

# Minutes of the West Midlands Freight Council – 04 April 2019

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Minutes of the meeting held at Nailcote Hall, Berkswell on Thursday 04 April 2019

**Chair**

Dave Rowlands

Wincanton

**Council member**

Daniel King

Unipart Group

Avi Mann

The Logistics Partnership

Mark Smith

Aldi Stores Ltd.

Dave Sharpe

Air Liquide UK Ltd.

Kevin Cummins

Birmingham City Council

Adrian Lake

Spiers & Hartwell

Anna Griffin

Culina Group

Andy Ray

Travis Perkins

Paul Taylor

Morgan Sindall

Dave Higgs

A.F. Blakemore + Son

Josh Newbury

NGV Network

Dave Langley

NFT Group

Nick Marshall

Cobley Transport

Ema Jones

Warwickshire County Council

Rachel Bullen

Cadent Gas Ltd.

Daniel Price

Onestop Stores Ltd.

Richard Brown

Fly By Nite Conferences

Matt Avery

Aggregate Industries

Paul Kettle

GAP Group Ltd.

Lee Mehmet

Cowan Recovery

Warren Adshead

Aspray 24

Mark Walton

Severn Trent Water

Martin Linwood

Severn Trent Water

Kevin King

Hermes

Gary King

Sainsbury's

Melissa Harper

Hermes

Tom Price

NFU

Chris Paul

EH Smith (Builders Merchants) Ltd.

Colin James

DPD

Adam Purshall

Bibby Distribution

Jim Falconer

Ryder Ltd.

**Guest Speaker**

Nick Denton

Traffic Commissioner for the West Midlands

**FTA Staff**

Chris Yarsley

Heidi Skinner

Jessamine Osborn

## **Competition Law compliance**

Members were directed to the Competition Law compliance statement in the Policy Report.

## **Minutes of previous meeting**

Members did not have any comment on the Minutes and they were adopted as a true record of the previous meeting.

## **Matters arising from UK Council**

Members were given an update from the UK Council meeting that was held on 7 February in London.

## **Secretary's Report**

Members were given an update on the following issues:

- Transport taxation: members were updated on the Spring Statement and comments made by the Labour Shadow spokesman on fuel duty levels.
- HGV test availability: members were given the latest news on DVSA test capabilities and commitments they have made to work with FTA to improve service levels.
- Clean Air Zones: members were updated on work by FTA staff on CAZ across the country and directed to complete list in the Policy Report.
- OTC Review: members were updated on the work since the Triennial Review and our demand to be involved in all reviews, given our importance as a stakeholder and funder of the enforcement regime through test fees.
- Parallel testing: members were informed on FTA's plan to begin a parallel testing regime to gather evidence to present to Ministers after 2 years of Earned Recognition, with the aim of introducing Private Testing.
- Van Policy Working Group: members were informed of the new working group on vans that will feed into the policy-making work of the Association and were asked to submit expressions of interest to participate.

## **Guest Speaker – Nick Denton, Traffic Commissioner**

Council received a presentation from the local Traffic Commissioner, who began by giving a quick overview on the results of Public Inquiries to date – 180 year to date, with 48 revocations, 57 curtailing/suspensions and up to 27 Directors disqualified.

The same issues were arising each year: absent Transport Managers (both physically and mentally); failure to download/analyse tachograph records; defect reporting fails; missed inspections; failure to check driver entitlement; ad blue emulators; and bridge strikes, which has increased in frequency since Network Rail began reporting all strikes to the relevant Traffic Commissioner.

Nick Denton reported that he had recently undertaken a refresher course, under corporate personal development, and he now expects to see more of this from older Transport Managers. DVSA is now using this as a KPI, and lack of refresher training will reflect in the score and could lead to an Inquiry.

He also informed Council that the Traffic Commissioners were planning to meet in May to discuss how better they could try to get to the people that needed it. He remarked on the work that FTA performs in contacting new licence holders but felt that the TCs could be doing more in this regard.

Members then had a Q&A session with Nick Denton.

## **Brexit**

Members were given an update on latest advice from FTA on Brexit, with 'No Deal' still being the most likely outcome and therefore what to prepare for. There was a mixed record for members in terms of applying successfully for ECMT permits. Members were also in the process of registering their trailers using the new process.

## **Road infrastructure information provision**

Members held a discussion on the quality of information they received from the various sources available to them. There was a general feeling the Traffic England needed to improve its reporting of night-time closures, especially for north/south routes through the region, as these have a significant impact on Drivers Hours. There needs to be better warnings in the future.

Kevin Cummins highlighted the work being undertaken by Midlands Connect and suggested inviting them along to the meeting to begin an engagement process.

## **HGV Excellence Schemes**

### **FORS**

Members held a discussion on FORS and the new proposals to update the governance structure. A great deal of concern was expressed by members, with some publicly saying that Company Directors were beginning to question the scheme and the need to be part of it. One general complaint was that members feel the goalposts are constantly being moved and the scheme was becoming more and more complicated. Would there be any other scheme that reached 'equivalence' in the market? There maybe should be some control on the number of revisions the scheme could have within a given timeframe.

There was strong support for the FTA proposals on the way forward.

### **Earned Recognition**

Members then had a discussion on the different possible benefits that could be offered to operators who achieve the ER standard. The MOT options were considered the more likely to appeal to operators. Mirroring the comments made by other Councils, members were wary of the options listed under Prohibitions, as they felt that an operator in ER should not be picking up prohibitions. The insurance option would be welcome, but members felt it would not be offered by the insurance industry. The Specifier requirements would be welcome if it would be considered a legitimate equivalent to FORS.

### **Brake testing in a laden vehicle**

Members discussed the two options in the paper: brake testing at periodic inspections; and brake testing for tri-axel trailers.

- 1) Members believe that there are a number of vehicles that cannot be presented laden, e.g. specialist vehicles, by the operator and that there are a number of test stations that will refuse to take a laden vehicle for testing.
- 2) Members felt that they could attempt to understand a brake performance report but would probably not understand it and would simply look for the pass/fail notice.
- 3) No, it should not be a requirement to present a tri-axel trailer in a laden state for testing.
- 4) There would be health & safety barriers to presenting such a vehicle, e.g. fire risk in a refuse truck; ADR issues; the tester might need to place the load and this would not be possible.

## **Implementation of the Driver CPC Amending Directive**

Members discussed which elements of the DCPC they would like to see amended, following the adoption of the amending legislation. They identified the following ideas:

- Training for additional equipment on the vehicle, e.g. gritters, forklift drivers was stopped a few years ago, but lorry-mounted cranes was allowed again. This could be looked at again.
- Workplace trainer might not be accredited such as class-based trainer for any -in-work- training that could be permitted. This might need to be looked at to ensure members would be able to benefit from it.
- FORS is e-learning that has a register (Driving Licence is the registration number). This could be a model to look replicate.
- Some ambiguity of the 12 hour figure listed in the legislation and should be removed.

## **Proposed ban on use of older tyres**

Members were generally happy with the proposal, but it would need some clarification before, especially on the fitting/using of the tyres. Some wondered how it would be enforced at the roadside and how would specialist equipment be considered, e.g. heavy plant that was transported by rail to the location of use. How would tyres that have been stored and therefore not used be taken into account?

## **Drivers Hours recording in multi-manning operations**

Members had a discussion on what other operations could be affected by the change in enforcement for multi-manned operations. Like other Councils, members highlighted driver assessment and 3-man operations as being problematic in regard to the new enforcement protocol.

## **Any other business**

The issue of the new 'smart tachographs' was raised.

## **UK Council attendance**

Chris Paul, Colin James, Dave Langley were nominated as attending UK Council.

## **Date and time of next meeting**

0900 Wednesday 12 June 2019