

# Driving at Work Policy

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### Version Control

Version	Description of version	Effective Date
1	Draft for Approval	27 <sup>th</sup> October 2016

### Approvals

Approved by	Date

### Associated Documentation

Description of Documentation	
Vehicle Management Strategy	
Vehicle Defect Reporting Procedure	
Accident Reporting Procedure	
Driving Licence Checking Procedure	
Drivers Medical Declaration	
Recording Drivers Hours Procedure	
Overweight Vehicle Procedure	
Code of Safe Working Practice -Refuse	
Code of Safe Working Practice -Cleansing	
Code of Safe Working Practice –Grounds	

## 1.0 Introduction

- 1.1 The Driving at Work Policy is supplementary to the Council's Health and Safety Policy statement and represents good practice aimed at securing the health and safety of drivers undertaking Council business and other persons who may be affected by activities carried out on behalf of the Council.
- 1.2 The Driving at Work Policy's aim is to clearly set out standards of driving conduct for staff to ensure their own and others safety. Failure to follow the requirements of the policy may be considered misconduct and dealt with by way of the Council's Disciplinary Procedure.
- 1.3 The Council must carry out its vehicle operations in strict compliance with road traffic legislation. All drivers must follow the rules laid out in this Policy.

## 2.0 Scope

- 2.1 Drivers undertaking Council business are considered to be any person employed by the Council whether directly or indirectly (i.e. agency staff and contractors etc.). Driving may be required on a regular or casual basis and this includes all management, supervisory, clerical and administrative staff that undertake driving on Council business using Council owned vehicles, leased or hired vehicles or their own personal motor vehicles within the Council's car user scheme.
- 2.2 Council vehicles include council owned, leased or hired vehicles. There are also sections within the Policy which cover the use of a driver's own vehicle when used for work purposes, referred to as the 'Grey Fleet'.

## 3.0 Principles and Legal Requirements

- 3.1 The Policy aims to meet legal requirements placed on the Council by various road traffic and health and safety acts and / or regulations; in particular:
  - 3.1.1 Road Traffic Act (1988) – section 87 (2) states “It is an offence for a person to cause or permit another person to drive on a road a motor vehicle of any class if that other person is not the holder of a licence authorising him to drive a motor vehicle of that class.
  - 3.1.2 The Health and Safety at Work Act 1974 (HSWA) requires the Council to ensure, so far as is reasonably practicable, the health and safety of all employees while at work. This includes a responsibility to ensure that others are not put at risk by our work-related driving activities.
  - 3.1.3 Management of Health and Safety at Work Regulations 1999 (MHSW) requires the Council to carry out (and regularly review) assessments to manage risk to our employees and other people who may be affected by their work.

- 3.1.4 Corporate Manslaughter and Corporate Homicide Act 2007 reaffirms existing Health and Safety duties to ensure that organisations take their obligations under health and safety law seriously. The Council are committed to ensuring their health and safety management systems are fit for purpose to safeguard staff and others who may be affected by their operations.
- 3.1.5 Provision and Use of Work Equipment Regulations 1998 (PUWER) requires the Councils to ensure that work equipment is suitable for use and fit for the purpose and conditions in which it is to be used; also, it is maintained to safeguard people's health and safety and staff have appropriate training in its use.
- 3.1.6 Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) requires the Councils to ensure any equipment used at work for lifting or lowering loads, including attachments used for anchoring, fixing or supporting it, are correctly maintained and tested to safeguard staff and others.

## 4.0 Responsibilities

4.1 All employees at all levels have a responsibility to take care of their own and others' health and safety. Employees, specifically drivers of both council owned vehicles or their own vehicle, when being used for work purposes, have a duty to comply with all road traffic regulations including obeying speed limits. They should also be courteous to other road users and use consideration when parking, and should:

- Only drive vehicles which are licensed and insured, and they are competent to drive.
- Work in accordance with instruction and training.
- Complete the regular pre-use vehicle checks, and report any defects to their Manager/Supervisor.
- Comply with the requirements of the Highway Code
- Cooperate with health surveillance or assessment schemes.
- Report any health issues (including the taking of medication) which may affect their fitness/ability to drive safely to their line manager.
- Ensure that unattended vehicles have the engines turned off, with the brakes applied and all doors are locked and the keys removed from the vehicle.
- Report any accidents, injuries or near misses to their line manager promptly.
- Under no circumstances must keys be left inside the vehicle whilst unattended and/or the driver (lone driver) is undertaking operations (i.e. loading bins) within 10 metres of the vehicle whilst the engine is running to power auxiliary equipment.
- Report any driving convictions and any addition of points on their licences to their line manager and Human Resources immediately.
- Report any training needs to their line manager.
- Make relevant documents available when requested to do so.
- Meet specified eyesight requirements by having regular eye tests and ensure that any glasses required for driving are worn.
- Not use mobile phones whilst driving.

- Pay any fines associated with their driving actions.
- Not drive if their ability is impaired by alcohol or any other drug, whether prescription or non-prescription. Managers must be notified on all such occasions.
- Ensure any loads are loaded and unloaded safely and secured in transit.
- Not exceed the maximum loads permitted for any vehicle or trailer.
- Ensure that no personal information about members of the public or other employees (paper or computer records, including laptops, storage devices, discs, or PDA's) is left unsecured in any unattended vehicle.

4.2 The Council's 'O Licence' Holder (Competent Person) has responsibility to ensure operation of the fleet strictly in accordance with commitments of the licence and its legal requirements.

4.3 Staff undertaking driving duties on Council business must not, under any circumstances, drink alcohol during the working day, including any unpaid breaks, or use illegal drugs or any prescription or non-prescription drugs which will affect their ability to drive and work safely. Likewise, staff must not arrive for work under the influence of alcohol, prescription or non-prescription drugs to the extent that their driving ability is impaired.

4.4 Staff will observe at all times any supplementary safety requirements and procedures required by their service area, risk assessments, safety policies and procedures.

4.5 Staff who drive when undertaking Council duties are reminded they may be personally and/or criminally liable for the safety of others who may be affected by their actions. Such staff should not, therefore, fail to observe rules in an effort to save time which could result in serious injury damage or in severe circumstances, death of another living being.

4.6 No passengers other than council employees or persons approved by the Authority shall be carried in council vehicles.

## 5.0 Driver Induction

5.1 Service Managers will ensure that new staff first day induction includes where relevant, driving duties. Where necessary this will be in conjunction with the Waste & Transport Section.

## 6.0 Grey Fleet

6.1 Employees using their own vehicles for work purposes are classed as 'grey fleet' drivers. Any person driving their own vehicle whilst at work must certify that:

- They have a current valid driving licence for the vehicle they are using on Council business.
- They have business use cover with their insurance company for this vehicle
- The vehicle is in a roadworthy condition with a current MOT certificate

- The vehicle has a current road tax disc;

6.2 In addition all employees who use their own vehicles for work will be required to provide certified copies of their driving licence and insurance documents to Human Resources or Payroll on demand.

## 7.0 Driver Qualification

7.1 All staff required to drive on Council business must be legally qualified to drive the relevant class or type of vehicle and plant. It is the responsibility of Service Managers to ensure drivers hold relevant driver and / or vocational licence entitlement. Driver licence entitlements are summarised as follows:

Category Vehicle type		
Minimum	Age	Comments
AM Motorcycle	16	Light motorcycle with a design speed of less than 45 km/h (28 mph).
A1 Motorcycle	17	Light motorcycles with a cubic capacity not exceeding 125 cc and of a power output not exceeding 11 kW (14.6 bhp).
A2 Motorcycle	19	Motorcycles up to 35 kW (47 bhp) and a power to mass ratio not exceeding 0.2 kW/kg. Motorcycle combination with a power mass ratio not exceeding 0.2 kW/kg.
A Motorcycle	24	Any size motorcycle with or without a sidecar.
B1 3 or 4 wheeled light vehicles	17	Motor tricycles/quadracycles up to 550 kg (1,210 lb) unladen.
B Cars	17	<ul style="list-style-type: none"> <li>• Motor vehicles with a MAM not exceeding 3,500 kg (7,700 lb) having not more than 8 passenger seats with a trailer up to 750 kg</li> <li>• Combinations of vehicles in Category B and a trailer when combined vehicle and trailer MAM's are less than 3,500 kg.</li> </ul>
B Minibuses	21	Vehicles with between 9 and 16 passenger seats not for hire or reward. MAM not exceeding 3.5 tonnes or 4.25 tonnes including specialist equipment for the carriage of disabled passengers. No trailer of any size may be pulled. B licence must have been held for 2 years. Valid for minibuses only when used in the United Kingdom.

B (Automatic) Automatic cars	17	As cars (B), but only those with automatic transmission.
B+E Cars with trailers	17	As category B but with a heavier trailer that isn't covered in the descriptions for category B.
C Large vehicles	21	Vehicles over 3,500 kg (including those over 7,500 kg) with a trailer up to 750 kg.
C1 Medium sized vehicle	18	Vehicles between 3,500 kg and 7,500 kg with a trailer up to 750 kg.
C1+E Medium sized vehicle with trailers	21	Combinations of vehicles where the towing vehicle is in subcategory C1 and its trailer has a MAM of over 750 kg provided that the MAM of the combination thus formed does not exceed 12,000 kg and MAM of the trailer does not exceed the unladen mass of the towing vehicle.
C+E Large vehicles with trailers	21	Vehicles over 3,500 kg (including those over 7,500 kg) with a trailer over 750 kg.
D1 Minibuses	21	Vehicles with between 9 and 16 passenger seats with a trailer up to 750 kg. See also under B
D1+E Minibuses with trailers	21	Combinations of vehicles where the towing vehicle is in subcategory D1 and its trailer has a MAM of over 750 kg, provided that the MAM of the combination thus formed does not exceed 12,000 kg, and the MAM of the trailer does not exceed the unladen mass of the towing vehicle.
D Buses	24	Any bus with more than 8 passenger seats with a trailer up to 750 kg.
D+E Buses with trailers	21	Any bus with more than 8 passenger seats with a trailer over 750 kg.
f Agricultural tractors	16	N/A
g Road rollers	21	N/A
h Tracked vehicles	21	N/A
k Mowing machine or vehicle controlled by a pedestrian	16	N/A
l Electric vehicles	17	Category now deprecated – tests no longer available (since 2001) for this category. Vehicles now fit into category B1 or B.

n Vehicles used for very short distances on public roads	N/A	Category now deprecated – tests no longer available (since 2001) for this category. Vehicles now fit into category B1 or B.
p Motorcycles	16	Engine capacity must not exceed 50 cc and the maximum design speed must not exceed 50 km/h (31 mph).
q Mopeds	17	2-wheeled vehicles with engine size not more than 50 cc if powered by an internal combustion engine or maximum design speed of no more than 25 km/h (15.5 mph).

- 7.2 Staff and Elected Members undertaking driving on Council business are required to present relevant documentation on request (at least annually) to demonstrate they hold necessary entitlements to undertake their driving role.
- 7.3 Only original driving licences (Insurance and MOT documents for grey fleet) will be accepted. Line Managers, if taking copies of original documents will endorse them with their signature and date prior to forwarding to the Waste & Transport Section to demonstrate originals were reviewed. Checks will be undertaken as follows:
  - 7.3.1 The Waste & Transport Section in conjunction with Service Managers will undertake driver licence checks of staff required to undertake driving Council owned and or/hired vehicles and plant. Staff must on request present their driving licence to ensure that they hold a current licence together with relevant entitlements.
  - 7.3.2 The Human Resource Team will undertake driver licences, Insurance and MOT document checks of staff and Elected Members who undertake driving on Council business using their own private motor vehicles (grey fleet).
  - 7.3.3 Licences of new members of staff will be checked as part of the recruitment process and again on the first day induction.
  - 7.3.4 In the event of changes to staff’s licence, incurring endorsement, medical restrictions and/or any other restrictions to drive, drivers (staff) must inform their Line Manager promptly to consider any impact on their driving capability.
  - 7.3.5 Drivers must disclose full details of previous or ongoing driving offences, convictions, medical conditions and disqualifications.
- 7.4 Drivers may be subject to on-going training and familiarisation programmes as required by their service area: in particular, to meet the statutory requirement of Driver CPC training.
- 7.5 Drivers who incur 9 points or greater on their licence (subject to severity of driving offences) may be restricted from undertaking driving duties on Council business. Drivers must be aware that where driving is an essential part of their employed role, the loss of their driving entitlement may affect their continued employment with the Council.

- 7.6 Operation of vehicles over 3.5tonne is restricted to vocational professional qualified drivers holding a class C licence (see 9.7 for exception). A driver will permitted to drive only following a satisfactory occupational health assessment including eyesight examination.
- 7.7 Drivers of vans up to 3.5tonne on Council business require holding a class B licence. A driver will permitted to drive only following a satisfactory occupational health assessment including eyesight examination.
- 7.8 UK law requires all minibus drivers to be over 21 years of age and have held a class B licence for at least 2 years and hold entitlement to drive vehicles with D1 classification. All minibus drivers will be required to undertake MIDAS training, regardless of 'grandfather rights'.
- 7.8.1 Whilst the Council does not currently have any minibuses, service managers may from time to time hire them for certain activities. Prior to the use of minibuses driven by Council employees service managers should seek advice from the Waste & Transport Section to ensure that drivers are correctly licensed and / or hold the correct permit for the type of vehicle they have been allocated to drive.
- 7.8.2 Permits issued under Section 19 of The Transport Act 1985 allow certain organisations to use a passenger vehicle for hire or reward without an O Licence and a minibus for hire or reward without a PSV licensed driver. However, where charging for a service (i.e. leisure activity), which involves travel, this brings the activity into the scope of 'hire and reward'.
- 7.8.3 There are two types of PSV Permit - type 1 for vehicles with 9 to 16 passengers; and type 2 for vehicles with 17 or more passengers.
- 7.8.4 Specialist permits will be managed by the relevant service managers and whose activities require the permit, in consultation with the Waste & Transport Section and / or O Licence 'Competent Person'
- 7.8.5 In order to drive a minibus on Council business you must have less than 9 penalty points and must be authorised by your Line Manager.
- 7.9 Drivers required to utilise trailers are required to hold driving licence entitlement as follows:
- B + E – vehicles up to 3500kg plus trailer above 750 kg
  - C + E – vehicle of 3500kg plus trailer above 750 kg
  - D1 + E – minibus plus trailer above 750 kg
- 7.9.1 Drivers who gained their licence before 1st January 1997 will automatically hold this entitlement on their licence, however, this will not necessarily allow drivers to utilise trailers unless considered competent to do so or having received training or assessment.

- 7.9.2 Drivers who use trailers, unless they have a specific post 1997 qualification, will undergo specific training and assessment in trailer use, which will include pre-checks for lights and hitches, and driving characteristics of vehicles with trailers and how this may affect stopping distances, turning circles, reversing, use of reversing assistants (where applicable) and clearances.
- 7.9.3 Trailers, whilst being towed on the highway, are subject to legal requirements relating to any other vehicle in as much as they should be maintained in a roadworthy condition.
- 7.9.4 Drivers when utilising trailers must pay particular attention to the following:
- Light fittings, number plates and any relevant signs must be in good order and clearly visible.
  - The towing attachment (jaw or ball) and reversing clamp must move freely and the overrun brake must be operable. All securing pins and devices must be secured along with the emergency break snag connection to the vehicles drawbar;
  - Drivers are responsible for ensuring the effectiveness of all connections between towing vehicle and trailer.
  - The trailer door must be closed with all securing pins in place to prevent opening during transport.
  - Drivers are responsible for ensuring that any load placed on a trailer under their control (i.e. equipment and/or materials) is evenly distributed and securely lashed to prevent movement during driving or covered to prevent loss of load.
  - Drivers must ensure the legal MAM (Maximum Authorised Mass) and/or plated payload of the trailer is adhered to at all times (this can be found on the plate situated on the trailer 'A' frame of body part).
- 7.10 In the case of heavy vehicles primarily used for leisure/educational purposes, ('mobile project vehicles') there is a legal exemption for drivers who are not required to hold the above licence. In this case it is essential that the driver undergoes competency training and familiarisation training. This will be organised by the Line Manager and if required, in conjunction with the Joint Fleet & Transport Manager.
- 7.11 Drivers of mobile project vehicles will in any case need to be over 21 and have held their licence for two years, and will be deemed 'occupational drivers' for driver medical purposes.
- 7.12 Concessions to the daily duty limit may apply for drivers of leisure project vehicles who do not driver for more than 4 hours on every day of a fixed week (commencing midnight Sun/Mon). If they driver for more than 4 hours on any day in that fixed week the limit applies for every day in that week.
- 7.13 Drivers are required to produce their driving licence and driving permits for examination before commencing employment on driving duties and at any other time upon request.

## **8.0 Driver Assessment and Training**

- 8.1 Driver training will normally be identified by Service Managers through annual staff PDRs' and organised in conjunction with the Waste & Transport Section.
- 8.2 Driver assessment may be influenced by factors such as the incidence and / or type of accidents incurred; or the frequency of driving undertaken and level of mileage incurred per annum. Drivers of large goods vehicles or specialist plant and equipment may also be required to undertake additional training or assessment; in particular to meet requirements of CPC Driver Training.
- 8.3 The Waste & Transport Section, in conjunction with Service Managers, will arrange for driver assessments and / or familiarisation sessions for drivers of vehicles in categories set out below.

## **9.0 Fitness to Drive**

- 9.1 It is every individual's responsibility to ensure that they are medically fit to drive, including eyesight requirements.
- 9.2 Drivers of vehicles, in particular vehicle classes over 3500 kg gross weight or who drive on average for three hours or more each day, will be required to undergo a driver medical assessment with the Council's Occupational Health Provider and / or GP. This, in particular will apply to drivers who are frequently required to drive at night or who drive minibuses and vehicles requiring category C Driver Licence entitlement.
- 9.3 Driver health assessments will take place every five years. In addition to which drivers of LGV's will be required to undertake driver medicals every five years from the age of 45 and annually from the age of 65, in order to retain their vocational entitlement.
- 9.4 Employees must not drive at work under any circumstances which they know may affect their ability to drive safely. Drivers must declare to their line manager if they are suffering from any medical condition, or are taking any medication which might adversely affect their ability to drive safely, (e.g. epilepsy, diabetes, visual impairment or other relevant medical condition). In such instances referral to the Council's Occupational Health advisor may be required.
- 9.5 Employees must not drive at work when they are under the influence of drugs, (whether prescription, non-prescription, legal or not legal) or alcohol. Where a driver is deemed medically unfit to drive they will be removed from driving duties until such time as their capability is established. The Council will support individuals to ensure their fitness to drive is achieved, in particular where staff are required to drive as an essential part of their employment role.

## 10.0 Drivers Health Checks

- 10.1 Drivers will be required to undergo periodic health screening organised through the Council's Occupational Health Service and/or staff's General Practitioner. Where health conditions are identified which affect ability to drive, this will be considered by way of the Council's redeployment and/or Capability procedures.
- 10.2 The Council will meet costs associated with driver medical assessments and screening.
- 10.3 Specific medical assessment is required for occupational drivers of vehicles over 3500kg, as follows:
  - 10.3.1 Class C - LGV (Large Goods Vehicle) - A medical certificate (DVLA Form D4) is to be completed by the drivers' doctor before applying for a LGV driver's licence. A further examination and completed medical certificate is required for each renewal application from the age of 45 (usually 5-yearly). After reaching 65 years a medical examination is required for each annual renewal of the entitlement.
  - 10.3.2 Class C1 - Since 1st January 1997 new drivers of vehicles over 3.5 tonnes gross weight (covered by driving licence category C1) require the same medical examination as LGV drivers with 5 yearly renewals after age 45 years and annually after age 65 years.

## 11.0 Vehicle Inspection and Maintenance

- 11.1 All vehicles provided by the Council will be included in a planned preventative maintenance programme in accordance with the manufacturer's recommendations.
- 11.2 Vehicle maintenance is arranged and managed by the Waste & Transport Section in conjunction with relevant Service Managers.
- 11.3 The Waste & Transport Section will ensure Council operated fleet vehicles and plant (owned, leased or hired) have valid MOT certificate, valid tax disc and insured by way of the Council's motor vehicle insurance policy.
- 11.4 All Council vehicles will be equipped with a suitable fire extinguisher and first aid kit.
- 11.5 Drivers are required to carry out daily vehicle checks using prescribed checklists and report faults to their Line Managers which will be retained by the Waste & Transport Section.
- 11.6 Historical vehicle maintenance, defects and repairs will be recorded in the Council's Fleet Management System (FMS) to ensure demonstration of its duty of care. The Council will retain paper based records for up to 2 years.

## 12.0 Pre Use Vehicle Checks

- 12.1 Drivers of Council vehicles must ensure they undertake daily pre-use vehicle checks before commencing driving. A reasonable time will be allowed for this. Where required these will be signed off and logged with their first line manager. Pre-use vehicle checks will include:

- General cleanliness and tidiness of the vehicle.
- Seat belts.
- Fuel/Oil/Water levels.
- Fuel/Oil/Water leaks.
- Tyres for visual low pressure, wear, cuts and other damage.
- Wheel security & wheel brace (appropriate size).
- Wipers/Washers/Windscreen.
- Lights/Reflectors/Steering/Brakes.
- Body condition for damage.
- Load, racking and ladder security.
- Mirrors/Indicators (en route)
- Horn.
- Speed Limiter if fitted (en route)
- Speedometer.
- Exhaust emissions (obvious excessive noise and smoke).
- Fire extinguisher – present and in date.
- First Aid Kit – present and in date

12.2 Additionally to the above; operation of tail-lifts, bin lifts, cameras and any specialised adaptations and equipment will be included in the service area pre-use vehicle check list.

12.3 Where a Council vehicle is used, the driver must always report any suspected vehicle defects to their line manager. In the event a defect is suspected the vehicle should not be used until a competent person has assessed and rectified any identified fault. The driver will liaise first with their line manager as to whether a vehicle should be delivered to the Waste & Transport Section for repairs.

12.4 It is essential that drivers at the commencement of each working day undertake pre-use vehicle checks and complete a driver's daily defect report. If no defects are identified, drivers will still submit a NIL defect return report to their line manager, which will be retained for 15 months and made available for Audit purposes to the Waste & Transport Section.

12.5 All pre-use vehicle checks must be undertaken in accordance with the Councils Vehicle Defect Reporting Procedure. Defect reporting books are available from the Waste and Transport section.

## 13.0 Risk Assessment

13.1 Risk assessments for driving related activities will follow the same principles as risk assessments for any other work related activity undertaken by service managers which must consider:

- Types of vehicles and their suitability.
- Types of journeys and routes.
- Purpose of journeys.
- Review of accident history.

- Daily vehicle checks.
- Competence, capability and suitability of drivers (licenses, health, accidents etc.)
- Load security and weight.
- Hard to access and egress locations.
- Proximity of other highway users and persons who may be affected by the activity.
- Security of Information being transported.

## 14.0 Route Planning

14.1 In designing operational service delivery programs/routes Service Managers will give consideration to the following list, which is not exhaustive:

- Access and egress for vehicles
- Reversing and manoeuvring
- Vehicle suitability
- Route distance
- Waste disposal
- Fuelling requirements
- Timing to avoid conflicting activities
- Vehicle overloading
- Time allowance for daily vehicle check, maintenance and cleaning.

## 15.0 Drivers Hours and Working Time

- 15.1 Driver fatigue is a serious problem resulting in many thousands of road accidents each year. Sleepiness reduces reaction time, vigilance, alertness and concentration so that the risk of accidents is increased.
- 15.2 The Waste & Transport Section in conjunction with the Service Managers will monitor drivers of LGV vehicles to ensure strict compliance with European 'driver hours' and /or Transport Mobile Working Time Directive requirements.
- 15.3 The UK Domestic drivers' hours' rules apply to drivers on journeys within the UK who are exempt or excluded from the EU rules.
- 15.4 It is an offence for a driver to contravene these rules or for an employer (or anyone else to whose orders the driver) to cause or permit them to do so. The penalty (if convicted) is a fine of up to £2,500 per offence and the operator's licence (Council) and vocational licence (driver) may also be at risk.
- 15.5 Daily driving limit - You must not drive for more than 10 hours in a day. The daily driving limit applies to time spent at the wheel driving. Driving may be on or off the public road.
- 15.6 Duty time - Duty time is any working time.

- 15.7 Daily duty limit - You must not be on duty for more than 11 hours in any working day. This limit doesn't apply on any working day when you don't drive.
- 15.8 Concessions to the daily duty limit may apply to some drivers of leisure project vehicles.
- 15.9 Drivers are exempt from the duty limit on any working day they do not drive. The legislation should be referred to in this instance and drivers made aware of why they have the concession in case they are subject to a roadside check from VOSA or the Police.
- 15.10 Drivers must record hours on a weekly record sheet or by way of vehicle tachograph equipment to demonstrate the taking of breaks in accordance with EU Driver Hours and \ or Organisation of Working Time of Persons Performing Mobile Transport Operations.
- 15.11 The Directive(s) is incorporated within the Road Transport Regulations (RTR) and requires legal compliance as follows:
- An average 48 hour working week calculated over a 17 week reference period (4 months).
  - No opt out of the average 48 working week is available.
  - A maximum 60-hour working limit applies in any given week. However, the 48 hour average will not be exceeded over the 17 week reference period.
  - Night time is defined as a period between midnight and 04.00 hours for drivers and crew of goods vehicles, and between 01.00 – 5.00 hours for drivers and crew of passenger vehicles.
  - If any work, regardless of its duration, is undertaken during night time a maximum
  - 10 hour night work limit will apply in each 24 hour period. However, the night work limit can be dis-applied by a collective or workforce agreement (relevant agreement) without prejudice to EU drivers' hours rules on daily and weekly rest that must be observed.
  - If the worker is employed by two or more employers then the weekly working time is the combined total of the hours worked (excluding breaks, rest and periods of availability).
- 15.12 DVSA enforce the regulations; primarily in response to complaints they receive. Their approach will initially be to educate employers and workers, rather than look to prosecute. Nevertheless, where evidence exists that the rules are being systematically broken examiners will be at liberty to check working time records at an employer's premises.
- 15.13 A 30 minute break is required if total working time is between six and nine hours and 45 minutes if total working time exceeds nine hours. These breaks can be subdivided into minimum 15 minute periods. Total working time in respect of breaks does not include periods of availability.
- 15.14 In most instances drivers subject to EU driver hours' rules will satisfy this requirement if breaks are taken in accordance with the EU rules that will continue to take precedence.

- 15.15 However, mobile workers who are likely to clock up more than six hours duty before reaching four and a half hours driving would need to satisfy the working time break requirements as previously described.
- 15.16 Refuse 'door to door' collection is exempt from EU driver hours and will need to comply with break periods within the 6 to 9 hour band range and not the 4.5 hour EU driver hours' requirement).
- 15.17 Breaks taken in accordance with RTR may be taken at the workstation including the cab of the vehicle provided the worker is not required to undertake any activity that could be regarded as 'work'. Breaks are not regarded as working time whether paid or unpaid.
- 15.18 The Road Transport Working Time Regulations (RTR) do not make specific provision for daily and weekly rest as these requirements are set by EU Drivers' Hours Regulation 3820/85 in relation to drivers and the Horizontal Amending Regulations for other mobile workers (Refuse collection exempt).
- 15.19 The Council will keep records of working time for mobile workers for two years after the period covered. These records will include the weekly working time and time spent working at night (if applicable). Drivers must ensure they complete their drivers' hours books at a minimum every two weeks to meet this requirement.

## 16.0 Smoking

- 16.1 Smoking is not permitted by law in any work vehicle that may be used by more than one person or by different people. The Councils policy in respect of smoking at work is 'no smoking' at any time during working hours.
- 16.2 Employees must not smoke in any council vehicle at any time or in their own/others vehicles during working hours.

## 17.0 Use of Mobile Phones

- 17.1 Any driver who uses a mobile phone whilst in charge of a moving vehicle will be in breach of the Road Traffic Act 1988 and Regulation 104 of the Road Vehicles (Construction and Use) Regulations 1986, and could be prosecuted for:
- Dangerous driving; and/or
  - Careless or inconsiderate driving
  - Not exercising proper control of the vehicle at all times.
- 17.2 Drivers must not make calls unless the vehicle is stationary and are required to pull up in a safe position before accepting or making a call.

- 17.3 No employee whilst driving a Council operated vehicle will use a mobile phone whilst in control of a running vehicle. Other team members present in a vehicle may accept and make calls whilst the vehicle is mobile, but at no time must the driver accept or make calls whilst the vehicle is mobile.
- 17.4 The Council at this time do not specify 'Blue Tooth' technology for incorporation in Council owned\operated vehicles; however, it is recognised that staff that utilise their own motor vehicles (Grey Fleet Users) to undertake their duties may have 'Blue Tooth' technology in their personal vehicle.
- 17.5 In such instances, the Council acknowledges staff (Grey Fleet Users) may use 'Blue Tooth' technology; however, the Council requires that staff who use 'Blue Tooth' phones do so only when they are effectively paired with their vehicle 'Blue Tooth' equipment to ensure calls are undertaken whilst in full control of their motor vehicle whilst driving.

## **18.0 Accident and Incident Reporting**

- 18.1 Whenever a Council operated or hired vehicle is involved in an accident the driver of the vehicle is responsible for carrying out the reporting procedure as soon as possible unless he/she is incapacitated as a result of injury sustained in the accident. Where a driver is incapacitated the reporting procedure will be carried out by the Line Manager.
- 18.2 In exceptional cases where someone is injured or trapped in a vehicle the driver must carry out the procedure set out below. If a Council employee is injured as a result of being involved in a traffic accident it will be necessary to complete a report using the prescribed form available.
- 18.3 Drivers must stop after an accident and are obliged to provide their name and address, registration number, and the name and address of the Authority to any person who has reasonable grounds to ask for the information. If it has not been reasonably possible to stop and follow this procedure, the accident should be promptly reported to the driver's line manager and where required, the Police within 24 hours of the event.
- 18.4 Accidents must be reported to the Police if it has caused injury to another person, certain animals (i.e. dogs, horses, sheep and cows) or property where you are unable to locate the owner and furnish details.
- 18.5 In both the driver and Authority's interests, drivers should try to obtain details of other drivers/vehicles involved in the accident and their Insurance details; also, names and addresses of witnesses and try to sketch details of the accident especially skid marks and \ or take photographs where possible.
- 18.6 No statement admitting liability should be made but the Police should be given all reasonable assistance.
- 18.7 Drivers must comply with all road transport legislation in order to protect themselves and the Authority from prosecution; therefore, it is in their own interests to read and utilise all the information and advice made available to them.

- 18.8 Managers and Supervisors have a responsibility to ensure that they comply with Transport legislation at all times and that their records are completed, maintained and certified in the prescribed manner.
- 18.9 Where an accident involves moving vehicles the following should be observed;
- Stop the vehicle and switch off the ignition.
  - If necessary contact the emergency services.
  - Exchange particulars with the driver of any other vehicles involved.
  - Take the names and addresses of any independent witnesses.
  - Make a note of site conditions such as position of vehicles, road and weather conditions etc., and if possible make a sketch of the site.
  - If the damage to the Council operated or hired vehicles renders the vehicle un-roadworthy, drivers must contact their line manager and the Waste & Transport Section. If the Vehicle is safe to drive the journey may be continued or the vehicle may be returned to its operating depot.
  - Do not accept responsibility or liability for any accident to any third party.
- 18.10 In general terms the procedure set out above applies to cases where a vehicle is damaged whilst parked and unattended. If a Council operated vehicle is damaged and the other vehicle has left the site it may not be possible to exchange details and therefore it becomes important, if possible, to obtain information from anyone who may have witnessed the incident.
- 18.11 In cases where a Council vehicle collides with and causes damage to a parked and unattended vehicle the driver must attempt to identify and locate the owner of the damaged vehicle and exchange details. If the owner cannot be located the driver of the Council vehicle must leave details attached to the damaged vehicle and notify the Police.
- 18.12 If a Council operated vehicle collides with and causes damage to property the driver of the vehicle must attempt to make contact with the owner or person in charge of the property. In cases where the owner or person in charge cannot be contacted the driver must leave details of the incident and contact details at the property and notify their Line Manager and notify the Police.
- 18.13 The driver of any Council operated vehicle is responsible for reporting any incident or accident involving the vehicle under their control except in cases where injury prevents the driver from making a report, in which case the report will be made by the service areas Line Manager.
- 18.14 Vehicle accidents must be reported on the prescribed form available on the intranet and from the Waste & Transport Section. The completed forms should be taken to the Waste & Transport Section either on the same day or within 24 hours of an accident occurring. The Waste & Transport Section will register the forms on the system and forward them to the Insurance Officer.
- 18.15 Where an incident involves any of the following the driver may be suspended from driving duties immediately:

- Endorsable Road Traffic Offences (whilst at work)
- Serious Complaints concerning driving.
- Dangerous occurrences at work or breaches of safety rules.
- Injury to Others

- 18.16 Where the incident is not considered of a minor nature the driver's Line Manager will consider (in consultation with Waste & Transport Section and \ or Health and Safety Advisor) suspension of the driver from driving duties on a "without prejudice" basis until the eventual outcome of an investigation is undertaken.
- 18.17 Whilst suspended from driving duties, pending the investigation and subsequent meeting to discuss the conclusions of the investigation, the driver's normal basic rate of pay and required level of performance will be maintained. Overtime payments which would have accrued had driving been undertaken will not be payable unless contractual. During the period of suspension from driving, the driver will be allocated other duties within his/her own service area, wherever possible.
- 18.18 Dependent upon the outcome of any initial accident investigation in consideration of accident severity in respect of loss, damage to Council/Private property, injury to staff and/or others and failure to meet requirements of this Policy and/or wider safety rules, the matter may be considered further by way of the Council's Disciplinary Policy.
- 18.19 The relevant Director will arrange for a meeting to be convened with the driver and his/her representative as soon as possible after receipt of the report, in order that the driver may be informed of the conclusions reached and of any further action to be taken against him/her as a result of the conclusions.
- 18.20 Drivers or operators of plant may be required to undertake training, re-training or assessment where it is considered that their conduct and capabilities warrant such as outlined in the Driver Training section of this policy.
- 18.21 The Council's Waste & Transport Section and Insurance Officer will monitor damage to vehicles, plant and equipment to establish any trends and areas for improvement and \ or training.
- 18.22 The Waste & Transport Sections will bring to the attention of service managers any such findings.
- 18.23 Where an employee has two or more "at fault" accidents (excluding for example minor accidents, minor dents, scratches and damage to wing mirrors and light lens) within a rolling 12 month period, or has a conviction for a road traffic offence whilst driving at work, the following will apply:
- 18.23.1 Stage 1 - The employee will be invited to a meet with their manager to discuss their driving standards and conduct. At this informal meeting the manager may arrange for Driver Assessment to determine if there is any lack of driving skills, aptitude or unacceptable risk taking behaviour, followed by driver training for those drivers where this would be beneficial. Assessments and decisions will be placed on the employee's personal file and communicated to the member of staff.

18.23.2 Stage 2 - Where further accidents occur following this, formal disciplinary action may be considered further to driving standards and conduct having been investigated.

18.24 A driver will have a right of appeal at any stage when an 'at fault' decision has been made.

18.25 If the manager feels it is appropriate to suspend the employee from driving duties at any point due to the nature or number of incidents, they must seek the approval for this suspension from their Director in advance of implementing any period of suspension.

## 19.0 Roadside Penalties

19.1 The Police and DVSA can issue fixed penalty notices at the roadside for breaches of some sections of legislation. The Police and DVSA can issue fixed penalty fines for road traffic offences, vehicle 'defect rectification' notices and demand breath samples.

19.2 Fixed penalties are normally in the region of £30 to £200 and further action may result which could result in points (from 2 to 8 points) being added to the drivers licence. In all cases the driver is responsible for payment of any fines.

## 20.0 Technological Driving and Vehicle Aids

20.1 The Council operate a web based vehicle and plant tracker system to specified fleet items for health and safety, security and operational productivity/service improvement reasons.

20.2 GIS facilitates live tracking with visual map replays as well as detailed/summary reports.

20.3 Service Managers manage the system within their respective service areas with support from the Waste & Transport Section. It is the intention that the system is used in an open and transparent manner.

20.4 The live tracking displays the current status of the vehicle i.e. geographic position, speed, direction of travel and ignition status. On certain fleet items it also provides additional information from data input relating to items such as the brush controls on a mechanical sweeper, the bin lifts on a refuse collection vehicle and the cutter position on ride-on mowers. The location, time and speed of the vehicle, as well as any additional data inputs, are reported to a central database for retention of records and reporting.

20.5 Similarly, vehicle EDV (Event Data Recorders) and CCTV (Closed Circuit Television) systems may be fitted to specialist vehicles or operational plant; for instance, refuse collection vehicles which include four cameras, one to the front, one to the rear and one on each side with hard disk recorder is fitted inside the cab.

20.6 If any poor standards of driving or conduct are identified through analysis of the systems, this will be discussed with the driver concerned in order to ascertain reasons for any variation in performance. If however, those reasons are considered to be unsatisfactory and the variation in performance considered sufficient, then the Manager may have need to investigate this issue further in accordance with the Council's disciplinary policy.

- 20.7 It is necessary for the purposes of the legitimate interests of the Council and the interests of the employee in assessing vehicle utilisation and geographical analysis of vehicle movements. Information from technological driving aids and systems is automated and unobtrusive and details of drivers operating a specific vehicle will only be used where there is evidence of low productivity, variations in performance or unexpected movement, accidents or claims against the Council.
- 20.8 Staff will be informed through management briefings and driver inductions that tracking and other systems are operated by the Council for the reasons stated. Staff will be reminded that monitoring takes place where and when incidents occur. Information provided by systems will be used in health and safety monitoring and logistical management in the planning, execution and control of the movement of vehicles, materials, goods and / or people and their interrelated supporting activities.
- 20.9 Only authorised managers have password protected access to systems and able to access specific screens for monitoring and reporting privileges.

## **APPENDIX 1 - Further Reading and Legislation**

### The Highway Code

The Stationery Office 2001 ISBN 0 11 552290 5

Can also be viewed on [www.highwaycode.gov.uk](http://www.highwaycode.gov.uk)

The Management of Health and Safety at Work Regulations 1999 SI 1999/3242

The Stationery Office ISBN 0 11 085625 2

Five steps to risk assessment Leaflet INDG163(rev1)

HSE Books 1998 (single copy free or priced packs of 10 ISBN 0 7176 1565 0)

Managing road risk. An introductory guide for employers Available from Brake

Tel: 01484 559909 e-mail: [brake@brake.org.uk](mailto:brake@brake.org.uk) or [fleetsafetyforum@brake.org.uk](mailto:fleetsafetyforum@brake.org.uk)

Managing occupational road risk Royal Society for the Prevention of Accidents available from Edgbaston Park, 353 Bristol Road, Birmingham B5 7ST Tel: 0121 248 2000

Code of Practice. Safety of loads on vehicles Third edition The Stationery Office 2002

ISBN 0 11 552547 5 available online at

[www.dft.gov.uk/stellent/groups/dft\\_roads/documents/page/dft\\_roads\\_506864.pdf](http://www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506864.pdf)

Management of work related road safety RR018 HSE Books 2002

ISBN 0 7176 2549 4 Case studies can be viewed on

[www.hse.gov.uk/roadsafety/experience.htm](http://www.hse.gov.uk/roadsafety/experience.htm).

Successful health and safety management HSG65 (Second edition)

HSE Books 1997 ISBN 0 7176 1276 7

For specific information about driving at work and road safety, visit the Department for

Transport (DfT) website:

[www.dft.gov.uk/roadsafety](http://www.dft.gov.uk/roadsafety)

[www.thinkroadsafety.gov.uk](http://www.thinkroadsafety.gov.uk)