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| REPORT TO: | ENVIRONMENTAL AND DEVELOPMENTAL SERVICES COMMITTEE | AGENDA ITEM: 10 |
| DATE OF MEETING: | 17th NOVEMBER 2016 | CATEGORY: RECOMMENDED |
| REPORT FROM: | DIRECTOR OF HOUSING AND ENVIRONMENTAL SERVICES | OPEN |
| MEMBERS' CONTACT POINT: | ADRIAN LOWERY 01283 595764 adrian.lowery@south-derbys.gov.uk | DOC: |
| SUBJECT: | DRIVING AT WORK POLICY | REF: |
| WARD(S) AFFECTED: | ALL | TERMS OF REFERENCE: |

1.0 Recommendations

1.1 Committee is recommended to approve the draft 'Driving at Work Policy' for consultation with service areas and employees, through the Councils Health & Safety Committee.

2.0 Purpose of Report

2.1 To allow the Direct Services Manager to consult with service areas and employee representatives on the introduction of a 'Driving at Work Policy'. Following consultation via the Health & Safety committee, a further report will be submitted for the Committee to formally adopt a Driving at Work Policy.

3.0 Detail

3.1 The Driving at Work Policy is supplementary to the Council's Health and Safety Policy statement and represents good practice aimed at ensuring 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.

3.2 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.

3.3 The Council must carry out its vehicle operations in strict compliance with road traffic legislation.

3.4 There are 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.

3.5 The Policy meets legal requirements placed on the Council by various road traffic and health and safety acts and / or regulations; in particular:

- 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.
- 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.
- 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.
- 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.
- 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.
- 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 Financial Implications

4.1 The Council’s vehicle fleet is estimated for insurance purposes to be valued at £2million. Fleet vehicles and operational plant are essential and valuable assets which need to be utilised to the best possible standards at all times. Operation of fleet vehicles and operational plant present varying risks to the Council and are covered by motor liability insurance. It is therefore in the Councils’ interest to ensure effective management of fleet drivers to minimise accidents and the impact these have on annual insurance premiums.

5.0 Corporate Implications

5.1 The Council, in order to operate vehicles above 3500Kg Gross Vehicle Weight (GVW), must hold a Vehicle Operators License and appoint competent person(s) to manage and maintain its fleet. A ‘Competent Person’ is one who holds a Certificate of Professional Competence in order to meet legal requirements set out by:

- Goods Vehicles (Licensing of Operators) Act 1995.
- European Directive 74/561 (as amended by EC 89/438, EC 96/26).
- European Directive 98/76.

- 5.2 The Council must ensure that its driving and fleet operations meet the requirements of other relevant legislation, namely the Road Traffic Act 1988, Health and Safety at Work Act 1974 and the Provision and Use of Work Equipment Regulations 1996.
- 5.3 Section 87 (2) of the Road Traffic Act 1988 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 license authorising him to drive a motor vehicle of that class”. The Council must therefore ensure persons undertaking driving on its behalf are properly licensed at all times.
- 5.4 The Health and Safety at Work Act requires that operators of vehicles, and employers of persons, take steps, so far as reasonably practicable to ensure the safety of employees and others who may be affected by its activities.
- 5.5 The Council must ensure its vehicle fleet is road worthy and fit for the purpose for which it intends to use it. The Council must also ensure that employees who use their own vehicles (i.e. grey fleet car users) have road worthy, licensed, tested and insured vehicles for use in the course of the Council’s business.
- 5.6 The Driving at Work Policy will be communicated to employees that are likely to undertake driving on Council business via mandatory training sessions and will be included as part of the information provided to new starters on their first day of employment.

6.0 Conclusions

- 6.1 The Driving at Work Policy takes in to consideration statutory and regulatory changes; and establishes a standard position across the Council, for employees driving at work.
- 6.2 The policy includes all persons who undertake driving on Council business including drivers of council owned vehicles, own vehicle drivers (grey fleet), volunteers, contractors and sub-contractors.
- 6.3 The policy makes specific statements in order to ensure the Council can demonstrate it is taking reasonable care in its approach to the management of its employees and others who drive whilst undertaking Council business.
- 6.4 The policy should be appended to the Council’s Corporate Health and Safety Policy to demonstrate the Council’s commitment to managing its driving activities within relevant Health & Safety legislation.