

Committee: Members Privileges Sub-Committee – For Decision Policy and Resources Committee – For Decision	Date: 10 December 2015 10 December 2015
Subject: Application of the Corporate Transport Policy to all Members	Public
Report of: Director of HR and the Transportation & Public Realm Director	For Decision

Summary

1. The Corporate Transport Policy (CTP) was approved for implementation for all staff and volunteers at the Establishment Committee in July 2015. The purpose of this report is to seek approval for the CTP to apply to Members of the Court of Common Council and Co-opted Members.
2. The CTP outlines the corporate expectations to be applied to all City of London Corporation vehicles and people driving or operating them or undertaking driving duties in their own or other vehicles for City of London business.
3. In order to demonstrate the importance that the Corporation places on Health and Safety, and to demonstrate to employees the significance of this policy, strong and active leadership needs to be demonstrated with an active and visible commitment to the CTP from Members, as per their responsibilities in the Corporate Health and Safety Policy.
4. Should the occasion arise when Members need to use a City vehicle, or their own vehicle whilst completing their City of London duties, they will need to be compliant with the CTP. The main requirements of the CTP that will affect Members who drive whilst completing their City of London duties are:
 - to complete a mandate every three years that allows for their licence to be checked electronically with the Driver Vehicle Licensing Authority (DVLA) detailed in the report (para 14),
 - to register their vehicle details if using their own vehicle (para 16).

The policy contains General Responsibilities for Directors and Managers and appendices outlining the requirements for licence checking and appropriate insurance. In relation to Members, these responsibilities will be performed by Town Clerks Department.

Recommendations

The Committee is asked to agree that the Corporate Transport Policy as set out in Appendix 2 (with the exemptions noted below) of the report is applicable to all Members of the Court of Common Council.

Main Report

Background

1. Driving is one of the most regular dangerous work activities that our staff and members do. One third of driver fatalities on the roads involve people who are driving for work. Health and safety legislation places a duty of care on the City of London Corporation, as an employer, to identify and control the risks to which our staff that drive in the course of their duties are exposed.
2. The Corporate Transport Policy (CTP), at Appendix 2, was approved by the Establishment Committee in July 2015 to be applied to all vehicles and employees / volunteers who drive or operate them or undertake driving duties in their own or other vehicles during the course of their work. The policy also outlines the general responsibilities of directors, managers and staff / volunteers to be applied in respects of managing our occupational road risk.
3. As the Establishment Committee is responsible for policies that relate to our staff, in July 2015 they were unable to approve this policy for application to Members of the Court of Common Council and Co-opted Members (further referred to as Members).
4. It is essential that Members are aware of the situations where this would apply, for example, if Members intend to drive their own vehicle to an event or a meeting where they are representing the City, they must ensure they have complied with requirements of the CTP. If Members are driven somewhere whilst completing their City of London duties by a third party, such as a spouse, or a chauffeur, the CTP will not apply to that driver.
5. The CTP places the highest level of requirements on people who are employed as professional drivers and people who drive vehicles owned or provided by the City of London. The CTP places significantly less requirements on people who occasionally use their own vehicle on City business. As occasions when Members will be affected by the CTP are likely to be in this lower category, minimal arrangements are needed to manage the requirements of the CTP and officers have kept the required process to a minimum.

Current Position

6. In order to demonstrate the importance that the Corporation places on Health and Safety, and to demonstrate to employees the significance of this policy, strong and active leadership needs to be demonstrated with an active and visible commitment to the CTP from Members. Therefore it is recommended that Members adopt the application of the CTP. Under the H&S policy adopted in 2011, Members also have a responsibility to demonstrate leadership and commitment to improving health and safety performance and crucially to verify effective strategic health and safety governance in the discharging of their duties. Members of City Corporation Committees are expected to ensure that health and safety is adequately considered when making decisions at a strategic level and thereby can demonstrate clear, visible leadership & accountability for the health and safety aspects of their services and activities covered by their Committees. In adopting the CTP to apply to themselves

Members will be demonstrating this leadership and commitment and in effect leading by example.

7. As an organisation we have duties under health and safety legislation for on-the-road work related activities. The Health and Safety at Work etc Act 1974 (HSW Act) states we must ensure, so far as reasonably practicable, the health and safety of everyone who drives on work related business. We must also ensure that others are not put at risk by our work-related driving activities. 'So far as reasonably practicable' means balancing the level of risk against the measures needed to control the real risk in terms of money, time or trouble.
8. The Management of Health and Safety at Work Regulations 1999 requires us to manage health and safety effectively. If anyone is killed whilst driving on City of London business, and there is evidence that serious management failures resulted in a 'gross breach of a relevant duty of care', the City Corporation could be at risk of prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007.
9. Effective management of work-related road safety helps reduce risk. It can also result in:
 - fewer injuries to drivers and damage to vehicles
 - reduced risk of work-related ill health
 - reduced risk of accidents and therefore exposure to claims
 - improved cost savings and efficiencies in managing our vehicle fleet
 - application of best practice in the use City or privately owned vehicles used on City business
10. The Corporate Policy was also introduced to secure the management of vehicles and drivers. Systems for managing drivers and vehicles are inconsistently applied and fragmented between departments. This leads to inconsistencies in standards, which without any coordination, monitoring or assurance can potentially expose us to a risk of failure.
11. The policy does not solely apply to City of London owned vehicles. Grey Fleet vehicles are those that do not belong to the City of London, but are used for business travel e.g. a privately rented vehicle or a vehicle privately owned by an employee, volunteer or Member. When they are driven on business, often in return for a cash allowance or fuel expense, these vehicles then become considered part of the Grey Fleet and as such fall under the responsibility of the City of London. In the case of smoking in privately owned vehicles, Members are exempted from the restrictions placed upon City of London staff in the policy as the law exempts privately owned cars that are occasionally used for business purposes.
12. Health and safety law does not apply to people commuting (i.e. travelling between their home and their usual place of work), unless they are travelling from their home to somewhere which is not their usual place of work. These areas need coordination and monitoring to maintain corporate consistency, which is now covered for the organisation by the CTP for staff and volunteers, with the exception of Members.

Proposals

13. The main elements of the policy that will affect Members who drive whilst completing their City of London duties, are detailed below. There is a Frequently Asked Questions section at Appendix 1 which covers the main requirements for Members. Where the policy requires a Line Manager or Chief Officer to be responsible for ensuring a driver has fulfilled the requirements of the policy, such as checking they have a valid UK driving licence, or that their vehicle has appropriate insurance, these responsibilities will be carried out by the Town Clerk's Department.

Licence Checking

14. It is the responsibility of Members who drive whilst completing their City of London duties to ensure they hold a valid UK driving licence. If Members decide they wish to use a vehicle whilst completing their City of London duties, they must complete a driver's mandate form, giving the City permission to carry out electronic checks with the DVLA. This mandate form is valid for three years and will need to be renewed every three years. The City will use the authority from this mandate to carry out automatic electronic licence checks at six monthly intervals without the need to see their licence during this period.

Health Check Questionnaires

15. The policy details that staff who drive on CoL business must complete a health check questionnaire at ages 40, 45, 50, 55, 60, 62, 64 and yearly thereafter. As Members are not employees of the City of London they are exempt from this requirement in the policy. However, Members are reminded that there is a duty on all license holders to report to the DVLA any changes in their health that might affect their ability to drive.

Car Registration

16. Members who use their own vehicle whilst completing their City of London duties must ensure they have appropriate insurance to drive the vehicle for the purpose it is being used and provide, when requested, the documentary evidence. It is the individual Members' responsibility to ensure the insurance cover they arrange is adequate. Most standard motor insurance policies only provide cover where the vehicle is being used to get to and from the insured person's usual place of work. If Members use their own vehicle whilst completing their City of London duties, they should contact their insurance company to ensure the scope of cover includes this use.
17. Anyone using their own vehicle under these arrangements must ensure their car has been registered for use at work with the Town Clerk's Department. This must be done prior to any City of London use. For this registration to take place the following will be required:
 - a completed vehicle registration form
 - insurance details
 - valid MOT certification
 - valid road tax (which can be checked with the DVLA online)

Corporate & Strategic Implications

18. The proposal is in line with the City Together Strategy and the theme within the Strategy's vision to support our communities and in particular the goal "to improve people's health, safety and welfare within the City's environment through proactive and reactive measures and policies." It also supports the safer and stronger theme to the strategy and in particular the goals "to continue to ensure the City is a safe place.

Implications

19. If the CTP and associated procedures laid out in this report are not implemented for Members as well as staff and volunteers, the City is at risk of non-compliance with the Health and Safety at Work Act 1974 and associated regulations. A vehicle related fatality could potentially expose the City Corporation to action under the Corporate Manslaughter Act 2007. Duties under the Road Traffic Act 1991 also apply.
20. The introduction of a robust CTP if effectively applied will assist in protecting it from the implications of legal non-compliance and the Corporate Manslaughter Act in the event of a vehicle related fatal accident.
21. As detailed above, the main implication for Members would apply only for those driving whilst completing their City of London duties, who will need to have their UK driving licence checked via a three year mandate form, self-complete a health check questionnaire and submit proof of insurance and vehicle documents if they are using their own vehicle.

Conclusion

22. The CTP has been through a full departmental consultation as required per the Health & Safety Policy. It was approved by COG and the Transport Coordinating Group and Establishment Committee. The City is covered, but without it applying to members it leaves a potential risk gap which needs to be considered. The actual implications for Members is expected to be minimal.

Appendices

1. **Frequently Asked Questions**
2. **Corporate Transport Policy** (N.B. Not all sections are relevant to Members, the sections on the grey fleet and license checking will have some implications for Members).

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Appendix 1 - Frequently Asked Questions

What will I have to do?

If you drive to carry out City of London duties, you will need to sign a mandate allowing us to check its validity with the DVLA. The mandate is valid for three years, so you will need to complete a new one every three years.

If you drive your own vehicle to carry out City of London duties you will need to register that vehicle with the Town Clerk's Department and provide a completed vehicle registration form, insurance details including business use, valid MOT certification and road tax. You must also ensure that you complete an expense claim for mileage.

What if I don't claim mileage?

You will still need to comply with the requirements above if you are using a vehicle on to carry out City of London duties.

What if someone else drives me somewhere on City business?

They will not be covered by the policy and you will not need to do anything.

Why do I have to do this?

The City has introduced a policy for staff in order to be compliant with Health and Safety legislation and the Corporate Manslaughter Act. Whilst Members are not employees, anyone driving on City business falls under the remit of these legislations. Additionally it is very important that Members show leadership in demonstrating the City's commitment to this policy.

Corporate Transport Policy

1 Introduction

It has been estimated that up to a third of all road traffic accidents involve somebody who is at work at the time. This may account for over 20 fatalities and 250 serious injuries every week.

The Health and Safety Executive in collaboration with the Department for Transport and the Royal Society for the Prevention of Accidents have published Guidance for Employers on “Driving at Work – Managing work-related road safety”.

This Guidance clearly states their view that the requirements of Section 2 of the Health and Safety at Work Act 1974 and Regulation 3 of the Management of Health and Safety at Work Regulations 1999 apply to all work related activities, including “work-related driving”.

For specialist vehicles e.g. fork-lift trucks, JCB’s and HGV’s etc any specific HSE guidance will need to be taken into account in addition to the requirements of this policy.

This policy should be read in conjunction with the City’s Corporate Health & Safety Policy and the City’s No Smoking Policy.

2 Policy Scope

This policy applies to all City of London employees, casuals, agency workers, consultants, volunteers and contractors who drive on business. For the purposes of this policy, the term ‘staff’ will refer to all those to which this policy applies. This policy does not currently apply to members.

This policy does not apply to officers and staff of the City of London Police, who have a separate Policy and Procedures governing the use of police vehicles.

It is acknowledged that the Built Environment will be the lead department for ensuring that the standards of the policy are maintained corporately. This will be delivered through the Transport Coordinating Group (TCG) and the Corporate Transport Manager (CTM), within the Department of the Built Environment. It applies to any motorised transport used by staff to drive at work including, but not limited to:

- motorcycles,
- cars,
- vans and:
- lorries.

3 Policy Statement

The City of London Corporation recognises its duty of care to all persons in scope who drive as part of their duties at work. The City of London Corporation acknowledges that those driving on the organisation’s business may be at increased occupational risks related to fatigue, stress, working alone or unforeseen events. The City of London Corporation is committed to reducing the risks which our staff and all persons in scope face and create when driving or riding for work as is reasonably practicable.

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The aim of the policy is to ensure that adequate controls are in place to protect both the CoL and the individual and to provide a set of standards which form a framework within which all parties may confidently operate.

It is acknowledged that for some vehicles the standards of compliance under Provision and Use and Work Equipment Regulations 1998 will be more appropriate than under any scheme such as the FORS (Fleet Operators Recognitions Scheme). The decision will be made upon an appropriate assessment of the associated risk.

4 Definitions

Under health and safety and road traffic law driving at work includes any driving for work whether on the public highway or on a City of London Corporation site if it also includes on-the-road work activities and due to some City operations driving in high risk areas such as Ports (Air & Sea).

Health and safety law does not apply to commuting, unless the employee is travelling from their home to a location which is not their usual place of work or are driving at City of London Fleet Vehicle.

5 Duties roles and responsibilities

5.1 Members

Members and other nominated parties acting on Committees play a crucially strategic role at the City Corporation. It is important to demonstrate leadership and commitment as per the Corporate health and safety policy.

Members of City Corporation Committees are expected to ensure that driving operations and vehicles are adequately considered when making decisions at a strategic level

Members and Committees will ensure, so far as is reasonably practicable, that there are suitable and sufficient funds and resources available to meet the requirements of the legislation and to enhance the health of staff at work.

5.2 Town Clerk & Chief Executive

The Town Clerk will ensure that all appropriate mechanisms are in place for this policy to be applied across the City Corporation.

The Town Clerk will:-

- Provide leadership to ensure good standards
- Ensure the provision of competent advice
- Ensure adequate resources are available for driving operations (such as the delivery of training, provision of systems and procedures) as necessary
- Determine and periodically review City wide targets in respect our vehicle fleet and compliance with driving operations and standards
- Incorporate Occupational Road Risk into the work of the strategic H&S Committee.

5.3 Chief Officers

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Chief Officers are ultimately responsible for ensuring the implementation of corporate and departmental policies within their departments.

Chief Officers will:-

- Ensure line managers and staff understand this policy and their responsibilities under it and that its requirements are applied.
- Ensure driving operations where applicable are included in their departmental Health & Safety Plans.
- Ensure that all information relating to departmental transport operating information is passed to the CTM regularly as required for inclusion on the Fleet Management system.
- Through leadership and personal example, foster positive attitudes towards driving operations throughout their departments.

Documentation and Record keeping

Comprehensive records of vehicle operating data must be maintained on the City of London's fleet. A Fleet management software package exists to ensure this data is managed and an audit trail is kept. All departments must ensure this information is updated in a timely manner. Information required will include:

- Mileage covered in period.
- Fuel purchased in period by quantity and cost.
- Inspections and Maintenance reports
- Any other Repair invoices, including all collision damage carried out.
- Parking Charge Notices (PCN) and any Fixed Penalty Notices (FPN)
- Cost details of the above.

5.4 Line Managers

It will be the duty of the managers responsible for driving at work to ensure that all areas of this Policy are complied with within their areas of responsibility

Risk Assessment

Line Managers must ensure a Risk assessment is carried out on the driving operations under their control to identify significant risks and ensure controls are in place to manage these risks which could include:

- Eliminating the use of vehicles by suitable alternatives e.g. train travel, video conferencing etc. This must be considered where Grey Fleet vehicles are used on a regular basis.
- Assessing driving risks including those set out below under Information, Instruction and Training.

Journey Planning

Every journey must be managed. Line managers are responsible for journey planning, as are transport managers and drivers, and must take account of the journey management factors (see guidance) when scheduling and planning routes.

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Training

Line Managers must ensure their staff who drive at work receive adequate comprehensible information, Instruction and Training. This will be available through the City of London Corporation Training Module available on Core Zone.

Line Managers must ensure, where appropriate, that written instructions on vehicle safety standards are provided, i.e. where a specific safety management system is in place i.e. loading/unloading of vehicles or work by the road side.

Line Managers need to be aware that medication, whether prescribed or bought over the counter may temporarily affect fitness to drive. When informed or made aware line management should seek further advice from Occupational Health.

Vehicles

CoL owned vehicles must be maintained in a road worthy (or suitable task fit) condition. This must include any daily drivers checks. See Guidance as necessary.

Pool cars and other leased/owned vehicles must be maintained in a roadworthy condition and additional maintenance checks as set out on City of London Corporation procedures or the Lease car schemes Terms and Conditions are undertaken.

The vehicle must be suitable for the task it is being used for, i.e. fitted with the correct signs with regard to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004 as appropriate.

5.5 Professional Drivers

Professional drivers must be properly selected, authorised, competent, and fit to drive the vehicle in accordance with the relevant Procedures

Employees who are employed as drivers must have a current driving license which must be checked regularly, at six monthly intervals.

Line managers must ensure that all Drivers are provided with adequate time to complete their planned driving activities safely.

5.6 Other Drivers of City Vehicles (Occasional)

Line managers must ensure that other drivers of City Vehicles must have a current, valid driving license and are adequately authorised before allowing them to embark on a business journey.

Details must be uploaded on to the CityPeople. If unsure, advice should be sought from the Corporate Transport Manager.

5.7 Grey Fleet Vehicles

'Grey fleet' is the term used to describe any vehicles that do not belong to the City of London, but which are used for business travel. This might include a privately rented or leased vehicle or a vehicle privately owned by an employee. When they are driven on company business, often in return for a cash allowance or fuel expense, these

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vehicles then become considered part of the 'grey fleet' – and as such fall under the responsibility of the employer.

Any driver using their own vehicle under these arrangements must ensure their car has been **registered** for use at work with their line manager or Human Resources. This must be done prior to any work use. For this registration to take place the following will be required:

- A completed vehicle registration form
- Driving licence validity check (including completion of a DP20 form)
- Insurance details including business use
- Valid MOT Certification
- Road Tax validity

No mileage or allowance will be paid unless this registration has taken place prior to the journey being made.

5.8 Accidents/Incidents

Line managers must ensure staff understand that Accidents/Incidents involving driving at work must be reported to them, and investigated.

In the event of an accident line managers must ensure the members of staff have exchanged insurance details with the other driver, (see procedures) and if someone has been injured or a member of staff has collided with roadside furniture the member of staff is advised not to leave the scene until the police have been informed.

Line managers must ensure that accidents are reported to the Corporate Transport Manager and the Insurance Department.

Line Managers must consider and, where appropriate, arrange any referrals that an employee may require to the Occupational Health Department for counselling following an accident/incident.

Any driver who has regular accidents should be considered for a driving assessment.

5.9 Smoking

Smoking and vaping is not permitted within any City of London Corporation vehicles at any time or privately owned, rented or leased vehicles whilst they are being used for CoL business.

5.10 Mobile phones and satellite navigation devices

The use of hand held mobile phones whilst driving is illegal and expressly forbidden.

The sending/typing and reading of text messages and e-mails whilst driving is also expressly forbidden

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The City of London does not generally require any employee to make or receive phone calls whilst driving and staff are not expected to answer their mobile phone whilst driving.

Where the provision of hands free phone kits to staff is considered necessary, line managers must ensure a risk assessment is undertaken prior to provision of the equipment.

5.11 Driving Assessments

All drivers accessing vehicles provided by the City of London must be authorised. To be authorised anyone driving a City of London Corporation vehicle must undergo a driver assessment for the vehicle they are going to be driving.

Departments using complex or non standard vehicles; such as, “classic” vehicles, Fork Lift Trucks, Tractors etc should arrange for appropriate information, instruction & training as is required to demonstrate competence.

Drivers using their own vehicles as part of the grey fleet will not be required to carry out a driver assessment.

5.12 Occupational Health Assessments

Line Managers must ensure that City of London Corporation professional drivers are assessed by the Occupational Health Department as medically fit to drive prior to any job offer or appointment being made.

Drivers of CoL vehicles should be medically assessed at ages 40, 45, 50,55,60,62, 64 and yearly thereafter. Grey fleet drivers should be assessed at the same intervals with a self-completed health questionnaire.

6 Corporate Transport Manager (CTM) & Transport Coordinating Group (TCG)

The CTM in conjunction with the TCG (Transportation Coordinating Group) is responsible for reviewing and revising this Policy as necessary.

The CTM will:

- Provide advice and direction on matters relating, servicing and inspection of vehicles and plant to responsible managers.
- Maintain suitable compliance and assurance records as necessary.
- Undertake scheduled and ad-hoc inspections and audits where necessary, reporting findings to the relevant Service Director and TCG.
- Act as the competent person for guidance related to corporate transport matters, providing guidance, support and advise on training as required.

The CTM's responsibilities include providing advice and support to staff throughout the organisation to ensure that appropriate risk assessments in relation to driving at work are undertaken, health and safety risks identified and appropriate health and safety systems are in place.

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6.1 “O” Licence

The City of London Corporation is required to hold an Operators licence (O Licence) that allows it to operate vehicles over 3.5 tonnes. The CTM is the nominated ‘O’ licence holder on behalf of the City of London Corporation and is charged with ensuring compliance with the licencing conditions.

The CTM will lead on monitoring this policy across the City of London Corporation.

The City of London Corporations fleet management system will be managed by the term contractor (for the Refuse Collection, Street Cleansing and Ancillary Services Contract). The CTM will audit the system to ensure that all information for City vehicles is updated periodically by the responsible manager for each Department.

7 City of London Corporation Staff - Drivers

Staff who drive for work and/or staff who drive City of London Corporation vehicles must: -

Hold the correct documentation

- An appropriate current UK driving licence
- Authority to drive from the City of London
- Have completed the DP20 form every 3 years
- Ensure the vehicle has current tax and MOT
- Grey Fleet drivers must ensure they are insured to drive the vehicle for the purpose it is being used e.g. business purpose, and provide when requested the documentary evidence.

Be fit to Drive

- The City of London operates a zero tolerance approach to drink and drugs for all employees that, in the course of their duties, may drive or operate, or attempt to drive or operate, any mechanically propelled vehicle or machinery (including any ancillary and auxiliary equipment).
- Alcohol or drugs (both prescription and over the counter) must not be consumed in any situation where as a consequence the safety of the individual, colleagues or visitors are put at risk.
- If an employee is taking medication that might affect their driving they must inform their line manager.
- Special fitness to drive considerations may apply to professional drivers holding specific licences or depending on health of the individuals.

Whilst Driving

- Follow the procedures detailed in this policy to ensure compliance with legislative requirements under the Road Traffic Act, Highway Code and any applicable local restrictions.
- Follow procedures for driving safely as set out in our Procedures and as per any instructions and Training given.

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- Adhere to the City of London Corporations no smoking policy and legal requirements regarding smoking in vehicles.

Collision / Incident Reporting

- Report all collisions and incidents to their Line Manager.
- In the event of an accident ensure insurance details are exchanged with the other driver, and if someone has been injured or they have collided with roadside furniture they should not leave the scene until the police have been informed.

7.1 Reporting Procedures for the Notification of Driving Offences

Drivers of City of London Corporation Vehicles, including non-employees, must report all driving convictions and endorsements to their Line Manager.

Staff are responsible for advising their managers if they are disqualified from driving.

Staff must inform their manager if they are likely to be disqualified by point accumulation.

7.2 Health Issues

Staff must report any health conditions which could affect their fitness to drive to the DVLA, Occupational Health and their Line Manager.

Staff who are driving for work must ensure they comply with the legal requirement for eye sight as detailed in the Highway Code.

Details of health conditions for which it is a legal requirement for drivers to notify to the DVLA are detailed in the Direct Gov website at:

<http://www.direct.gov.uk/en/Motoring/DriverLicensing/MedicalRulesForDrivers/MedicalA-Z/index.htm>