

Waste Forum Working Group

Thursday 9th February 2023

Logistics UK, Number Three, Woodhams Road, off Siskin Drive, Coventry, CV3 4FJ

Chair: Mike Jones

Secretary: Tom Griffith

Members Present:

- Michael Jones - Suez
- Daniel Brooks - Suez
- Alan Riding - Biffa Waste
- Andy Ray - European Metal Recycling
- Andrew Bostock - JG Pears
- Phil Bradshaw - Fresh Start Waste
- Michael Colbourne - Veolia
- Hayley Starbuck - Biffa Waste
- Ian Garden - Grundon
- Kate Markey - Ipsum Infrastructure
- Peter Tod - JG Pears
- Martin Candish - Logistics UK

Apologies

- Dan Crutchington - Logistics UK
- Pat Murphy - Cox Skips
- Terri Armitage - Logistics UK
- Ben Entwistle - Fresh Start Waste
- John Huckstepp - Fresh Start Waste
- David Hobbs - PHS
- Amanda Dyson - Richmondshire Council
- Mark Forster - Biffa Waste
- Nina Cam - North Kesteven District Council

1. Introduction, welcome new members and meeting conduct.

Mike Jones welcomed members to the Forum and introductions were made, welcoming those who have attended to the group for the first time.

Apologies were made for those who were unable to attend.

Tom Griffith explained the code of conduct, mainly that members were reminded that there was to be no discussion of competitively sensitive information or commercially sensitive activity throughout the meeting. If this was found to be going on, Tom was to be notified confidentially.

Tom then explained the housekeeping rules for the meeting such as emergency meeting points and smoking areas, noting it was the first time the forum had been held in the Logistics UK Coventry office.

Mike Jones asked the group to then introduce themselves, working around the table for each member to introduce who they were and their job roles.

2. Generation Logistics – Bethany Windsor – Head of Programmes and Relationship Management, Chartered Institute of Logistics and Transport (CILT)

The Chair welcomed Bethany Windsor, who attended via Microsoft Teams to present information on the Generation Logistics campaign, as well as a question-and-answer session at the end of the presentation.

Copies of Bethany's slides were sent out alongside the minutes.

Mike Jones asked Bethany about waste sector representation on the list of sponsors, as there was none at the moment. Bethany felt a lot of companies wanted to 'wait and see' how the campaign developed in the first 12 months, understandably, however was keen to get representation from all sectors in the logistics and transport sector.

Bethany was also asked how to engage school age children in the campaign, which Bethany suggested the social media side of the campaign having a positive reach for this demographic, and asking them for feedback on the content they see. There was a discussion about the drive for school children to go to university and further education as opposed to a career in transport and logistics sectors, which is something Bethany recognised but were keen to progress and raise awareness of the campaign. Bethany left Tom her contact details bethany.windsor@ciltuk.org.uk which members can use to get in touch with her for any queries they may have.

After Bethany left the meeting, Mike Jones opened the discussion to everyone, asking how they currently look for talent.

Most of the responses referred to the reliance on internal and external CVs being presented, although some members had experience with logistics graduates. Despite this qualification, Andrew Bostock and Hayley Starbuck recognised that this meant little in terms of practicality, having experience in recruiting those graduates with degrees in law and geography for example. The feeling was that it was more important having someone with drive than the qualification.

Alan Riding mentioned the difficulty in keeping staff, particularly workshop apprenticeships. This seems to be a common concern in the waste industry, as working on bin lorries is generally less appealing than other sectors in logistics and transport.

ACTION: Tom Griffith suggested it would be great to see a waste forum member on the list of sponsors in 12 months' time, so could members speak to the relevant people in their organisation to make further enquiries with Bethany (bethany.windsor@ciltuk.org.uk) and give any feedback at the next meeting in September. This is not a sales pitch, so there is no pressure or requirement to do so, but if there was an interest after Bethany's presentation for any further information on how this campaign can help the waste sector or their company, hearing any feedback would be interesting. Any feedback can be sent to Tom in advance of the meeting if preferable.

3. Minutes of previous meeting and matters arising.

Mike Jones reminded the group of the action points from the previous meeting for us to follow up with at this meeting. The first discussion was whether there was an appetite to change the drivers' hours rules that waste collection drivers are currently subject to. The previous meeting agreed the real issue was working time, not so much the drives' hours, so whether working time could be looked into following the UK's exit from the European Union.

Tom Griffith explained that after raising the issue with the policy team, there was no real consensus to change the working time rules. However, the current political landscape has led to the Retained EU Law (Revocation and Reform) Bill, which is looking at a raft of EU legislation expiring by the end of 2023, including working time. There is the possibility this will be looked at, but it seems unlikely, and so members will be updated accordingly if there are any changes to working time rules.

The second matter arising from the last waste forum related to the recording of other work and rest periods, annual and sick leave etc. Tom fed back the waste forum responses to Chris Yarsley, which was used as part of the Logistics UK pressure to get DfT and DVSA to change their stance. Later in September 2022, they did just that, allowing the block records for drivers who do no driving in scope of EU drivers' hours rules in a fixed week, meaning individual records for no in-scope driving were required. Letters of attestation also accepted. Whilst this was not a direct result of the waste forum feedback, hopefully it shows members the importance of the group and discussing such subjects.

The group discussed these changes briefly, with a consensus that DVSA were just as confused, and the letters of attestation were still just as onerous, recognising there is no easy solution.

Thirdly, Tom wanted to find out what the group wanted to achieve. Steve Cave from DVSA presented at the last forum on load security, and as a result he asked if anyone from the group would present at a DVSA event in October. As far as we were aware, nobody took Steve up on this offer due to the locations, the dates and the short notice, so the group discussed what they wanted to achieve and get out of attending this working group.

The consensus seemed to be that this was a missed opportunity but there were factors contributing to our non-attendance. Tom will continue to try to get worthwhile speakers at these events, but if we get these opportunities again we should take them up, or not commit to them.

Mike Jones asked Tom for an update on the [DEFRA consultation on the reform of the waste carrier, broker, and dealer registration system in England](#), however there has not been an outcome and is still under review. Tom is to keep an eye on this and update the group whenever there is a response.

The final matter from the previous forum relates to the expansion and reinvigoration of the group. Due to the increase in members of the forum, some members have been asking if there could be a hybrid element, whereby people can join on Microsoft Teams if they are unable to travel to the meetings. The group agreed that this could be a viable

option, as long as there was a camera to help with the engagement of those who are remotely joining in as it can be difficult to interact in hybrid meetings. There was also a recognition of the importance of balance and differing views from different members, so whilst members will still be encouraged and it is preferable to attend in-person, the remote option could be viable for those circumstances where members cannot make the meetings in person.

ACTION:

- **Tom Griffith to update group on DEFRA consultation at the next forum.**
- **Tom Griffith to include a Teams invite for the next meeting, and we can see how a hybrid meeting progresses in time.**

4. Operator Licensing – Vehicles in Possession Upper Tribunal

Mike Jones introduced this item, summarising the Upper Tribunal ruling from the agenda. Mark Forster, who was unable to attend this meeting, was keen for the group to discuss this ruling and the impact it has had on any members of the group, so it was opened up to the group for discussion.

Dan Brookes opened the responses, saying they could understand the reasoning behind the ruling, particularly when based on the examples in the Office of the Traffic Commissioner announcement of this ruling, which the agenda item refers to. It was noted that Logistics UK's advice on this subject had changed in line with the Upper Tribunal ruling, noting that a recent webinar in January 2023 suggested that an ex-road going tractor unit being used as a shunt vehicle should be listed on an operator's licence as it is in the user's possession, and that this seemed excessive. Alongside this example, SORN'd vehicles, vehicles that are off road awaiting repair eg a replacement engine, vehicles used for seasonal work, and fleet replacement vehicles should all, by virtue of the Upper Tribunal ruling, be listed on the operator's licence, which seems unreasonable.

Tom Griffith advised that this Upper Tribunal has changed how Logistics UK advise members on vehicle authorisation for their operator's licence, and is essentially a blanket ruling whereby any vehicle in an operator's possession should be listed on their operator's licence, with no exceptions currently. Tom then explained that the Office of the Traffic Commissioner has recently held a consultation which closed in mid-January on the [review of their Statutory Documents](#), where one of the items under review is the Upper Tribunal ruling.

The slide deck shows the wording of the particular paragraph under consideration, and Logistics UK's response, which supported the view that a SORN'd vehicle should not require authority on an operator's licence, as well as Logistics UK's suggestion around clarity being required for fleet replacement vehicles as the proposed changes do not cover those scenarios. Tom Griffith noted after attending a recent public inquiry in Leeds, the Traffic Commissioner at the particular inquiry referred to this ruling, and specifically suggested that SORN'd vehicles should not be on an operator's licence, however referred to the Upper Tribunal ruling. This suggests, alongside the consultation, that the ruling may be changed, but Tom explained that this consultation has only recently closed, and may take months for an outcome so as things stand, the Upper Tribunal ruling is in place and should be adhered to.

The group seemed to think that the Upper Tribunal had not fully understood operational requirements, and whilst admitting some action may need to be taken to prevent blatant breaches, a ruling such as this is not realistic to the industry. The group questioned whether anyone was actually complying with the ruling, and whilst it was recognised that everyone around the table wants to do the right thing and remain compliant in all aspects of road transport, it felt that this was not something that is practical to follow and members were taking a pragmatic approach to the ruling.

ACTION: Tom Griffith to monitor any outcome from consultation of Statutory Documents and discuss at the next forum.

5. Left Hand Drive Vehicles

Mike Jones moved on to the next agenda item, and summarised the incident involving a left-hand drive road sweeper which was involved in a fatality. The full description is found in the agenda item, as well as the text of the letter sent from the Coroner to Logistics UK on the accompanying slide deck.

Mike Colbourne mentioned that Veolia have turn alarms on their vehicles to alert vulnerable road users and pedestrians when a vehicle is turning, and mentioned the Direct Vision Standards in place in London require these audible alarms. The group seemed to think this Coroner's ruling expects the pedestrian to know where the driver was positioned in the vehicle cab. Mike Jones shared some of their practices, adding that they have a lesson plan for their left-hand drive vehicles, with focus on where the vehicle is positioned on the road when turning left and the comparison between these vehicles and others eg a car.

The group discussed the use of left-hand warning indicators, recognised that it is common to see pedestrians paying little attention to their surroundings due to distractions on their phones and with headphones, and this seemed to be another thing to add to a drivers' responsibilities when they already have plenty, and another distraction/sign to fit to a vehicle when there are already plenty.

It was also raised that if a pedestrian has seen the sign on the vehicle, they will have seen the vehicle.

No further action required.

The group then took a short break.

6. Changes to Testing

Mike Jones resumed the meeting by summarising the text in agenda item six, on DVSA's update on vehicles needing to be presented laden for test from 1 January 2023. This followed on from Peter Tod's item at the previous waste forum in September 2022 where one of their vehicles received a letter from DVSA advising the need for laden brake tests, despite their vehicles being exempt by design limitations. Pete ran through the issues they had experienced, and Mike Jones then asked the group whether they had faced any issues since 1 January. Daniel Brooks commented that they felt the letters were automatically sent, as they had received a letter and wrote back to say that they were exempt as it related to a rear compaction vehicle, however they heard nothing back. Andy Ray mentioned the exemption in place for tri-axle trailers. Andy Bostock added that they had been questioned but not refused a test since 1 January, but the group seemed to be content with the way things were going in this case.

Mike then steered the conversation to the changes in requirements for free-rolling tyres from 1 April 2023. Martin Candish explained the background to free rolling tyres and their application, in that they are usually used on trailers and are not designed for steering forces. The changes in legislation from 1 April are to sharpen up the testing standards and bring it in line with the relevant directive. Martin added that free rolling tyres are easily identifiable, with 'FRT' inscribed on the sidewall. Whilst recognising this was likely a minor issue for members of the group, it was felt discussing it highlighted the issue. Tom Griffith suggested members make their tyre maintenance providers aware of the changes in case they replaced a vehicle's existing tyres for free rolling tyres during pre-MOT work.

There will be an article in the [Logistics Magazine](#) which will be published on 16th January, and this subject was discussed in more detail at a recent Logistics UK webinar which Martin Candish presented, the link to which can be found [here](#), with the free rolling tyre section beginning at 28:58.

No further action required.

7. HGV Road User Levy

Tom Griffith explained about the reintroduction of the HGV Road User Levy, which was suspended in 2020 to help aid the transport sector in the recovery from the pandemic. The road user levy is part of the vehicle's excise duty, so members should have noticed a cheaper rate of VED when renewing since July 2020. However, this is now being reintroduced, following a consultation by the Department for Transport. The Member Advice Centre have had numerous calls from members on this subject as members try to budget accordingly for the financial year, but there has been no outcome of the consultation at the time of the waste forum.

Tom presented the slides which are based on DfT's proposals, including the proposed rates of excise duty and the changes to the banding systems, to raise awareness for the waste forum members. The group were also told Logistics UK's response to the consultation included the consideration for Government of the economic circumstances already facing transport operators such as increasing fuel costs, energy prices, wage increases, vehicle maintenance costs etc, and that any reforms should mean an operator pays a higher rate of levy for the same vehicle than before.

No further action required.

8. Any Other Business

Mike Jones introduced the final agenda item for the group to discuss. The first point on the agenda referred to [Department for Transport's driving licence review call for evidence](#) with particular focus on the potential change to allow holders of a category B entitlement the entitlement to drive vehicles up to 7.5t maximum authorised mass (MAM) which fall in the C1 category. Mike opened this up to the group to discuss to gauge their thoughts on this, as although the consultation is closed, it could have a big impact on the industry as a whole, considering we had mentioned the driver shortage in the Generation Logistics presentation earlier.

There were concerns that any inexperienced person could jump into a larger 7.5t vehicle, and Hayley Starbuck informed the group that she had written the consultation response for her previous company. The feeling was that her experience with 7.5t was largely negative and a big problem, and drivers using grandfather/acquired rights caused various issues for compliance.

Michael Jones added that he holds the C1 acquired rights as he passed his car test before 1 January 1997, and the first time he drove a 7.5t vehicle was scary, so the difference in the size of vehicles should be considered before making any changes.

Mike Jones asked the group what steps they would take, if this change took place, to do their best to avoid any issues. Andy Ray commented that they would still get their drivers to take a test and training if this change took place, which

led Tom Griffith to add that some form of voluntary training scheme was Department for Transport's suggestion when they made changes to the B+E entitlement in December 2021, however this was not a legal requirement. That point was discussed, with members agreeing that allowing a car licence holder to potentially tow a trailer up to 3.5t MAM was risky enough.

Tom Griffith then explained the next item, where the Welsh Government has an open consultation which closes on 15th February on the [separate collection of waste materials for recycling: a code of practice](#). This is not ground-breaking, but the Welsh government are introducing new regulations expected to come into force on 1 October 2023 which will require all non-domestic premises to separate key recyclable materials such as glass, paper, card metal, plastic, food waste, WEEE and textiles in the way that the majority of Welsh households do. Logistics UK aren't responding to this, however the above link will take members to the consultation page for them to respond if they wanted to, but please note it closes on 15th February which doesn't allow for much time to reply.

Mike Jones raised the subject of guest speakers at these working groups. To make these meetings worthwhile, and to help members learn, Mike asked what subjects or speakers the group would like to see. One option Tom Griffith suggested was a Dangerous Goods Safety Advisor, which the group seemed keen to hear from. The Environment Agency presented at a recent forum, which was interesting to members, so Tom Griffith said he would ask the two presenters if they would be interested in doing something similar for future meetings. Other suggestions included someone from DVSA about Earned Recognition, someone from the Office of the Traffic Commissioner, and someone to talk about the updates coming to DVSA's Guide to Maintaining Roadworthiness and Categorisation of Defects.

Mike Jones asked about the idea of taking the waste forum 'on the road' to members' premises once a year and whether any members would be willing to host the September meeting. Mike mentioned that previously Veolia had hosted the forums at their Cannock offices and would be happy to do it again. Responses varied, with the number of attendees a consideration, but suggestions were made as to whether we had any contacts at manufacturers. This was considered by other members who suggested somewhere that manufactured battery powered/electric vehicles, Dennis Eagle or any other chassis manufacturers of relevance. This could be an option, as long as there were no sales pitches involved.

The final agenda item Tom had raised in any other business was whether anyone in the group would consider sharing best practice guidance at the next working group in September on a subject, such as bridge strikes or shed loads. Mike Jones admitted they had been involved in bridge strike incidents and subsequently presented to their MDs and managers on the subject which they would be happy to share their knowledge on the matter. A big consensus in this meeting was that the members were doing everything they could to prevent bridge strikes, but struggle to get the message across to their drivers. Alan Riding suggested their recent incidents all involved drivers who swapped into a different type of vehicle, and Mike Jones added they often involved agency drivers who despite being inducted properly, still had issues. There was recognition of human error being involved and reroutes, but also alarming numbers of incidents where drivers are still using satellite navigation systems designed for cars.

Andy Ray suggested someone sharing wheel security practices between members, which would be an interesting topic, as wheel security is always high on the agenda of enforcement. Hayley Starbuck mentioned rollaway vehicles, and pressure systems applied to drivers' seats that when the driver leaves their seat, the handbrake automatically applies. The group recognised that sharing videos of these sorts of incidents eg bridge strikes, rollaways and wheel security issues make people take the most notice.

Daniel Brooks added in relation to wheel security, Scania's wheel torque policy, which stated that after the wheel nut re-torque procedure has been completed, there should be no further tightening of the wheel nuts or further torque checks carried out, and the 100km requirement causing difficulties if travelling on a motorway for example. Daniel said he would share the Scania wheel torque policy with Tom to send out to the group alongside the minutes.

Conversations took place on the issues of wheel torquing and how damage can be done when someone who doesn't know what they are doing or are untrained. Kate Markey raised a question as to whether the torquing should be the drivers' job in the first place, which some operators may agree with.

Alan Riding mentioned a portable handheld wrench and will try and get the details of that so drivers could keep that in their vehicle and torque wheels if they need to do it at a suitable place away from their operating centre.

Mike Jones then asked each attendee if they wanted to raise anything.

Kate Markey suggested each person bringing an operative with them at these working groups, to help share knowledge and gain different perspectives, which is an idea mooted at other working groups.

Daniel Brooks asked whether any members used the category B concession for drivers of 4.25 alternatively fuelled vehicles, and how they got drivers to evidence the five hours of training whilst on the road, however no members seemed to use this concession so could not provide an answer. Tom Griffith has since checked for an answer on this, and it would be best practice to carry the certificate to save any issues, however if the driver doesn't have it in their possession they can be told to show it at a police station within seven days.

Mike Colbourne asked if any members had any experience with carbon monoxide night heaters in cabs and any air quality information as they have night heaters in some cabs but no detectors for carbon monoxide, but nobody had any experience or information to assist with this issue.

Andy Ray asked if anyone had any FORS Silver Version 6 method statements or risk assessments to help with Section 3.4 on routing. Ian Garden added that their experiences with FORS were tedious, with too much time and outlay to make it worth going for the gold standard. Alan Riding mentioned Biffa had a silver accreditation in London, and he would share the information with Andy.

Andy also raised the issue of container maintenance and defects, asking other group members if they have procedures for this, as some containers will not return to their respective depots for years so they rely on their drivers to report any damaged containers. Andy felt it seemed unusual, considering all other aspects of vehicles were inspected by an independent competent person, but containers do not seem to be in scope of any maintenance regimes. Some responses from the group suggested that some operators use a separate defect book for drivers to report damaged containers, or an app similar to walkaround checks on vehicles, but a lot admitted reliance on the driver, and noted that they trained their drivers on what to expect and what to look out for.

ACTION:

- ***Tom Griffith to update the group at the next forum on driving licence call for evidence, Welsh Government consultation on the separate collection of waste materials for recycling, get Logistics UK's DGSA to present at the next forum, and source another external speaker from one of the suggestions above. Any other suggestions are welcome, so can members email tgriffith@logistics.org.uk with any other suggestions.***
- ***Any members interested in hosting the September waste forum to get in touch with Tom at the above email address. Enquiries will be made with Logistics UK members about hosting the waste forum at a member premises involved in using electric vehicles in the waste sector.***
- ***Mike Jones to share bridge strike best practice knowledge at the September waste forum.***

- ***Is anyone willing to share their wheel security and/or rollaway vehicles good practices that they operate? Please notify Tom on the above email address if so.***
- ***Hayley Starbuck to share knowledge on the five hours training requirement for electric van weight increase.***
- ***Daniel Brookes to send Tom Scania's wheel torque policy for circulation to the group.***
- ***Alan Riding to send Tom any details on portable handheld wrench's that Biffa use, and information to pass on to Andy Ray about the FORS scheme.***
- ***If anyone wants to bring a colleague to the next forum in September or add any colleagues to the subscription list for the waste forum, please let Tom know.***