



**LOGISTICS UK**

**Welcome to Logistics UK**

**Public Service Webinar**

21<sup>st</sup> June 2023



Speakers Today:

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**LOGISTICS UK**



## Webinar House Rules

- Please keep your microphone/telephone **muted**.
- The webinar will be recorded.
- The webinar will be available on the Logistics UK website.
- We wont be able to deal with technical issues during the webinar.

## Questions?

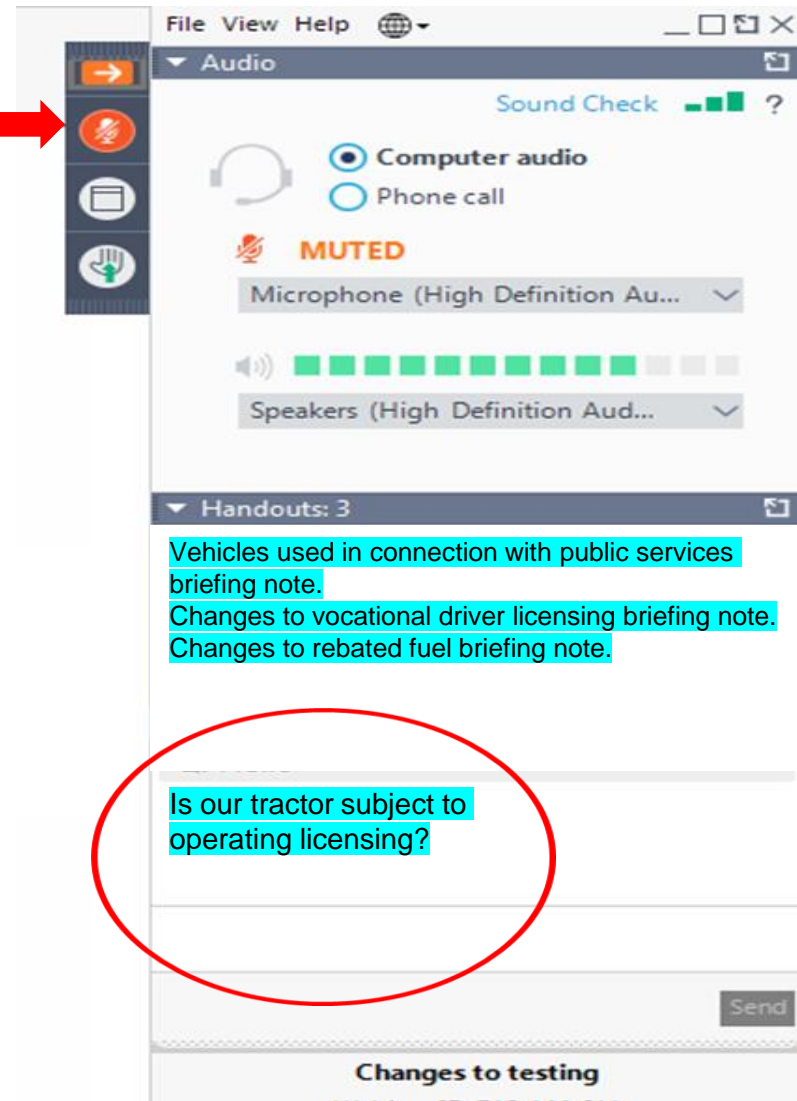
**Please use the question box to ask any questions throughout the webinar.**

*Unanswered questions and answers will be available to view on the Logistics UK website.*

# Introduction – How to ask questions



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Topics being discussed on today's webinar:

- Operating Licencing.
- Driving Licencing and CPC.
- Section 19 and 22 Permits.
- Driver hours and tachographs.
- DVSA updates.
- Rebated Fuel update.
- Specialist vehicles.



### Senior Traffic Commissioner's Statutory Document review:

- Upper tribunal decision.
- Operator frequently swapping vehicles on Operator's Licence.
- Number of vehicles 'operated' to remain within the licence margin.



# Vehicles in possession

- July 2022, Upper Tribunal Ruling:

*‘Operators must specify all goods vehicles in their possession on their operator’s licence, even if they are not used on a public road all the time’.*

- Statutory Document Consultation closed in January 2023.
- Consultation outcome published in March 2023:

*‘In interpreting the legislation and case law, the Senior Traffic Commissioner has concluded that a vehicle which is the subject of a SORN does not require authority on the operator’s licence, although it may still be relevant to the capacity of the operating centre if stored at those premises.’*



## SENIOR TRAFFIC COMMISSIONER

Statutory Document No. 0

### INTRODUCTION TO OPERATOR LICENSING, THE STATUTORY GUIDANCE AND STATUTORY DIRECTIONS

This document is issued pursuant to section 4C of the Public Passenger Vehicles Act 1981 (as amended). Representative organisations have been consulted in accordance with that provision.

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## What do we know about the Driving Licence Consultation?

- It ran from 5<sup>th</sup> August to the 28<sup>th</sup> October 2022. Summary of responses published 6<sup>th</sup> June 2023.

## What was proposed?

- To grant those drivers who have a car (category B) licence entitlement additional entitlement to an HGV (category C1) and minibus (category D1) licence.
- To permit a person who has held an HGV (category C) licence for 2 years to drive PCVs for maintenance and repair purposes.
- To align category F (agricultural and forestry tractors) and category H (tracked vehicles) with haulage tractors and require a category C licence, rather than category F licence, for their use and to investigate whether some agricultural tractor tests need to be brought into line with modern practices.



### **What do we know about the Driver CPC Consultation?**

- It ran from 2 March 2023 to 27 April 2023.

### **What was proposed?**

- Changes to apply to driving journeys in Great Britain and extending to Northern Ireland if agreed.
- Create two qualifications for driving in GB and NI – N-DCPC and I-DCPC.
- Will affect drivers who are maintaining their qualification or regaining.
- Greater flexibility, test or training.

## What driving licence entitlement?

- Driver CPC exemption for 'vehicles used for the non-commercial carriage of passengers or goods'.
- The driver makes the journey for their own purposes eg in connection with a hobby and not to earn income.
- No payment is made, either to the operator or the driver, for carriage per se.
- Any financial contributions made does not exceed the running costs of the vehicle for that journey (eg contributions towards the fuel costs).



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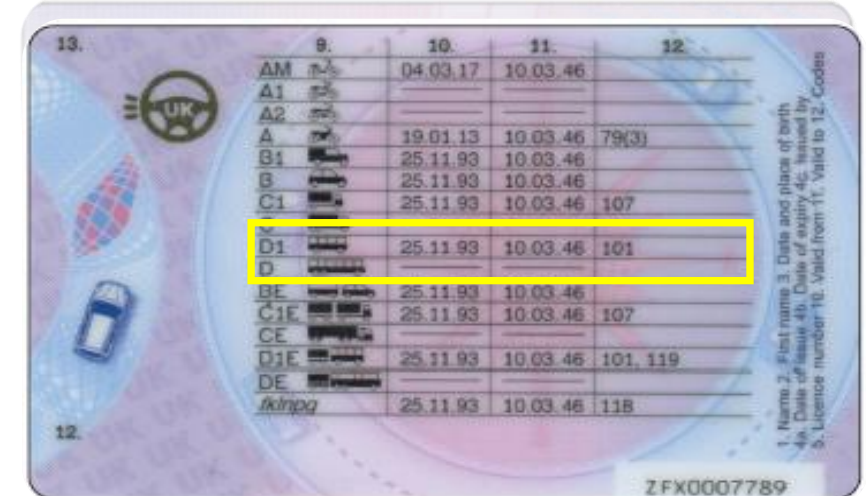
Large vehicles you can drive using your car, bus or lorry licence



# D1 (101)

## What is a D1 (101) Licence?

- A D1 (101) licence will allow you to drive a 16-passenger seat with a max length of the vehicle not exceeding eight metres with a trailer over 750kg.
- The 101 restriction stops you from earning money/making a profit (hire or reward) from driving a D1 Minibus. You must apply to the DVLA for the provisional entitlement to drive a PCV vehicle, meet higher medical standards and take the D1 Minibus driving test to remove it.





## Section 19 and 22 Permits

- Allow the holder to operate transport services for hire or reward without the need for a full public service vehicle (PSV) operator's licence.
- Any organisation operating without a view to profit, concerned with:
  - Education.
  - Religion.
  - Social welfare.
  - Recreation.
  - Other activities of benefit to the community.
- Section 22 bus permits are issued to bodies that are concerned for the social and welfare needs of one or more communities, and that want to run a local bus service on a non-profit making basis.





# Door-to-door household waste collection

- Vehicles used in connection with ... door-to-door household refuse collection or disposal.

*‘Door-to-door in the context of this derogation does not mean every single door. It means a succession of households from which such waste is collected, so it is fine to collect green waste only from those households subscribing to the service.’*

### Vehicles used in connection with public services

#### Briefing note

This briefing note aims to highlight the key decision areas for managers deciding whether vehicles used for utility and public body/ public interest operations are in or out of scope of the EU drivers' hours rules, and in particular the Issuing of Interpreting the term 'vehicles used in connection with' in relation to one specific concession.

#### Scope of EU rules for goods vehicles

The EU drivers' hours rules (Regulation (EC) No. 561/2006 (561/2006)) applies to the carriage by road of goods where the maximum authorised mass (MAM) of the vehicle, including any trailer drawn, exceeds 3.5t.

EU exemptions are contained in Article 3 of 561/2006, whereas national derogations from the EU rules are contained in Schedule 1 of the Community Drivers' Hours and Recording Equipment Regulations 2007 (the 2007 regulations).

Schedule 1(B) of the 2007 regulations contains an exemption for:

- “Any vehicle which is being used in connection with –
- (a) sewerage, flood protection, water, gas or electricity maintenance services
- (b) road maintenance or control
- (c) door-to-door household refuse collection or disposal
- (d) telegraph or telephone services
- (e) radio or television broadcasting or
- (f) the detection of radio or television transmitters or receivers.”

#### Sewerage, flood protection, water, gas and electricity maintenance services

It is the Driver and Vehicle Standards Agency (DVSA) view that vehicles used in connection with sewerage, flood protection, water, gas and electricity services must be involved in the maintenance of an existing service (rather than the construction of a new service) to claim the concession.

For vehicles used in connection with sewerage maintenance services the term “maintenance” also applies to the removal of waste from a system but only where the waste is removed directly onto the vehicle and immediately taken away for treatment. This would also include transporting partially treated sewage from satellite sites to main sites.

The derogation doesn't apply to the movement of sewage sludge which has been treated to make a product which is then used for another purpose such as, for example, fertiliser.

#### Road maintenance or control

Vehicles used in connection with road maintenance services which:

- Are engaged on a journey directly relating to the maintenance services, for example, removing rubble or other materials.

And/or

- Are being used directly on the maintenance activity, for example, laying tarmac.

Such vehicles will fall within this derogation however journeys to a site for the purpose of positioning the vehicle in readiness for engaging in the maintenance activity or for returning to base after the maintenance activity has ended will not fall within this derogation.

Vehicles which are to be used or have been used that same day in connection with highway maintenance and control and don't travel far from the site where the work of highway maintenance is being carried out will fall within the derogation.

#### Door-to-door household refuse collection and disposal

It is the Department for Transport's (DfT) view is that, in order to be considered as exempt from the EU rules on drivers' hours and tachographs, a door-to-door household refuse collection and disposal operation should have the following characteristics:

- It should be carried out either by a public authority or by a private undertaking under contract to a public authority.
- It should involve the primary collection of waste from household or commercial premises, including the collection of street cleansing waste (eg litter from public street bins), whereby the transport activity remains subsidiary to the collection. The waste collected from commercial premises must be similar to or of the same kind as that collected from households, it must be collected in the same way (ie door-to-door), it must not be subject to any special collection regime or special rules, and must be collected using the same vehicles<sup>2</sup>.

<sup>2</sup> Type of vehicle is indicative only. In certain rural areas, for example, conventional goods vehicles may well be used for door-to-door collections of household waste.

## **When to use GB domestic hours?**

- Vehicles used for the carriage of goods that are out of scope or exempt from the EU drivers' hours rules would be subject instead to domestic drivers' hours rules of the relevant country.

## **Record keeping choices?**

- Ignore the tachograph completely.
- Use a log book to record domestic hours', but the tachograph would be set to out of scope.
- Voluntarily use the digital tachograph to record domestic drivers' hours rules.

- Voluntary fitment of tachographs.
- Calibration of digital equipment.
- Company cards.

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**MAC**  
Fact Sheet

## Recording Domestic Hours Using Tachograph

Vehicles used for the carriage of goods that are out of scope or exempt from the EU drivers' hours rules are subject instead to domestic drivers' hours rules of the relevant country.

This Fact Sheet examines the issues surrounding operations subject to the GB domestic drivers' hours rules when using a digital tachograph to provide records.

### Requirements

Under the domestic drivers' hours rules, depending on your operation, some drivers are not legally required to keep written records. Regulation 12 of the Drivers' Hours (Goods Vehicles) (Keeping of Records) Regulations 1987 requires driving records to be kept for vehicles driven within scope of operator licensing, but there are exemptions depending on the time/distance driven.

### Definition of driving

For clarity, in GB legislation, Section 103(3) of the 1968 Transport Act defines driving as where 'a person is at the driving controls of the vehicle for the purpose of controlling its movement, whether it is in motion or is stationary with the engine running'. The flowchart opposite will help to determine if operations are required to keep records.

Operations that fall into box A could choose not to keep any records. This Fact Sheet however, relates to those who are likely to choose to keep optional records for management purposes utilising the tachograph.

Those whose operations fall within Box B are legally required to keep records. If operators choose to use a tachograph rather than a log book to make legally required records, they must comply with ALL of the rules in relation to the tachograph's fitment and use, including driver card use, downloading (driver cards within 28 days and the vehicle unit (VU) within 90 days) and production of records at the roadside.

### Record keeping options

For domestic hours operations, there are several options in relation to the use of vehicles fitted with digital tachograph recording equipment.

```
graph TD; Q1[Does the driver drive a vehicle in scope of operator licensing* on this day?]; Q2[Does the driver drive for more than four hours on this day?]; Q3[Does the driver drive outside a 50km radius of the vehicle's operating centre on this day?]; A[NO RECORDS REQUIRED BY LAW FOR THAT DAY]; B[RECORDS REQUIRED BY LAW FOR THAT DAY]; Q1 -- No --> A; Q1 -- Yes --> Q2; Q2 -- No --> A; Q2 -- Yes --> Q3; Q3 -- No --> A; Q3 -- Yes --> B;
```

**A NO RECORDS REQUIRED BY LAW FOR THAT DAY**  
Optional records may be used for management purposes.

**B RECORDS REQUIRED BY LAW FOR THAT DAY**  
Drivers must use either log books, or tachograph records that comply with all the legal requirements on their use.

**Ignore the tachograph**  
This may be the preferred option for operations or vehicles that are entirely out of scope of EU rules. Records would need to be kept in a log book.

**Use a log book with the tachograph set out of scope**  
This may be the preferred option for those operations or vehicles that are mostly, but not entirely, out of scope of the EU rules. Where analysis for EU rules compliance must be carried out for drivers using the vehicle, the out of scope flag on the tachograph recording will help to qualify periods where vehicles have been driven without a drivers' card.

**Use the digital tachograph to record domestic drivers' hours rules**  
This may be the preferred option for regular mixed driving operations or vehicles, or for those managers who wish to standardise record keeping across a mixed fleet.

\* This exemption does not apply to drivers of Crown vehicles which would have needed an operator's licence if the vehicles had not been Crown property. If this is the case answer 'yes' to this question in the flowchart.  
† Any off-road driving carried out for agriculture, forestry, quarrying, building work, civil engineering or road maintenance does not count towards this total.

# HGV and PSV inspection manual updates

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The main changes cover updates on:

- Wheel flanges.
- Seat belt webbing.
- Flashing stop lamp.
- PSV brake testing.

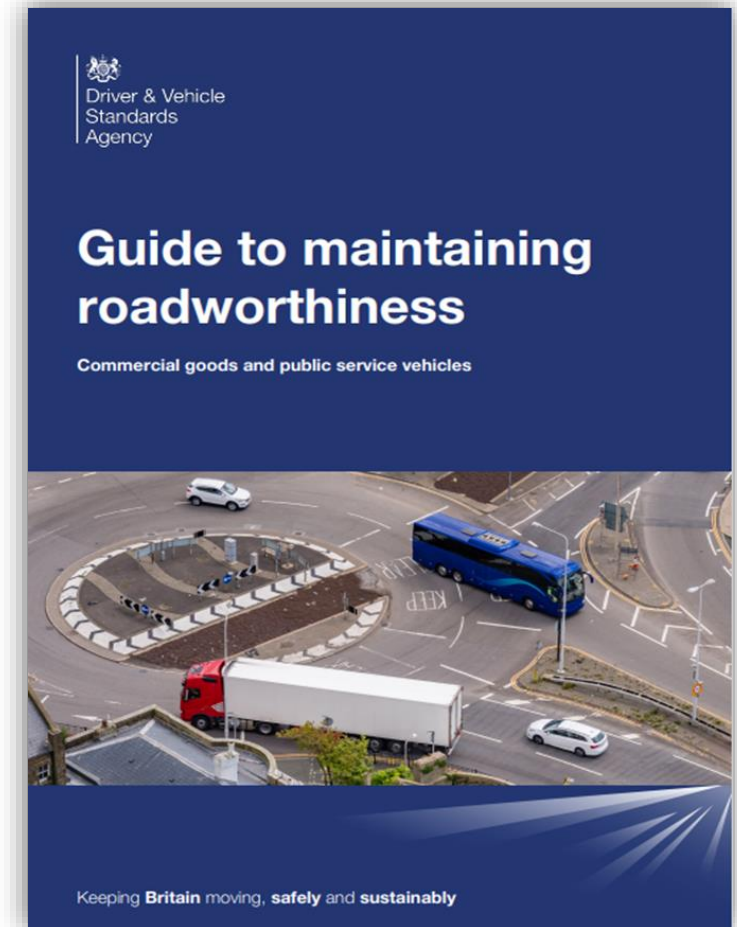




# Guide to Maintaining Roadworthiness (GTMR) – Terminology

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- Where the guide says you **must** do something, it is a direct legal requirement set out in legislation. Something that is required under Road Traffic law, Health and Safety legislation, or the legal undertakings to the Traffic Commissioner for your operator licence.
- Where the guide says you **should** do something, it is best practice and, while you are not required to do it, it is strongly recommended that you do unless you can demonstrate that an alternative approach provides a similar level of compliance.



Small trailers up to 3.5t MAM with overrun brakes should be tested using one or a combination of the following methods:

- A laden road test with brake temperatures checked.
- A static test, using the hand brake to check progressive braking of each wheel.
- A park brake drag or gradient test.



## Load Security

- DVSA's Categorisation of Defects updated on 5<sup>th</sup> May, includes skip carriers.
- Department for Transport Code of Practice for safety of loads on vehicles to be published later this year.



## **Entitled Uses**

- Agriculture, horticulture, fish farming and forestry.
- Rail Transport.
- Heating of non-commercial premises.
- Power generation for non-commercial premises.
- Community amateur sports clubs and golf courses.
- Agricultural and special vehicles such as diggers, cranes and mowing machines working within the grounds. This does not include travel to and from the site. Rebated fuel can also be used for heating and lighting of such buildings.



## Update for arborists

- 15<sup>th</sup> March 2023.
- HMRC's interpretation didn't include some aspects of arboriculture.
- Unintended difficulties for arboriculture businesses.
- Rebated fuel can now be used in machines and appliances (not vehicles), for all forms of tree work, as they could before April 2022.



Application	Requirements for Category B licence holder
Operator Licence	Exempt if <b>all</b> of the following apply: <ul style="list-style-type: none"><li>• Powered entirely by alternative fuels,</li><li>• MAM not exceeding 4.25t,</li><li>• Operated within Great Britain.</li></ul>
Drivers' hours and tachograph	Exempt if used with 100km radius of base of undertaking.
Trailers	No trailer allowed. Higher licence entitlements are not affected.
Testing	Exempt if electrically powered and registered before 1 March 2015. If <b>under or up to</b> 3.5t MAM, then on <b>third</b> anniversary of registration. If <b>over</b> 3.5t MAM, then on <b>first</b> anniversary of registration.
Driver CPC	If using Category B licence, then not required. If using Category C1 or above, then Driver CPC is required.
Training	Five hours of training by an instructor registered on either: <ul style="list-style-type: none"><li>• National Register of LGV Instructors.</li><li>• National Vocational Driving Instructors Register.</li></ul>

## Definition of a tractor?

- Tractor is defined in EU Regulation 167/2013. It essentially covers vehicles being a motor vehicle designed to 'pull, push, carry and actuate' equipment to perform agricultural or forestry work. Telescopic handlers (telehandlers) can also be type approved as tractors.

## The regulatory requirements?

- Vehicle Excise Duty.
- Roadworthiness testing.





# Tractors – Regulatory Requirements

## Driver licensing

- Category F or a vocational entitlement C1, C, or CE.
- Being considered in driver licence call for evidence.

## Driver hours' and tachograph

- Vehicles used or hired without a driver by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity within a radius of 100 km from the base of the undertaking.
- Limited to 40kph (25mph).

## Operating Licensing

- Tractors, including agricultural tractors, used for the specific purposes within 15 miles of a farm, forestry or estate.





- Dedicated gritters benefit from various exemptions:
  - Operator licensing.
  - Plating and testing.
  - Drivers' hours.
  - Vehicle excise duty.
- What about using gritters in warmer temperatures to spread sand or other materials on the road to stop the roads melting?



# Logistics UK Support

- Member Advice Centre – 0370 605 0000 or [mac@logistics.org.uk](mailto:mac@logistics.org.uk)
- Briefing notes.
- E-News.
- Operator Licence Compliance Information Service (OLCIS).
- Training – Operator Licence Awareness Training.
- Audits.
- Vehicle Inspections.
- Logistics UK Vision – Drivers' hours and working time monitoring.



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### Welcome to Logistics UK weekly eNews

Your weekly member email from Logistics UK sharing the latest updates addressing industry-relevant developments, legislation and compliance updates and campaigns to help you stay informed.

In this issue...

- Logistics UK continues discussions with TfL following DVS decision
- DVSA road to earned recognition programme
- New guidance on reporting medical conditions to DVLA

Please [visit the website](#) for further information.

### Direct Vision Standard (DVS) - Logistics UK to continue discussions with TfL following Phase 2 decision



Logistics UK, in coordination with RHA, convinced the Transport & Environment Committee (TEC) of London Councils to add a requirement into the recommendations for Phase 2 of DVS for Transport for London (TfL) to present a market readiness report at the next AGM of the TEC, in June 2024. This report will look at how prepared the equipment manufacturers are in terms of supply of the kit necessary for the Progressive Safe System (PSS), and the TEC will then take a decision on whether to extend the proposed three month grace period.

Serious concerns still remain for operators with kit installed under the Safe System being required to rip this out and replace with kit meeting the PSS standard. This will have a significant cost implication for all operators who service London. Logistics UK continues to liaise with other industry bodies on a joint response to TfL, following a joint letter to the Mayor of London, and we will be discussing the impact with members to gather intelligence in advance of future meetings with TfL officials.

## Upcoming activities and events

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### Member briefing webinar

- Law – managing drivers' conduct: 27<sup>th</sup> July.

<https://logistics.org.uk/memberbriefings23>

### Events

- Fleet Engineer: 22<sup>nd</sup> June.
- Transport Manager: 21<sup>st</sup> Sept – 30<sup>th</sup> Nov.

<https://logistics.org.uk/events>

### Forums and working groups

- Environment Working Group: 14<sup>th</sup> Sept.
- Waste Forum Working Group: 19<sup>th</sup> Sept.

<https://logistics.org.uk/membership/logisticsuk-councils>

### Awards

- Van Awards – deadline for entries: 14 July.

[www.logistics.org.uk/vanawards23](http://www.logistics.org.uk/vanawards23)

- Logistics Awards – deadline for entries: 14 July.

[www.logistics.org.uk/logistics23](http://www.logistics.org.uk/logistics23)

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# Member Advice Centre

**0370 605 0000\***

Customer Service Centre

0371 711 2222\*

[customerservices@logistics.org.uk](mailto:customerservices@logistics.org.uk)

\*Calls may be recorded for training purposes