

Your Operator's Licence Holder and You!

What is an 'O'-Licence?

An Operator's Licence is a legal requirement for any company or organisation operating any vehicle, (whether or not they are the owner,) over 3.5 Tonnes GVW, that is used to carry goods on a public road in connection with any trade or business. Like any good rule, it has its exceptions, for things like mobile cranes, agricultural tractors and trailers, and vehicles powered by steam, for example. If any of you have a steam-powered mobile library, please let me know – I can put an article in ACCESS!

Operator's Licences are issued in the UK by The Traffic Commissioners who are independent regulatory officers appointed by The Secretary of State for Transport. To obtain a licence, you must satisfy these Commissioners that you have an appropriate level of professional expertise, sufficient financial standing to be able to run the business correctly, a safe and practical location from which to operate the vehicles, and adequate maintenance facilities for all the vehicles to be covered by the licence.



The purpose of Operator's Licences is to ensure that goods vehicles are operated in compliance with all relevant legislation, and in as safe and professional manner as possible. Operators are required to sign a Declaration of Undertakings on issue of an 'O'-Licence – in effect a contract with the Traffic Commissioners, promising the following, on behalf of the operator **and its employees and appointed agents**:

- ✓ *To ensure the relevant rules on driver's hours and tachographs are observed and proper records kept for 12 Months and made available for inspection.*
- ✓ *To keep records of all servicing, maintenance, safety inspections and defect repair and reporting, for a minimum of 15 Months.*
- ✓ *To ensure that in respect of each operating centre specified on the Licence, the number of authorised vehicles and trailers kept there do not exceed the number permitted on the Licence.*
- ✓ *That all vehicles and trailers will be kept fit and serviceable.*
- ✓ *Drivers will report promptly any and all defects or symptoms of defects that could affect the safe operation of the vehicles, and such reports will be recorded in writing.*
- ✓ *That all vehicles will operate within the speed limits.*
- ✓ *That all vehicles and trailers will not be overloaded.*
- ✓ *That all relevant legislation relating to the driving and operating of vehicles & trailers will be observed.*
- ✓ *That no unauthorised Operating Centre will be used.*
- ✓ *That the Traffic Commissioners will be notified of any relevant fixed penalty or conviction against the Licence Holder, Directors and any Employee or Appointed Agent of the Company or Organisation.*
- ✓ *That the Traffic Commissioners be notified within 28 days of any other changes to the Licence Conditions, including, but not limited to, changes in maintenance arrangements, financial status or Limited Company/Partnership arrangements, affecting the business being carried out.*





The Traffic Commissioners are the regulatory authority, but The Driver and Vehicle Standards Agency, (DVSA,) now act as the enforcement authority. After recent changes to the legislation, DVSA Examiners now travel in marked vehicles, have broad powers to stop and inspect vehicles, drivers and tachographs on demand, and can issue fixed penalty notices, as well as notifications and prohibitions, immediate or otherwise.



Categories



There are three categories of Operator's Licence, Restricted, Standard and Standard International. Restricted Licences normally only apply in the Country of Issue. Every vehicle operated under an Operator's Licence has to have an Identity Disc, like the ones shown above. Restricted Licences can be issued to operators of vehicles which do not carry goods for hire and reward, or whose vehicles are modified for non-goods purposes, such as mobile exhibition vehicles, etc., and various others, which we can't list here. Most Local Authorities, however use Standard Licences, because, within their fleets are vehicles which *do* operate for hire or reward – Trade Waste Collections, for example. For Library purposes, we probably need not worry about International Licences, but even though you may be operating under a Restricted Operators Licence, (because you don't carry goods for hire or reward,) your obligations under the law are exactly the same, with only one difference - Standard Licence holders must hold a Certificate of Professional Competence, or employ a Transport Manager who does – Restricted Licence holders don't have to. However, even if you are on a restricted licence, you still need to have someone experienced and conversant with the current regulations in charge.

What should I do for my Operator's Licence Holder?

You will have noticed that the Declaration of Undertakings extends to *the employees and appointed agents of the Operator* – so that includes Mobile Library Drivers and Managers. They have a shared responsibility to fulfil these undertakings on behalf of the Operator. Most of them do not do their own servicing, safety checks or repairs, nor do they keep the required records of these activities. They don't maintain the operating centres or report changes to them, and most of them probably aren't aware of how many licences are held for the operating centres. They are, however, involved in the day-to-day running of these vehicles, therefore are responsible for the other Undertakings – Driver's hours, defect reporting, Driver Licensing and operating the vehicles within the relevant Regulations and Laws. There is extensive legislation relating to driving and safe working – but here, we shall concentrate on those items relating specifically to Library staff obligations to the Operator.





Driver's Hours

The Driver's Hours regulations are complex and convoluted, but if you are not covered by any of the exemptions, your drivers must use the tachograph fitted to the vehicle to record their working and driving hours. In the case of Mobile Libraries, they are covered by an exemption, specifically 'National Derogation 13k,' which applies to;

"Specially fitted mobile project vehicles, the primary purpose of which is to act as an educational facility when stationary – for example play buses and mobile libraries."

As a result, we do not normally have to use tachographs, and we are not required to observe the EU driver's hours rules, (although we do still have to follow the older British National Rules, of no more than 10 hour's driving per day.)

Simply put, the Driver's Hours rules are as follows:

- ✓ **Driving Limit: 4.5 hours.** *(This is the maximum time a driver can drive, in a single block or in several blocks, without taking a break or rest period.)*
- ✓ **Break from Driving: 45 minutes.** *(A total of 45 minutes break must be taken for every 4.5 hours of driving – this may be as a single block, or two blocks, one of not less than 15 minutes, one of not less than 30 minutes. Once a driver has accumulated a total of 45 minutes rest, the previous driving time is wiped out, and a new 4.5 hour driving block begins.)*
- ✓ **Daily Driving: 9 hours, extendable to 10 hours up to twice a week.** *(This limit applies to all driving time between two daily rest periods.)*
- ✓ **Maximum Weekly Driving: 56 hours.** *(Applies to all driving time between weekly rest periods.)*
- ✓ **Maximum Fortnightly Driving: 90 hours.** *(All driving time between two consecutive weekly rest periods.)*
- ✓ **Minimum Daily Rest: 11 hours.** *(Period of rest, during which no work, including driving, is undertaken. The driver may take this rest aboard the vehicle only if suitable sleeping facilities are provided. May be reduced to 9 hours no more than twice per week.)*
- ✓ **Weekly Rest: 45 hours, reducible to 24 hours.** *(Every fortnightly period of work must include one 45 hour rest, so, in effect, the weekly rest can only be reduced to 24 hours once per fortnight.)*

A **Week** for the purposes of this legislation is 'a fixed period of time, from 00:00 Monday to 24:00 Sunday.' **Rest** is 'an uninterrupted period of time during which no work is undertaken and a driver is free to dispose of his time.'

Why do I include all this, if most of us are exempt from observing the rules?

Because, common sense tells us that these rules are there for a reason – driver fatigue is considered the one of the highest causes of accidents involving LGV's and PCV's. We don't want our drivers to be involved in accidents, and if they are, we don't want to be found liable for overworking them. It makes sense to operate our vehicles in accordance with the spirit of these laws, even if we are not required to follow the actual letter of the law.



In my Authority, for example, mobile libraries are timetabled for a 45-minute lunch-break, before 4.5 hours work has been completed, (even though it may not all be driving.) They are also timetabled for a half-hour tea break when they are out till late, as most of them are. We have a maximum eleven hour length of shift, so drivers also get over 11 hours daily rest. Like many authorities, we work a 37-hour week – so within the 90-hour fortnightly limit. We do not work Saturdays, but if we did, any driver who works Saturday would get Monday off, so that his weekly rest exceeds 45 hours.

The drivers all carry a daily record sheet with a copy of their timetable on it, and they record any deviations they may take from the timetable, extra time worked for breakdowns, etc. We also keep these record sheets for at least a year, so that at any time we can demonstrate that we do not expect our drivers to drive tired.

Vehicle Maintenance, Safety Checks and Defect Reporting

Several of the Declarations of Undertakings listed above cover this area and it is a vital component of an Operator's duties. For most of us, we will not perform the vehicle maintenance and safety checks ourselves, or record them, but defect reporting is an essential area of our responsibility. The chain of responsibility runs thus: Driver → Managers → Operator. The driver is the primary person responsible for the roadworthiness of his vehicle. He is held by the courts to have a legal and moral responsibility for the safety of his vehicle – and the courts also hold that the holder of a professional, vocational licence also owes a higher duty of care to other road users than an ordinary licence holder.

If a vehicle is found to be being used in an un-roadworthy condition the driver will face prosecution. Both DVSA and The Police may issue fixed penalty tickets, notices of prohibition, and notices of intended prosecution. Equally importantly, the operator faces prosecution as well.

Large Goods Vehicles are the most heavily regulated industry in the UK – there are more laws and regulations affecting LGV Drivers than there are Airline Pilots! All-in-all there are well over 10,000 specific offences which DVSA can charge a driver/operator with – their vehicles usually carry the whole list with them – in two separate volumes with over 500 pages in each.

Fines for drivers are limited in law – many offences may incur only a fixed penalty of as little as £60, and the maximum fine a court can impose on a driver for a serious offence, (known as level 5, including gross overloading, knowingly operating a vehicle in a dangerous or unsafe condition, etc.,) is £5000.

Fines for serious Operator's Offences are Unlimited!

The principle tool for ensuring the safety of our vehicles is the driver's daily vehicle checks, or his 'morning walk-round.' If he discovers any defects on his vehicle he should report them to his supervisor, and if any defects affect the roadworthiness of the vehicle, they must be repaired before it is used. **All defect reporting must be recorded and records kept for a minimum of 15 months.**



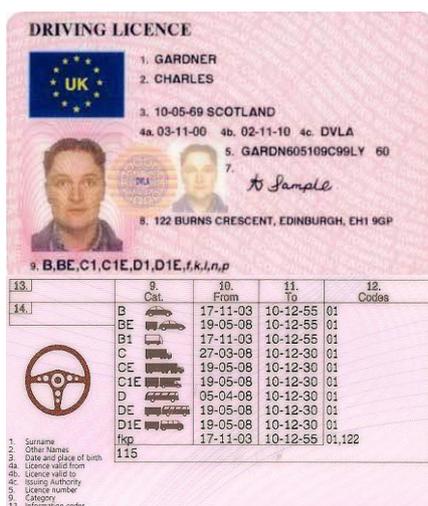
The law also requires you to record 'nil-defect' returns as well – and the driver should keep his daily check-sheet with him. Thus, were he to be reported for a defective light for example, he could prove that he did his daily checks and the light was working at the time and his penalty would be reduced or even dismissed completely.

For specialised vehicles like Mobile Libraries, Daily Vehicle Checks should also include equipment which is not actually covered by Construction and Use regulations, such as Saloon Heating and Ventilation Systems and Access Lifts. Drivers should also check for the presence of Operator's discs and Road Tax discs in the windscreen – it may not be their job to provide them, but they can still be prosecuted for failing to display them.

The appendix includes a sample of a daily vehicle checklist – the content is not completely defined in law. You don't have to produce your own, however – The Freight Transport Association and The Road Haulage Association, amongst others, produce their own highly acceptable versions which you may purchase.

An excellent instructional video may also be purchased at: www.shop.fta.co.uk.

Driver Licensing



All the drivers you employ must have the relevant licence for the category of vehicle you wish them to drive. The categories are listed on the reverse of photo-card licences. The categories are:

A Motor-cycles

B Cars

BE Cars & trailers, to a maximum GTW of 3500kg

C Rigid Large Goods Vehicles over 3500kg GVW

CE Articulated LGV's or LGV's towing a trailer.

C1 Rigid LGV's, category 1 restriction, (over 3500kg, but less than 7500kg GVW)

C1E Rigid LGV's, category 1 restriction, towing a trailer, the combination not exceeding 7500kg GTW

D, D1, DE, D1E - all Passenger Carrying Vehicles

Most Libraries will operate vehicles in the C or C1 category, although you might note that a 'Transit' van or similar, less than 3,500kg GVW, is a 'car' for these purposes.

You can check your driver's licences online with the DVLA – the driver will need to log on to the DVLA website and obtain a check code to give you permission to do so. Drivers of Category C vehicles are required to be medically fit to drive – they will have to pass a medical test to obtain a licence in the first place, and from the 45th birthday onwards the medical has to be renewed every five years. The DVLA normally sends a reminder about 6 – 8 weeks beforehand to the driver – they won't send one to the operator, so keep your own records as well. The expiry dates are shown on the licence – one good reason to keep a copy. Also, GP's are required to notify the DVLA when a vocational licence holder is placed on certain medications, or is diagnosed with certain conditions which may impair the patient's ability to drive. Needless to say, your drivers must be aware that they need to inform you as well. DVLA's website has a downloadable 'At a Glance Guide to Medical Fitness to Drive,' which you may find useful.



If a driver fails to provide a licence check code, or you have any doubts regarding their qualification to drive your vehicles, you can contact the **Compliance Advice Centre, on 08700 202021**. This DVLA department can check what type of licence a driver holds, whether they are disqualified, and any endorsements.

The other issue some people have with licences is the **C1** category, known to some as a 7.5 - tonne licence. If you passed your licence to drive cars before 1st January 1997, you can also drive Large Goods Vehicles up to 7500kg GVW. If you passed your test after that date, you may only drive Light Goods Vehicles up to 3500kg. Roughly half of all currently-registered UK drivers will have needed to pass an additional driving test for category C1 entitlement.

Let's take this opportunity to dispel a few myths regarding 7.5 tonne vehicles.

- It's an LGV. It has a DoT weight plate. It is subject to all the same laws as other LGV's.
- If it is fitted with a speed limiter, (all vehicles after 2007,) it will be restricted to 90 kph, and is NOT permitted in the outside lane on motorways.
- It requires an Operator's Licence Disc to be displayed in the windscreen.
- Because it has a DoT weight plate, you must comply with all the loading regulations, including individual axle weights as well as GVW.
- It is an LGV – it is subject to the Driver's Hours and tachograph regulations.
- Category C1 is considered a vocational licence by the Courts and drivers will be held to the same 'higher duty of care,' as their colleagues in the 'big rigs!'
- Finally and *crucially* – IT IS AN LGV – after 10th September 2014, you MUST hold a 'Driver's Certificate of Professional Competence' in order to continue using your Category C1 Licence.

Driver CPC's

New legislation requires all holders of vocational licences to have completed the minimum required training to hold a driver CPC by **10th September 2014**. New drivers since 2009 will already have the Driver CPC. All drivers must renew their CPC every five years. After completing the CPC Training a 'Driver Qualification Card' will be issued by DVSA, which must always be carried when driving LGV's.

There are several exemptions associated with the Driver CPC Directive. The one which many have suggested could apply to libraries is as follows:

'Vehicles used for carrying material or equipment to be used by the driver in the course of his or her work, providing that driving the vehicle is incidental to his or her work and not the drivers' principal activity.'

The example quoted on DVSA's website is that of a bricklayer. Normally a lorry-load of bricks is delivered to his site by a driver, but this particular morning he's late in. The bricklayer needs the bricks to start work at the building site and has a licence to drive the lorry, but does not have a CPC. On this occasion, the bricklayer may drive the lorry-load of bricks to the site – he is carrying material to use in the course of his work, driving is clearly not his principal activity and driving is incidental to his bricklaying job.

I have received the following advice from the **Chief Traffic Examiner** at the DVSA Training Academy at Chadderton:



“A mobile library driver is NOT covered by this exemption. Whilst I imagine the vehicle is carrying equipment for his or her work and most of his or her time is probably not spent driving, the fact remains that driving is not incidental to the job – it is absolutely essential. Unlike the example of the bricklayer, the mobile library job can’t be done without driving the vehicle and driving is clearly one of the principal activities. I would normally expect my Traffic Examiners to prosecute a Mobile Library Driver not in possession of a current Driver’s Qualification Card.”

The Driver CPC is for LGV and PCV drivers who drive professionally throughout the UK. It has been developed as a requirement of the EU Directive 2003/59, which is designed to improve the knowledge and skills of professional LGV and PCV drivers throughout their working life. Drivers are required to complete 35 hours of classroom training every five years to maintain their driving qualification. This usually, but not always, consists of five 7-hour day-long modules, which can be in a variety of subjects. The training content must be approved, authorised and licensed by the JAUPT – The Joint Approvals Unit for Periodical Training.

Further information can be obtained from the following website:

<http://www.drivercpc-periodictraining.org/en/home/>

This is JAUPT’s Official website – there are many websites run by organisations offering training – not all of them have absolutely correct information, and there are organisations offering training which do not actually have JAUPT approval – beware!

There is a great deal more to operator licensing than we can possibly cover in 7 pages of information. Both the Freight Transport Association and the Road Haulage Association provide Operator’s Licence Manuals, with a Compliance Information Service for replacing pages with updated information when required. In both cases these manuals come in loose-leaf binders several inches thick and quite expensive! However, I hope we have given you some help understanding your responsibilities. Your own Operator’s Licence Holder will have further information if you require it – and they are usually pretty good at keeping you informed of any changes to the relevant legislation.

Drive Safely!

Further Information:

<https://www.gov.uk/government/publications/goods-vehicle-operator-licensing-guide-gv74>

<https://www.gov.uk/government/organisations/traffic-commissioners>

<https://www.gov.uk/government/organisations/driver-and-vehicle-standards-agency>



APPENDIX 1**Daily Vehicle Checklist**

Driver		Fleet Number	
Date		Odometer Reading	

All Checks: ✓ = Satisfactory ✕ = Defective N/A = Not Applicable

External Checks (Engine off)

ITEM	Status	Comment
Bodywork and Fittings, Number Plate		
Windscreen, Wipers, Windows		
Mirrors, Reversing Camera (if fitted)		
Lights, Reflectors		
Tyre wear, Inflation, Damage		
Doors, Lockers, Locks and Fittings		

Fluids

ITEM	Status	Comment
Engine Oil Level		
Coolant Level		
Screenwash Level		
Brake/Clutch Fluid Level		
Power Steering Fluid Level		
Leaks under vehicle		

Interior and Equipment

ITEM	Status	Comment
Seat Belt Condition & Function		
Seat Adjustment / Security		
Mirror Adjustment		
Tax Disc & 'O'-Licence		
First Aid Kit		
Fire Extinguisher		
Auxiliary Battery Condition/Charge		
Interior Lighting		
Ancillary Electrical Equipment		

Function Checks before Journey (Engine On)

ITEM	Status	Comment
Warning / Dashboard Lights		
All Exterior Lights		
Horn		
Washers & Wipers		
Brakes		
Fuel Level		

All items above have been checked and defects reported

Driver's Signature:	
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