

Bolsover District and North East Derbyshire District Councils

Union / Employee Consultation Committee

9 October 2014

Joint Driving at Work Policy (DRAFT)

Report of Assistant Director Streetscene

This report is public

Purpose of the Report

- To consult recognised Trade Unions and Employees the refreshed Joint Driving at Work Policy prior to seeking adoptions by way of each Council's Cabinet (NEDDC) and Executive (BDC) Committees.
- To ensure the Councils' policy demonstrate its undertaking in complying with relevant highway and road traffic legal requirements to meet its Corporate Health and Safety requirements.

1 Report Details

- 1.1 The Councils each operate fleets consisting of 160 (approx.) vehicles, predominantly medium sized vans and small cars not exceeding 3500KG gross vehicle weight (GVW). However, 20 (approx.) vehicles operate above this weight range and are classified as Large Goods Vehicles (LGV). In order to operate this class of vehicle the Council legally requires an Operator's License.
- 1.2 The Joint Driving at Work Policy (**Appendix 1**) sets out the standards which the Councils' expect its employee and/or agency/contractor drivers to meet and the framework in which it operates its fleet transport arrangements.

2 Conclusions and Reasons for Recommendation

- 2.1 The Joint Driving at Work Policy refreshes the Councils' current policy position taking in to consideration statutory and regulatory changes; also, this aims to establish one standard position across the two Councils to reflect the joint management position of the fleet transport service.
- 2.2 The policy has been updated to reflect legislative changes of a wider transport and fleet management remit than previously. It now includes **all** persons who undertake driving on Council business such as grey fleet car users, contractors and sub-contractors.
- 2.3 The policy outlines specific policy statements in order to ensure the Council can demonstrate it having taken reasonable care in its approach to the management of its fleet and persons driving whilst undertaking its business.:

2.4 The revised Code of Practice should be appended to the Council's Corporate Health and Safety Policy to demonstrate the Council's commitment to managing its fleet vehicle operations within relevant legislation.

3 Consultation and Equality Impact

3.1 The revised Code of Practice has been consulted upon with all user departments and recognised Trade Unions.

4 Alternative Options and Reasons for Rejection

4.1 The Councils' Driving at Work Policy needs to reflect up to date statutory, regulatory requirement and best practice. A 'do nothing' approach is therefore not an option.

5 Implications

5.1 Finance and Risk Implications

5.1.1 Each Council's vehicle fleet is estimated for insurance purposes to be valued at £5million (approx.). Fleet vehicles and operational plant is an essential and valuable asset which needs to be maintained to the best possible standards at all times.

5.1.2 Operation of fleet vehicles and operational plant present varying risks to the Councils' covered by motor liability insurance arrangements. It is therefore in the Councils' interest to ensure effective management of fleet operations to negate accidents and the impact these have on annual insurance premiums.

Risk Considerations

5.1.3 The table below summarises a number of risk areas:

Risk Type	Risk Detail	Control Measure
Corporate Ambitions & Priorities	Fleet vehicles\plant contribute significantly to delivery of Council services and priorities.	Vehicles\plant fit for purpose and supported by effective up to date policy statements for service needs.
Operational	Service performance and standards affected by fleet reliability.	Vehicle replacements sourced within effective utilisation period and planned maintenance\inspections undertaken.
Regulatory	European emission standards not met.	Policy statements meet Councils' statutory 'Duty of Care'.
Financial	Claim\damage cost places service budgets under pressure.	Clear policy position on fleet operating standards aims to mitigate cost impacts arising from claims\damage.
Contract Agreements	Contractor fleet standards fall below the Councils'.	Ensure contractors engaged meet Council standards to mitigate claims arising to the Council as employer.
Reputation	Council reputation damaged arising from high accident and/or high profile incidents.	Ensure vehicle specifications and driver staff employed meets policy standards.
Staff	Staff capability impacts on driving standards.	Driver licences checked at least once annually to ensure essential capability and provide training to meet statutory and/or speciality of service need.

5.2 Legal Implications including Data Protection

- 5.2.1 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. Competent person who hold a Certificate of Professional Competence are in place 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.
- 5.2.2 The Council must also ensure that its transport 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.
- 5.2.3 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 licence authorising him to drive a motor vehicle of that class. The Council **must** ensure persons undertaking driving on its behalf are properly licensed at all times.”
- 5.2.4 The Road Traffic Act and Health and Safety at Work Act require 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. The Council **must** ensure its vehicle fleet is road worthy and fit for the purpose it intends to use it; and, 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.
- 5.2.5 The operation of vehicles and large operational plant poses risks to the Council if not properly managed. The Joint Driving at Work Policy is updated to reflect ‘good practice and current legal requirement’.
- 5.2.6 Vehicles and operational plant may be fitted with technological aids such as GIS Tracking and CCTV system. In these instances, staff will be reminded that monitoring takes place where and when incidents occur and 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. Data obtained from the systems will be used strictly in accordance with data protections and business needs of the Council for management of service delivery.

5.3 Human Resources Implications

- 5.3.1 The Joint Driving at Work Policy will be communicated to employees that undertake driving on Council business and will be included as part of the information provided to new starters on their first day employment induction.

6 Recommendations

- 6.1 UECC endorses the Joint Driving at Work Policy (**Appendix 1**) as fit for purpose in managing the Councils’ fleet operations and persons who drive on Council business.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	All Wards
Links to Corporate Plan priorities or Policy Framework	Place - Look After the Environment Organisation - High Performing Council People – Customer Focussed Service

8 Document Information

Appendix No	Title
Appendix 1	Joint Driving at Work Policy
Appendix 2	CCTV & GIS System Assessment
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Joint Driving at Work Policy available from Assistant Director Streetscene.	
Report Author	Contact Number
Assistant Director Streetscene	01246 593044 (BDC) 01246 217264 (NEDDC)