



**RESPONSE TO  
THE DEPARTMENT FOR TRANSPORT  
CONSULTATION PAPER:  
“GOODS VEHICLE OPERATOR LICENSING  
EXEMPTIONS (2014)”**

**5 MARCH 2015**

## **Introduction**

This is the response of the Royal Society for the Prevention of Accidents (RoSPA) to the Department for Transport’s consultation paper, “Goods Vehicle Operator Licensing Exemption (2014)”. It has been produced in consultation with our National Road Safety Committee. RoSPA thanks the DfT for the opportunity to comment.

Goods vehicle operators, with certain exemptions, must have an operator’s licence to carry goods in vehicles over 3.5 tonnes. When the operator licensing system was established in 1933 some categories of vehicle were exempted, primarily because they were non-standard types of vehicle, or limited in number or use on public roads. However, over time the number of exempted vehicles has grown, and is now estimated as 40,000, 12% of the heavy goods vehicle market.

The same road safety standards apply to both exempted and non-exempted vehicles. The difference is that DVSA does not conduct site visits of non-licensed operators. Moreover, exempted vehicles are not subject to regular technical inspections by law and so are subject to a less rigorous regime of inspection than non-exempted vehicles.

Operator licence fees pay for the regulation and monitoring of the road haulage and road passenger industries. The fees also pay for the enforcement of the industry which is almost exclusively undertaken by the DVSA. Enforcement activities include roadside checks of large vehicles and their drivers (including exempted vehicles and vehicles from other countries), and site visits to operators’ premises. Operators who do not pay these licensing fees because they operate exempted vehicles, therefore, do not contribute to the cost of enforcement.

## **Volumetric Concrete Mixers**

Certain types of vehicle, including Volumetric Concrete Mixers that carry and mix concrete, are recognised as engineering plant for the purpose of operator licensing. However, they carry goods as well as process or treat those materials. The exemption gives volumetric mixers an unfair competitive advantage over drum mixer vehicles, which do require operator licensing, and means that operators of volumetric mixers do not contribute to the costs of the operator licensing system. The DVLA estimates that there are 729 volumetric concrete mixers in use in England, Scotland and Wales.

Operators who comply with maintenance, driver hours and safe loading regulations are safer than those who are not subject to these rules, as are their vehicles, which are subject to regular testing. Bringing operators of exempted large vehicles into operator licensing will improve safety for employees and other road users.

## **Other Vehicles**

Other categories of exempt vehicles which could be included in operator licensing are:

- Recovery / Breakdown vehicles (approximately 16,660 vehicles)
- Electrically Operated vehicles (approximately 13,188 vehicles)
- Mobile cranes (approximately 4,646 vehicles)
- Showman’s Vehicles

Most of these vehicle types are based on a normal HGV chassis, and need to be maintained in the same way as any other type of HGV. In some cases the number of such vehicles is increasing.

Electrically propelled vehicles are normal HGVs which are propelled by electric motors rather than an internal combustion engine. They are a growing segment of the commercial vehicle fleet, weigh up to 12 tonnes and can travel at more than 50mph. Advances in technology mean that electric vehicles of more than 12 tonnes will soon be commercially available.

Therefore, the Government proposes to remove the exemption from the operator licensing requirements so that operators of these types of vehicle that were formerly exempt would be required to have an operator’s licence.

The Government believes it would be disproportionate to remove all exemptions from operator licensing for all large commercial vehicles because it would include some sectors, such as agricultural vehicles, where there is a high number of vehicles but very low usage or annual mileage. It would also include vehicles being used for emergency purposes or to cover some temporary scenarios (such vehicles being transported for export).

The DfT is seeking views on these potential measures, and in particular, on the following questions.

RoSPA’s overall view is that the operator licensing, testing and inspection regime is an important part of the road safety system for large vehicles. As a matter of principle, the number of exemptions should be kept to an absolute minimum, or if possible, eradicated altogether. Therefore, we support the proposals.

RoSPA’s responses to the specific questions in the consultation paper are below.

#### **Question 1**

**Do you agree that it is necessary to review the scope of the definition in Schedule 3, Part 1 of The Goods Vehicles (Licensing of Operators) Regulations 1995 relating to engineering plant so that heavy vehicles with fixed equipment that deliver goods (either processed or not) are no longer exempted from the requirement to be placed on an operator’s licence – please explain why or not?**

#### **RoSPA Response**

RoSPA agrees that the Regulations that exempt vehicles classed as engineering plant should be reviewed and that heavy vehicles with fixed equipment that deliver goods (processed or not) should no longer be exempted from the requirement to be placed on an operator’s licence.

According to the figures supplied in the consultation paper, the number of such vehicles has increased and they now form an appreciable proportion of the heavy goods vehicle market.

The consultation paper also provided evidence (albeit from a small sample) that over 80% of construction vehicles inspected in a recent enforcement campaign in London were prohibited from continuing their journeys due to road safety faults. This included five out of six volumetric concrete mixers that were stopped. Although it was a small sample, this represented a much higher prohibition rate than that of randomly selected goods vehicles.

The exemption from operator licensing risks also provides an unfair commercial advantage which may encourage greater use of vehicles that do not need to be licensed, and so increase road safety risks.

## **Question 2**

**Do you believe that we should remove the exemption from operator licensing for any or all of the categories of heavy vehicles listed in paragraph 2.13 – please explain why or why not for each case you wish us to consider?**

### **RoSPA Response**

RoSPA believes that the exemption from operator licensing should be removed from the vehicles listed in paragraph 2.13, namely recovery/breakdown vehicles, electrically Operated vehicles, mobile cranes and showman’s vehicles.

There are over 20,000 of these vehicles, and they need to be maintained in the same way as any other type of HGV. The operator licensing system improves road safety by helping to ensure that large vehicles are maintained in a safe condition to the required standards, are not over-loaded and that their drivers comply with essential safety rules, such as drivers’ hours rules. The exemption may encourage greater use of vehicles that do not need to be licensed, and so increase road safety risks.

Therefore, we see no reason why they should be exempted.

## **Question 3**

**Do you consider that any other of the exempt categories of vehicle listed in Annex A should be subject to operator licensing in future – please explain why or why not in each case?**

### **RoSPA Response**

RoSPA does not have sufficient information to suggest that the exemptions should be lifted from any of the other vehicle types listed in Annex A.

## **Question 4**

**Do you agree with the draft Impact Assessment at Annex B – and /or can you help us to more precisely estimate costs and benefits?**

### **RoSPA Response**

RoSPA is not in a position to add any further information to the Impact Assessment.

## **Question 5**

**Please provide any evidence or information that you feel may assist us in considering the exemptions.**

### **RoSPA Response**

RoSPA has no further information to add.

RoSPA thanks the Department for Transport for the opportunity to comment on the proposals. We have no objection to our response being reproduced or attributed.

Road Safety Department, RoSPA.

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