

HEAVY TALK

Issue 27 September 2012

MERSEYSIDE AND ABNORMAL LOAD NOTIFICATION PROCEDURES

Members will recall that HTA have been trying to arrange a meeting with Merseyside Police since January this year. After numerous attempts at finding a mutually convenient date a meeting was arranged for 13th September 2012 but Merseyside were adamant that only 3 attendees from the HTA or other related organisations could attend the meeting. John Dyne, HTA Secretary, Colin Wood, Chief Executive of the CPA and Steve Biddle of the RHA attended the meeting.

Following the meeting Merseyside Police have prepared guidance to assist hauliers in notifying them of all abnormal movements, which will be posted onto the HTA website. Information on notification of movements under C & U Regulations are given. For Special Types movements generally 2 days notice will be required,

although some vehicles will require 5 clear days notice. Merseyside Police are willing to accept less than the required notice if a valid reason is provided, although all the information in the notification needs to be correct. Merseyside Police promise to be flexible. What Merseyside Police are seeking to avoid is the uncertainty of not knowing when a load is actually going to move through their area. They want a fixed date to be notified but in return they promise to dispense with the strict notice requirements and will also agree to simply amend your original notification should the dates change. In this way an operator simply notifies the one time but in the certain knowledge it can vary the date on short notice should the need arise. A review of the arrangements with Merseyside Police is ongoing and any feedback you can give to the HTA coordinator will be extremely helpful.



GOVERNMENT PLANS TO CHARGE FOREIGN HAULIERS WELCOMED

The transport secretary has revealed that the Government will go ahead with the plan to charge foreign lorries for using UK roads. Up to now UK hauliers have had to pay to use roads on the continent, but foreign operators have not paid to use our roads. This will mean that there is more of a level playing field with respect to the rest of Europe.

Under European Union legislation, UK hauliers will also have to pay the charges, (to be applied to all vehicles exceeding twelve tonnes), but UK registered lorries will receive an equivalent discount against their own vehicle excise duty fees.

LEVY OF VEHICLE ESCORTING FEES BY POLICE FORCES ACROSS ENGLAND, SCOTLAND AND WALES.

This includes any 'abnormal load' under STGO. Most (if not all) of the Police Forces across the UK have been raising invoices for escorting fees regardless of whether an escort is requested or not. This is simply unlawful and unjustified.

The Police may levy an escorting fee, in accordance with ACPO Charging Guidelines, but only where the Haulier has made a specific request for a police escort. The standard "notification" that the haulier is obliged to make does not constitute such a "request" for the purposes of charging. Therefore, if a haulier notifies a Police Force of an abnormal load and the police choose to escort, or attend, then there is no basis for charging. If an invoice is subsequently raised then it should not be paid.



The only basis for valid charging is where a specific request is made for police attendance (perhaps for a particularly difficult route, or where there are traffic control issues, or even where the customer/insurer insists). Such a request then triggers the provisions for special police services under section 25 of the Police Act 1996.

The recent Leeds United –v- West Yorkshire Police case has been largely favourable for hauliers and serves to reinforce the position regarding non-payment for standard police services. The case is going to become topical and legislation may have to follow. There may even be an Appeal or a Judicial Review. HTA members must ensure that they know their rights.

Historical charges are now coming under the spotlight, with a realistic prospect that hauliers may be able to pursue actionable claims for fees that they have been wrongly levied and paid.

Contact: Alex Sandland, Director, Dyne Solicitors Limited



HA CARBONREDUCTION PROGRAMME

The HA have decided that from 26th September 2012 motor way lighting on a section of M6 between Junctions 15 and 16 near Keele will be permanently switched off.

Lighting on this section of the motorway has come to the end of its useful working life and an assessment has indicated that the lights can be switched off without increasing risks to road user safety. Removal of the lighting supports Government's agenda on reducing carbon emissions. It will also reduce the level of light pollution, save energy costs, reduce scheme costs and remove the need to lighting maintenance.

A copy of their letter and site overview will be posted to the HTA website for information.



GOVERNMENT PROPOSAL TO INCREASE FIXED PENALTIES TO £90 AND INTRODUCE FIXED PENALTIES FOR CARELESS DRIVING

The Government is considering increases across the board for road traffic fixed penalties from £60 to £90. It has also proposed to increase the fixed penalty for no insurance from £150 to £300. Additionally, the Government has proposed to make careless driving a fixed penalty notice offence (£90 and 3 penalty points) or, as with speeding, open to the offer of remedial training.

Careless driving

Careless driving is an offence related to general poor driving and includes a variety of behaviours, such as tailgating, failing to look properly and sudden braking. The offences for careless driving include driving "without due care and attention" and "without reasonable consideration for other persons" (s.3 of the Road Traffic Act 1988).

Current options for enforcement of careless driving

At present, the police can enforce careless driving offences by either:

1. Issuing a warning, with no further action; or
2. Issuing a summons to court.

The offence attracts 3-9 penalty points, a fine of up to £5,000 and discretionary disqualification.

What is the apparent problem?

The Government believes that the current process of charging drivers for a careless driving offence is paperwork intensive and expensive. The Association of Police Chief Officers (ACPO) has indicated this can deter the Police from charging drivers with lower level instances of careless driving in the first place.

In 2010, 322 deaths had 'careless, reckless or in a hurry' recorded as a contributory factor. This may be an underestimate as there are other contributory factors (e.g. failing to look properly) that could be included as careless driving. This confirms that careless driving is a serious road safety problem.

The proposal

The Government is considering increases across the board for road traffic fixed penalties to £90, but with a fixed penalty for no insurance increasing to £300 (from £150).

There is also a proposal to make careless driving a fixed penalty notice offence (£90 and 3 penalty points) or, as with speeding, open to the offer of remedial training. However, the option of going to court would still be retained should the driver wish to contest the offence.

The Government believes the new approach has several benefits:

1. It would provide the police with a less resource intensive alternative of dealing with less serious careless driving offenders.

2. It should reduce costs and pressures for courts, as cases which might have ended up there will be dealt with by way of FPN's or training.

3. It should reduce the frequency of careless driving. When driving whilst using a mobile phone was introduced as a fixed penalty in 2003, the proportion of drivers observed using phones reduced. After the penalty became an endorsable offence and increased from £30 to £60 in 2007, there was an immediate drop in the proportions using mobile phones.

4. Remedial training should offer benefits to the driver, such as improvements in driving behaviour.

Potential problems

One downside to the introduction of fixed penalties is that it may encourage innocent drivers to just accept the fine, rather than make the effort to successfully defend their matters in court.

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NATIONAL OCCUPATIONAL STANDARDS (NOS) FOR ESCORTERS

The core Bid Sponsor Group (made up of the HTA, AIRSO and Skills for Logistics) met for the first time in early August and invitations been sent out to organisations who may be interested in participating in the Project Group - i.e. businesses directly affected by the Escorting NOS (and/or their representative bodies) to contribute to the consultation process and/or attend a Sfl consultation project meeting later this month. An email to all HTA members was sent out inviting HTA Members who wish to contribute to this process to contact Katharine in the first instance.

As a key participant in initiating the project, AIRSO have requested the HTA provide progress feedback to the next AIRSO Road Safety Advisory Panel meeting due to be held on 18 Sept at Loughborough University. AIRSO can draw upon a huge breadth of road safety knowledge and experience in their membership that will assist us to meet the project objectives/changes required to legitimise abnormal load escorting as well as increasing safety and effectiveness.

It's still early days but the project is now up and running with a project timeline that is anticipated to conclude in the first quarter of 2013.



HTA NATIONAL ABNORMAL LOAD NOTIFICATION DIRECTORY

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HEAVY TRANSPORT ASSOCIATION

The White House High Street Tattenhall Chester CH3 9PX
Tel: +44 (0) 1829 771774 Fax: +44 (0) 1829 773109 E-Mail: info@hta.uk.net
www.hta.uk.net