

Managing compliance

In the context of day-to-day operation of a fleet and drivers compliance relates to understanding the legislation, developing systems based on the applicable legislation, implementing systems, communicating your requirements to staff and others, and auditing those systems to ensure the company is operating to minimum legal requirements.

Managing compliance

Compliance with the regulations within the transport sector, must be managed.

It will not come about without operational managers applying their skills and knowledge to the task of managing their employees.

Good management techniques allied to the use of effective training, the application of regular checks on relevant driver activities, and the use of technological applications can all help transport managers to achieve the legal compliance aims of the business.

Main areas of compliance

- **Driver Fatigue management** – Drivers hours, route planning, data downloading.
- **Vehicle Roadworthiness** – CVRT, periodic checks, servicing, maintenance.
- **Driver competence** – Licencing, CPC, driver declarations, training, communications.
- **Road traffic rules** – Tax, Insurance, accident monitoring, penalty points.
- **Safe and legal loads** – Load securing, weight distribution.
- **Dangerous goods** – Driver qualifications, Tanker certification.
- **Road haulage operator licencing** – RTOL conditions.
- **Professional competence** – Transport manger contract.
- **Sustainable operations** – Monitoring, reducing, reporting, managing fuel usage.
- **Contractor and agency management** – SLA, Auditing, KPIs, registered agencies.
- **Health and safety** – Risk assessments, safety statements, monitoring, improving.

Record keeping

When deciding how long is appropriate to keep records to evidence compliance, to comply with legislation we use the 1, 2, 3 method!

- 1 Year for tachograph data.
- 2 Years for vehicle maintenance documents.
- 3 Years for documentation in relation to the working time directive.

These are only the minimum required durations to hold documents, it is recommended that the operator puts in place a policy of document retention.

Legislation

The following is a sample of some of the legislation transport operators must adhere to when running their transport operation These apply to licenced operators and own account operators.

- Road Traffic Act 1961, 1986, 1999.
- Road Traffic and Transport Act of 2006.
- Road Transport Act 2011 - Rules of the road.
- Working Time Mobile Road Transport Activities Regulations 2005/EU Directive 2002/15/EC – lays down basic standards and limits on working time including night work, specifies rest + break periods between work & record keeping.
- EC Regulation 3821/85 – Tachograph specifications and rules and regulations governing their use.
- EC Regulation 561/06 – Drivers hours regulation & carrying out roadside checks.
- S.I. No. 36/2012 – European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012.
- SI 348 of 2013 – Vehicle maintenance and walkaround checks

Working time records must be kept for at least three years after the end of the reference period covered.

Reference period is how the year is broken down under legislation.

Drivers must have a method of recording their working time, driving time and breaks – a day sheet or app is recommended.

Safe work practices

Operators must be able to demonstrate that appropriate systems are in place to ensure basic legal obligations in line with health and safety requirements.

Documented risk assessments must be undertaken and, where appropriate, mitigating action taken in relation to interaction in and around vehicles. Employers are required to do all that is reasonably practicable to minimise the risk of injury or damage to the safety and health of their employees.

Employers will have done all that is reasonably practicable if they have:

- Exercised care in putting in place necessary preventive measures.
- Identified the hazards and risks relating to the place of work.
- Put in place appropriate measures such that it would be grossly disproportionate to do more.

Vehicle maintenance

Managers/Supervisors must ensure all vehicles under their control are compliant in the area of vehicle maintenance (Including leased vehicles and trailers). This includes:

- Tax.
- Insurance.
- CVRT.
- Axillary equipment (tail lifts, cranes, etc).
- Walkaround checks are carried out.
- Maintenance schedules are complied with.

There must be always a responsible person available with sufficient authority to ensure appropriate action is taken following a defect being reported.

Defects identified by drivers or inspectors must be assessed and appropriate action taken and recorded. This can include:

- Completed defect sheets showing faults have been checked and rectified.
- Defect sheets signed off by competent person to confirm vehicle was roadworthy.
- Defect register (held on a spreadsheet, handwritten register, etc).
- An App linked to an electronic fleet management system.

Records of maintenance must be held for 2 years.

All defect reports must be acted on and drivers must not be made to drive vehicles that are unsafe or do not comply with the regulations.

Enforcement

At the premises of an owner of commercial vehicles, authorised officers may:

- Enter a premises for inspection.
- Search premises to locate vehicles.
- Inspect vehicles/facilities/equipment.
- Inspect and take extracts from records.
- Remove and retain records for further examination.
- Require the operator to produce records or documentation.

It is an offence to:

- A Fail or refuse to comply with any request or requirements made by an authorised officer,
- B Obstruct, impede, interfere with, or assault an authorised officer exercising their powers,
- C Give false or misleading information, or
- D Alter, suppress, or destroy any statements, documents data or records which were required to be produced for inspection.



T: 01 8447516 www.ftai.ie



FTA Ireland CLG (a company limited by guarantee)
Unit 1 DHL Building, Airport Business Park, Cloghran, Co Dublin, K67 A0F4
Registered in Ireland Number 487041

Correct at time of publishing but
subject to change.
©FTAI. All rights reserved
10.10.23/PM 000921