

(1)

Introduction

Lorries on British Roads are statistically safer than cars. 2003 Figures from the Department of Transport show that there have been 2 fatalities per 100million vehicle kilometres in heavy goods vehicles compared to 4 fatalities per 100million vehicle kilometres in cars. To add to this, road fatalities from accidents involving Large Goods Vehicles (Trucks or Lorries) are falling. Between 1999 and 2001, the number fell by 26%.

Despite these improvements, efforts are continuously being made to improve road safety for drivers of Large Goods Vehicles and other road users alike.

Requirements for an Operator Licence

The legislation regarding operating licence is the Goods Vehicles (Licensing of Operators) Act 1995.

There are stringent measures to operate any Large Goods Vehicles (LGV). Large Goods Vehicles that weigh over 3.5 tonnes on the roads today must be run with the authority of an Operators Licence, otherwise known as an "O" Licence.

A person or company must have an "O" Licence if he/she or the company carries goods for commercial purposes on public roads. There are 3 types of Operators Licences.

1. Restricted Licence

With this type of licence, vehicles can only be used for carrying goods in Great Britain for their own business. However, this Licence does not authorise the licence holder to carry goods for other people in return for money or to hire out the vehicle.

2. Standard National Licence

This type of licence is similar to the standard licence except that the licence holder can carry goods for themselves, hire the vehicle out aswell as carrying goods for other people in return for money.

3. Standard International Licence

This type of licence is similar to the Standard National Licence except that the licence holder can carry goods for themselves, hire the vehicle out as well as carrying goods for other people in return for money, internationally in addition to Great Britain.

To obtain an Operator Licence, the applicant must prove to the local traffic commissioner that they satisfy the following requirements:

- The applicant is "fit" to hold an "O" licence

What does fit mean you ask! Fit in the eyes of the traffic commissioners means that the applicant has a clean record with the law. i.e: The applicant (person/company) has no convictions for vehicle overloading, deploying vehicles that are defective, unauthorised use, etc.

- The applicant must have suitable operating centre

These are where HGV's can be kept when not in use. The applicant must prove that the designated areas that are big enough, have safe access and are in an environmentally acceptable location.

- The vehicles are kept fit and serviceable at all times.
- The applicant has enough financial resources (such as Money, assets) to keep the vehicles fit and serviceable.
- The person to be responsible for the transport operations is required to be professionally competent.

If an operator is to add a Vehicle to the licence, the operator must notify the traffic commissioner. Even if the operator needs to use a vehicle for one day, the traffic commissioner must be notified.

It is only after meeting all these requirements that the applicant be issued with a licence. This does not mean the hard work is over with. In order to retain the licence the operator must maintain the standards of the fleet of Large Goods Vehicles. In other words, the

operator must ensure the all the fleet must be maintained in a roadworthy condition.

Maintaining Roadworthiness

The operator must ensure that the vehicles listed on the operators licence are maintained in a roadworthy condition as it is an offence to use an unroadworthy vehicle on the road. This is because the operator made a declaration to the traffic commissioner that they will ensure that their vehicles are operated in a sound mechanical condition.

Safety Checks

The Measures Operators take to ensure roadworthiness of the fleet are to carry out a Daily walkround check. This is a casual procedure whereby the driver of the LGV walks around and checks the vehicle each day before he/she commences their days work in the LGV.

What they would look out for are to see that the lights, tyres, wheelfixing, bodywork, trailer coupling, load and ancillary equipment are serviceable.

An operator should make sure that there is a system in place to report and record faults that may affect the roadworthiness of the vehicle.

When in transit, drivers must monitor the vehicles roadworthiness and be alert for any sign of a fault or defect developing. For instance: a warning light, excessive smoke emissions, vibrations, etc. Any faults or defects discovered must be documented in a report by the driver or a person responsible for recording faults or defects. These reports must be given to a person who has the authority to make sure that corrective action is taken out.

Such reports are part of the individual vehicle's maintenance record and must be kept with details of repairs of the defect or fault. This information should be kept for at least 15 months.

Drivers must be made aware that they have a legal responsibility when it comes to vehicle condition and the procedure for reporting defects. Writing a letter to each driver describing the defect reporting systems that he/she is expected to comply with is effective. The driver must then sign the letter indicating that he/she understands what is required and return it.

Safety Inspections

An effective roadworthiness maintenance system essentially consists of regular safety inspections. Such inspections should be performed separately from the routine servicing and repair but just as frequently.

Vehicles are required to undergo a test commissioned by the Vehicles and Operators Services agency. A Operator licence holder may have the inspection in their own facility or may wish to contract all or part of the inspection work to someone else. If they wish to carry out the inspections themselves, the inspection facility must:

- be well lit,
- be a safe working environment,
- have a facility or equipment to inspect the undercarriage
- have access to brake test equipment
- have access to headlamp test equipment
- have access to engine exhaust test equipment
- have access to under vehicle washing facilities

If the operator wishes to contract out the inspections, as the operator is responsible for the maintenance of the vehicles he must choose to contract the inspection to a garage that he believes has competent staff.

If the Traffic commissioner is not happy with maintenance arrangements or the requirements to obtain a licence, he may revoke or suspend a licence or not issue

If an operator has breached legislations such as not maintaining vehicles in a roadworthy condition or not providing records of checks and inspections, the traffic commissioner may revoke or suspend a licence.

Vehicle examiners that are employed by vosa provide the traffic commissioner with a technical assessment of licenced operator's maintenance arrangements. This assessment is normally made:

- Shortly after the grant of a licence
- At least every 5 years after the grant of the licence
- When advice may be needed because the operator has requested a variation to the licence, or
- Because evidence of maintenance problems has to be investigated,
- If the licence is being reviewed for other reasons not related to maintenance.

These measures are there to ensure that the roads are safer. There are some reservations, however, to the compliance to Operator legislation. The tachograph which is used to prevent drivers working excessive hours is known to be abused. By abuse it is meant that drivers attempt to perform some sort of alternations whereby the tachograph readings are manipulated. This will be impossible in the near future, as the introduction of a new generation Digital tachograph will make it impossible for such activity.

An Operators licence is not easy to obtain. Nor is it easy to keep a licence. To add to these anxieties, Operators in Great Britain face, high fuel costs and high taxes. It has been reported that, to tax a LGV in Graeat Britain, it could cost up to £5750 compared to just

approximately £500 in France and Belgium. Fuel is also very expensive. To fill a diesel 1000litre tank of an LGV, it could cost approximately £650 whereas it costs approximately £ £350 in France or Belgium

(2)

Despite the lengths a potential operator must go to in order to obtain a licence, there are some areas that have weaknesses. An Operators licence is valid for life, as long as the operator is operating within the terms of the licence. This may lead to an operator becoming complacent. If a licence had to be renewed on a periodical basis, every 5 years perhaps, operators may be more vigilant in ensuring that the vehicles are maintained and kept roadworthy. If such a renewal system was put in place it should consist of a traffic commissioner representative reviewing all maintenance files of the HCV's. Safety inspections should be made more frequently and carried out by an inspector certified by the Vehicles and Operators Services Agency (VOSA) or the Traffic Commissioners. These initiatives may cost more to the tax payer, but will be more effective in ensuring the Heavy Goods Vehicles on the roads today are roadworthy and safer.

The drivers themselves should have to undergo driving tests periodically. As 95% of crashes are caused by human error, frequent driving tests may take incompetent drivers off the road.

References:

- Rushton, A. Oxley, J. Croucher, P. (2000) "Road Freight Transport: Legislation", *The Handbook of Logistics and Distribution Management*, 2nd edn. London: Kogan Page, pp.407-416.

- <http://www.vosa.gov.uk/vosa/publications/guide%20to%20maintaining%20roadworthiness.pdf> (Accessed: 10 January 2005)
- <http://www.vosa.gov.uk/vosa/privatehgvpsvowners/hgvoperatorlicensing/applyingforyourhgvoperatinglicence.htm> (Accessed: 11 January 2005)
- *Goods Vehicle Operators Licensing – Guide for Operators* (2002) Available at: <http://www.horsebox-rescue.co.uk/Operators%20Licence%20Guide.pdf> (Accessed: 10 January)
- *Budget Cuts Threaten to Europe* (1999) Available at: <http://www.bbc.co.uk/news> (Accessed: 12 January 2005)
- Greta Britain. Department of Transport (2004) *Road Casualties Great Britain: 2003, Annual Report*. London: The Stationary Office
- *Fleet Operations and the Environment*. Available at: http://www.natenergy.org.uk/eeas/event603/rac_green_fleet.pdf (Accessed 12 January 2005)