights and no CPC?

**A.** The driver will have the D1(101) entitlement which means they can't drive a vehicle for hire or reward. If operating under a Section 22 permit, you can recover the costs of running the vehicle.

Driver CPC is required for D1(101) entitlements unless an exemption applies. There is an exemption for 'vehicles used for the non-commercial carriage of passengers or goods', with the definition of non-commercial shown on the slides. If the criteria for the exemption are met, Driver CPC would not be required.

**Q.** Is it considered hire and reward if no charge is being made? I have contacted the permit authority and they tell me that no permit is required.

**A.** On the face of it, it would not be considered hire or reward, as hire or reward is essentially when payment is made for providing transport. The legal definition of hire and reward is very wide and it is easy to fall within it accidentally, so we would need more information to understand the scenario, as there are considerations to be made over indirect hire or reward. Please contact [MAC@logistics.org.uk](mailto:MAC@logistics.org.uk) and we would be happy to help.

**Q.** Are you able to provide a link to the consultation for change of driving licence category for tractors?

**A.** <https://www.gov.uk/government/consultations/driving-licensing-review-call-for-evidence-on-opportunities-for-changes-to-the-driver-licensing-regime/driving-licensing-call-for-evidence>