



## **PUBLISHED PROJECT REPORT PPR777**

### **Understanding HGV regulatory non-compliance in London** Summary report

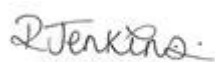
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## Contents amendment record

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# Contents

Executive Summary	3
1 Introduction	6
2 Method	7
2.1 Literature review	7
2.2 Analysis of existing IHTF, CVU and Stats19 data	7
2.2.1 Non-targeted stops	7
2.3 Surveys	7
2.4 Interviews	8
3 Literature review and data analysis findings	9
3.1 Literature review	9
3.2 Analysis of existing IHTF, CVU and Stats19 data	10
3.3 Analysis of non-targeted MPS and CoLP data	12
4 Findings from surveys and interviews	14
Finding 1	14
Finding 2	15
Finding 3	16
Finding 4	16
Finding 5	17
Finding 6	18
Finding 7	19
Finding 8	19
Finding 9	19
5 Recommendations	20
Recommendation 1	20
Recommendation 2	20
Recommendation 3	21
Recommendation 4	21
Recommendation 5	21
Recommendation 6	22
Recommendation 7	22
Recommendation 8	23
Recommendation 9	23
Recommendation 10	23
Ownership of recommendations	23

Further research	24
6 Limitations	26
References	27

# Executive Summary

## Background

Improving the safety of heavy goods vehicles (HGVs) on London's roads is a key priority in the ongoing mission to create safer and more efficient deliveries while reducing the incidence of collisions between HGVs and vulnerable road users. HGVs that are non-compliant with regulations and road laws may be more dangerous than those which are fully compliant. TfL wishes to further understand the reasons behind non-compliant HGV operations.

TfL has therefore commissioned TRL to undertake research which aimed to meet the following objectives:

1. Determine the levels of non-compliance of UK and non-UK based HGVs, drivers and operators within London
2. Use roadside enforcement data to help understand non-compliance
3. Establish which sectors are over-represented in non-compliance of HGV operations in London
4. Define specific reasons and motivations for non-compliance of HGV operations in London
5. Make recommendations to be adopted by relevant organisations, to increase the levels of compliance within HGV operations in London

The current report is a summary of the research undertaken and the resulting recommendations. A full report (Delmonte et al., 2015) gives more detail on the methods used, the data gathered, and the supporting evidence that gives rise to the findings and recommendations reported here.

## Methods

Four research methods were employed to gather data on HGV non-compliance. A literature review examined current literature from around the world relating to HGV regulatory non-compliance. Existing data from targeted roadside enforcement activities carried out by the Industrial HGV Task Force (IHTF) and the CVU, as well as Stats19 collision data, were analysed to establish a snapshot of non-compliance levels from targeted stops. To support this task and improve understanding of the true levels of HGV regulatory non-compliance in London, a further task of undertaking 500 random, non-targeted stops was carried out. Surveys of drivers, managers, owners and clients involved with HGV operations, and interviews with the same groups plus Traffic Commissioners and individuals representing regulation and enforcement agencies were undertaken.

## Findings and recommendations

The results of the research surveys reported that there are multiple underlying reasons for non-compliance. Nine key findings and ten associated recommendations emerged from the research.

The findings were:

1. Current levels of non-compliance – even with fundamental laws – are unacceptably high.
2. The term ‘non-compliance’ holds different meanings for different people
3. Views held by drivers and management differ in many ways, particularly: (a) perceived levels of non-compliance (compared with management, drivers report lower levels) and (b) self-reported knowledge and attitudes towards non-compliance
4. Operators with restricted licences are perceived to be, and appear to be, more likely to be non-compliant
5. While the HGV industry as a whole believes that clients do have a role to play in improving compliance, not all clients are engaged with the topic or interested in raising compliance levels; many feel that non-compliance is acceptable, particularly when relating to the delivery of goods
6. Some penalties for non-compliance are not a deterrent and there are variable views on the likelihood of being subjected to an enforcement check
7. Non-compliant activity observed by those operating in the industry is reported, but not all the time
8. There is room for improvement to driver CPC training to ensure it is fit for purpose
9. London presents different compliance challenges to other UK cities, in terms of its operating environment and regulations

The associated recommendations are summarised below.

### **Recommendation 1: Extend the CLOCS community to include all industries operating HGVs, and with a clear focus on achieving compliance**

The existing CLOCS community is currently focused on the construction industry but should continue to expand to include all industries which operate HGVs, both in London and nationally.

### **Recommendation 2: Provide a clear definition of what is in the scope of ‘non-compliance’**

In order to improve communication about non-compliance and encourage observed incidences to be reported, a clear definition of what constitutes ‘non-compliance’ is required, to be provided as part of Recommendation 2.

### **Recommendation 3: Ensure clear guidance for the HGV industry on compliance is available in one central repository, and is disseminated throughout the industry**

In combination with Recommendation 1, the provision of easily accessible, clear, simple advice and guidance on how to achieve compliance, particularly in London, is crucial. This can be aimed at drivers, managers and owners of organisations operating HGVs,

with the appropriate agencies being assigned responsibility for disseminating the information.

**Recommendation 4: Put in place mandatory training for restricted operator licence holders and/or transport managers**

Mandatory training similar to that currently required of transport managers holding (or named on) a standard operator's licence is required to ensure that all licence holders have the same baseline knowledge of their responsibilities.

**Recommendation 5: Encourage client involvement in improving compliance through increased publicity of the CLOCS Standard, FORS, the FORS Associate Scheme and, and TfL Work-Related Road Risk (WRRR) contractual process**

Focusing on increased publicity of the CLOCS Standard for managing work related road risk and of the FORS Associate Scheme amongst clients procuring the services of HGVs across all sectors will encourage client involvement in driving down non-compliance.

**Recommendation 6: Increase visible enforcement activities and publicity around enforcement**

Visible enforcement, at the roadside or at operator premises, is a key means of increasing the real and perceived risk of being checked. Publicity around enforcement activities will also increase the perceived risk of being checked.

**Recommendation 7: Put in place a readily-accessible reporting system for non-compliance**

A unitary anonymous reporting system for reporting non-compliance is required. Based on the findings, this system should make reporting non-compliance quick and easy, should provide clear feedback and results, and should not require any proof in order to make a report.

**Recommendation 8: Undertake internet search engine optimisation to ensure that clear guidance on achieving compliance and reporting non-compliance is readily available**

As internet searches were reported by drivers, managers and owners to be a key means of finding information and advice on compliance-related issues, it is important that internet search engines return the most relevant, clear and useful guidance.

**Recommendation 9: Review driver CPC training legislation to ensure that it is fit for purpose, and lobby parliament for a change in legislation**

A review of the current system for driver CPC training is recommended, to confirm that it achieves its objective of ensuring all drivers are knowledgeable and competent in all areas of their profession, and to remove the possibility of taking the same module multiple times

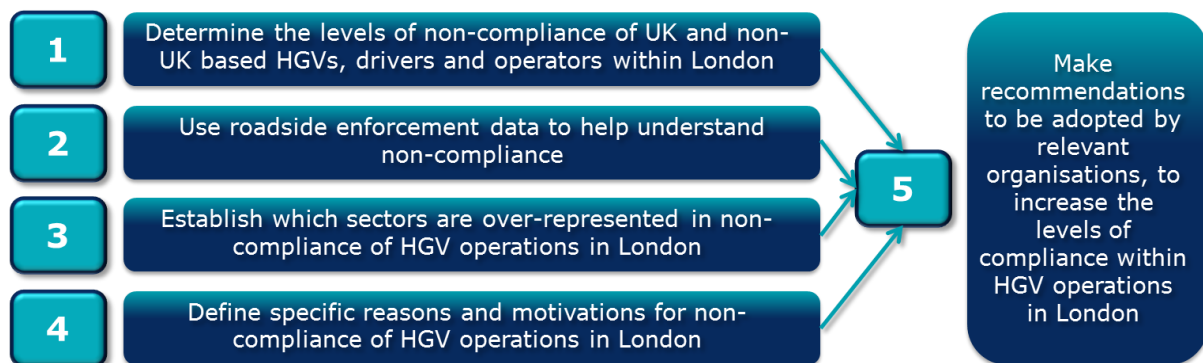
**Recommendation 10: Undertake a review of regulations specific to London, with the aim of improving synergy between the various regulations and agencies**

A comprehensive review of both regulations and contractual requirements should be conducted, with the aim of ensuring that they are easy to understand and comply with.

# 1 Introduction

The improvement of vulnerable road user (VRU) safety is a key priority for TfL, and a principal approach to achieving this is to ensure the safety of heavy goods vehicles (HGVs) on London’s roads. HGV regulations (and road laws) exist to ensure that vehicles and their operators adhere to high standards of safety and professionalism. The non-compliance<sup>1</sup> of HGVs with regulations and road law is perceived to be an issue in London, but the level of non-compliance and the reasons for it are not fully understood.

This report describes the findings and recommendations from research focused on this issue. It summarises the comprehensive full report (Delmonte et al., 2015) which has also been published. The research sought to meet the objectives shown in Figure 1.



**Figure 1. Research objectives**

Four methods were used to meet these objectives. First, a review of the existing literature was undertaken. Second, existing enforcement data from the Industrial HGV Task Force (IHTF) and the Commercial Vehicle Unit (CVU) targeted enforcement stops were analysed, along with collision data from Stats19. Non-targeted stops were also performed. Third, a survey was undertaken with drivers, managers and owners of HGV operations in London and clients who procure work from HGV operations. Finally, interviews were undertaken with the same group of people, along with Traffic Commissioners and individuals from agencies responsible for setting and enforcing regulations; a total of 448 people contributed data to these surveys and 69 to the interviews.

The methods for these approaches are outlined in Section 2. The findings from the research are then presented in Sections 3 and 4, and the recommendations are presented in Section 5.

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<sup>1</sup> This term is used throughout refer to non-compliance relating to HGVs as well as their drivers and operators.



## **2 Method**

In this section the four main approaches taken in the research are briefly described, along with the sample of interviewees/survey respondents. Full descriptions of the methods used can be found in Delmonte et al. (2015).

### **2.1 Literature review**

A literature review was carried out to examine and summarise current literature relating to HGV regulatory non-compliance. A list of search terms was derived from careful consideration of relevant terms associated with areas of compliance and non-compliance in the HGV industry. These terms were then used to conduct a search of standard publication databases, including the Transport Research Information database (TRID). Thirty-three reports were deemed of suitable quality and relevance for inclusion.

### **2.2 Analysis of existing IHTF, CVU and Stats19 data**

One of the functions of the Metropolitan Police Service's Commercial Vehicles Unit (CVU) is targeted roadside enforcement of commercial vehicles in London. The Industrial HGV Task Force (IHTF) was formed in October 2013 through a partnership between TfL and DfT and has a similar role to the CVU, but with a focus on vehicles operating in the construction and waste sectors. In particular, the IHTF targets vehicles whose operators claim exemption from key road safety legislation, including operator licensing and plating/testing regulations. Stats19 is Great Britain's national database of personal injury road collisions reported to or by the police.

An analysis of CVU, IHTF and Stats19 data was undertaken to establish a snapshot of non-compliance levels from targeted stops, including a breakdown of non-compliance by factors such as sector, country of origin (UK and non-UK), and offence type. Data from CVU roadside inspections between January 2011 and October 2014 inclusive (18,437 inspections) and from IHTF inspections between October 2013 and October 2014 inclusive (3,668 inspections) were supplied for analysis.

#### **2.2.1 Non-targeted stops**

Targeted stops, by definition, are focused on inspecting those vehicles suspected or known (through observation or intelligence) to be non-compliant. Thus they cannot be used to estimate levels of HGV non-compliance in the fleet as a whole. To provide a fair estimate of levels of non-compliance, random stops are required. A sampling strategy was designed for 500 non-targeted stops of HGVs to be undertaken. These were carried out between 30<sup>th</sup> May and 31<sup>st</sup> October 2015 by the Metropolitan Police Service (292 stops), and between 1<sup>st</sup> and 30<sup>th</sup> October 2015 by the City of London Police (218 stops). TRL provided training for those officers conducting the non-targeted stops. This training called for officers who were looking to stop a vehicle to always stop and inspect the first vehicle they saw (rather than only stopping vehicles that they thought were likely to be non-compliant).





### **2.3 Surveys**

An online and paper-based survey was developed for drivers, managers and owners of HGV operations, and for clients who procure such services in London. The survey

explored attitudes towards non-compliance, perceived responsibilities, perceived advantages and disadvantages of non-compliance, frequency of different types of non-compliance and reporting of non-compliance. A variety of approaches were used to disseminate the survey, including electronic mailings to various industry contact lists, direct approaches at an industry event, 'door to door' canvassing of relevant respondent groups, and use of social media tools such as Twitter and LinkedIn.

The final sample consisted of 448 surveys. These were split by respondent type and (where appropriate) licence type, as shown in Table 1:






**Table 1. Survey respondents<sup>2</sup>**

	 <b>Drivers</b>	 <b>Managers</b>	 <b>Owners</b>	 <b>Clients</b>	<b>Total</b>
<b>Standard licence</b>	72	138	93	N/A	303
<b>Restricted licence</b>	17	42	22	N/A	81
<b>Total</b>	<b>89</b>	<b>180</b>	<b>115</b>	<b>64</b>	<b>448<sup>3</sup></b>

## 2.4 Interviews

An interview guide covering the same topics as the survey in greater depth was used for interviews; most of these interviews were 'follow-ups' of respondents who had completed the survey (and had indicated that they would be willing to take part in an interview). Another interview guide was used for interviews with individuals from organisations involved with regulation and enforcement, to explore their professional judgement as to the root causes of HGV regulatory compliance. Interviews were held with 69 individuals, split by respondent type and (where appropriate) licence type as shown in Table 2.

**Table 2. Interview respondents**

	 <b>Drivers</b>	 <b>Managers</b>	 <b>Owners</b>	 <b>Clients</b>	 <b>Enforcement/ Regulation</b>	<b>Total</b>
<b>Standard licence</b>	9	24	10	N/A	N/A	43
<b>Restricted licence</b>	2	5	1	N/A	N/A	8
<b>Total</b>	<b>11</b>	<b>29</b>	<b>11</b>	<b>9</b>	<b>9</b>	<b>69<sup>4</sup></b>

<sup>2</sup> The avatars of respondents shown in Tables 1 and 2 will be used later in this report to illustrate the origin of specific quotes in interviews.

<sup>3</sup> This total represents the row, not column, total (as clients are not included in 'standard' and 'restricted' cells).

### **3 Literature review and data analysis findings**

The findings from the literature review and data analysis tasks are presented here. The analysis of the targeted stops provided some interesting findings, for example it indicated that construction, recycling and waste, and haulage industries are less compliant than other industries, but the analysis was based on targeted check data and needs to be verified using unbiased, non-targeted check data. Work to collect such data is ongoing, and the results will address objective 1 and will also go some way to addressing objective 3. Objective 2 was addressed by the data analysis task.

In Section 4 the findings related to objectives 3, 4 and 5 are presented, taking into account all of the data gathered in the project but focusing on the survey and interview data. These form the main findings, which aid understanding of the reasons and motivations behind HGV regulatory non-compliance and are linked to the recommendations, presented in Section 5.

#### **3.1 Literature review**

A total of 33 papers relating to HGV regulatory non-compliance were reviewed. No specific literature was found regarding levels of compliance in London, although there was an evidence base on the topic of HGV non-compliance in general from other jurisdictions. The main conclusions from the reviewed literature can be summarised as follows:

- In general, regulatory non-compliance in HGVs increases their risk of being involved in a collision.
- The proportion of HGVs involved in collisions that have been found to be non-compliant is much higher than found in randomised roadside inspections.
- Non-compliant managerial practices may also increase collision risk.
- Voluntary accreditation schemes (which reward highly compliant companies) appear to reduce collision risk.
- Enforced compliance reviews reduce non-compliance levels in reviewed companies.
- Enforcement and inspection data from around the world (including GB) reveal substantial levels of non-compliance. Although these data are largely collected via targeted enforcement approaches (and are thus likely to be an overestimate) they provide insight into what specific offences occur and by whom. Results from this area suggest that brake and lighting defects and driving hours infringements are the most common cause of compliance check failure.
- The most current data from randomised roadside surveys have consistently found between 20% and 25% of vehicles as having some form of defect. Most research in this area was conducted in Australia but some studies have been conducted in GB and Northern Ireland.
- Perceptions of non-compliance levels by industry members are similar to those observed through road checks.

The literature provides a picture of current compliance levels within the HGV industry through a variety of somewhat limited research methodologies, with scant research

carried out in the UK. Very little research has focused on investigating and comparing levels of compliance between cities and little is known about compliance levels in London. Some work has compared vehicles of GB and non-GB origin within GB such as work done by VOSA (now DVSA) (2014) which found GB vehicles to have slightly higher compliance levels in most offences. As well as this, the research on motivations for non-compliance is limited.

### **3.2 Analysis of existing IHTF, CVU and Stats19 data**

Data were received from the CVU and IHTF for several time periods between January 2011 and October 2014. Over this period the information collected at these inspections has changed, with more details being added to the data collection forms over time. As a result, data were analysed just from the most recent reporting period (July-October 2014). In addition to the detailed analysis of data from July-October 2014, trends over time (January 2011 to October 2014) were also examined<sup>4</sup>.

Analysis of the most recent data from both the IHTF and CVU for July-October 2014 showed:

- Overall, 74% of inspections were recorded as unsatisfactory (i.e. had at least one offence recorded). As inspections are targeted, this is likely to be a much higher proportion than would be seen in the general vehicle population within London.
- The most commonly inspected vehicle type is rigid vehicles operating in the construction industry (30% of inspections). This is likely to be at least partially due to the specific focus of the IHTF on the construction and waste industries.
- Cycle safety equipment was fitted to at least 70% of vehicles inspected from the recycling and waste, transport and logistics and construction industries, whereas it was present for less than 15% of inspections on vehicles from the haulage and 'other and unknown' industries<sup>5</sup>. Information on whether the vehicle should have been fitted with cycle safety equipment or whether it was exempt was not available within this dataset. Without this, it is unclear whether the vehicles without cycle safety equipment fitted are committing an offence or are exempt.
- Older vehicles (those aged 6+ years) were identified as a group in which non-compliance was more common. The proportion of stops recorded as unsatisfactory ranged from 57% for vehicles aged 0-2 years to 87% for vehicles aged 9-10 years.
- Very few vehicles inspected were issued with prohibition notices for offences relating to the international carriage of dangerous goods (four vehicles) or overweight offences (30 vehicles).
- 32% of inspections on vehicles in the recycling and waste industry and 33% of construction inspections resulted in a Construction and Use<sup>6</sup> PG9<sup>7</sup> prohibition.

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<sup>4</sup> For this analysis the data were restricted to inspections by the CVU; the IHTF only commenced operations in October 2013 and therefore long term trend analysis was not possible.

<sup>5</sup> The 'other and unknown' category includes industries such as passenger, utilities and dangerous goods; however, the majority (84%) of inspections in this category were recorded as unknown industry.

<sup>6</sup> The Construction and Use Regulations detail the standards that road vehicles should meet

- Drivers' hours offences were most common for vehicles in the recycling and waste and construction sectors. 5% of inspections from each of these industries resulted in a drivers' hours prohibition (compared with 3% over all industries), 1% of inspections from each resulted in a summons and 13% from each resulted in a Graduated Fixed Penalty Notice (GFPN) being issued (compared with 9% over all industries).
- Less than 3% of inspections had an 'other offence' (e.g. operator licence, mobile phone or seatbelt offence) recorded.

Analysis of the CVU data between January 2011 and October 2014 showed:

- The percentage of inspections from each dataset that resulted in an unsatisfactory stop has shown a general decline from 79% in 2011 to 73% in 2014, i.e. the vehicles inspected appear to be more compliant over time. However, since the inspections are targeted, it is unknown whether this trend matches with the trend of non-compliance in vehicles more generally across the London network or whether this is the result of a change to the CVU's targeting methods.
- The percentage of inspections resulting in a prohibition due to a vehicle being overweight has fallen from 5% to 1% between 2011 and 2014.
- The percentage of inspections that resulted in advice or a warning being given for a drivers' hours offence fell from 47% in 2011 to 34% in 2014.

In addition to the analysis of the CVU and IHTF targeted inspections data, collision data from Stats19 (the national database of road collisions involving personal injury reported to the police) were examined. The Stats19 database holds details of the circumstances of each collision, along with information on factors which, in the reporting officer's opinion, may have contributed to the collision. These factors include vehicle defects such as defective or under-inflated tyres and defective brakes. These data provide an indication as to whether vehicle defects were likely to have contributed to injury collisions involving HGVs in London. However, no information about non-compliant HGVs where the defect is not likely to have contributed to the collision, or where this was not identified as doing so by the police officer in attendance, is available from this dataset. The results of this analysis show:

- HGVs are involved in only 3% of road injury collisions but these collisions account for 12% of fatalities.
- The injuries in HGV collisions are generally sustained by people other than the HGV occupants, in particular by pedestrians or pedal cyclists involved in the collision.
- 70% of HGVs in collisions attended by the police had at least one contributory factor<sup>8</sup> recorded. Most commonly these contributory factors were related to driver error or reaction (79%) but a small percentage of HGVs (2%) had factors related to vehicle defects.

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<sup>7</sup> A PG9 is a roadworthiness prohibition given for mechanical problems or for the condition of a vehicle's bodywork and equipment

<sup>8</sup> Contributory factors are the key actions and failures that led directly to the actual impact, in the opinion of the attending officer(s)

- The most common vehicle defect factors identified in these collisions were overloaded or poorly loaded vehicle or trailer (44 HGVs), followed by defective brakes (18 vehicles).

The major limitation of this analysis (with respect to determining non-compliance levels in London) was that the two agencies target vehicles for inspection based on visual assessment, previous history of non-compliance, intelligence from external sources and specific industry sectors. The targeted nature of the inspections means that the overall level of non-compliance is much higher than would be expected within the general vehicle population. In addition, if the way in which vehicles are targeted has changed from 2011 to 2014 then this is likely to have affected the results obtained. To address the question of what the current levels of non-compliance are in HGVs operating in London, non-targeted stops were undertaken, and are reported in the next section.

### **3.3 Analysis of non-targeted MPS and CoLP data**

Data were received from the MPS and CoLP for non-targeted stops undertaken between the end of May and November 2015. On the whole, the information collected by the two police forces aligned although there were a small number of fields where the information was collected in a slightly different format.

Analysis of the combined non-targeted data showed:

- Overall, 53% of inspections were recorded as unsatisfactory (i.e. had at least one offence<sup>9</sup> related to driver's hours, vehicle condition or other driving offences, recorded). This is considerably lower than the 74% found in the targeted data, but is still very high.
- Four percent of inspections on vehicles resulted in a Construction and Use PG9 prohibition.
- Overall, cycle safety equipment (CSE) was fitted to 98% of vehicles inspected (where CSE was required and the level of CSE was known) and this varied little between industries. Eight percent of the inspected vehicles had more CSE fitted than was required for their vehicle type.
- Very few vehicles inspected were issued with prohibition notices for offences relating to the international carriage of dangerous goods (one vehicle out of 510) and none had committed overweight offences.
- Five percent of inspections had a seatbelt offence recorded and 5% of inspections identified vehicle defects.
- On first inspection, the construction and haulage industries were the least compliant industries with 59% and 58% of inspections being unsatisfactory respectively. The recycling and waste industry was the most compliant known industry with 51% of inspections being unsatisfactory. However, the vehicle industry sectors do not seem well defined within the dataset, and the sample sizes do not permit a formal test of the levels of compliance by sector. If non-targeted stops of the type undertaken in

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<sup>9</sup> Inspections resulting in an 'offence' (unsatisfactory inspections) consist of those resulting in any of the following: further enquiries, verbal warning, G/FPN, prohibition, report / fine / arrest, summons or having a lower level of CSE than required for the vehicle type.

this project are continued, the dataset will build over time to permit such comparisons.

- The operator licence type was known for 88% of inspections. Of those known licence types, 28% were restricted and 72% were standard. 60% of inspections where the operator licence type was restricted were unsatisfactory, compared with 40% of inspections where the operator licence type was standard. Again this finding needs to be treated with caution as the survey was never designed to be able to formally test the statistical significance of this difference.
- Older vehicles (those aged 6+ years) were identified as a group in which non-compliance was more common. The proportion of stops recorded as unsatisfactory ranged from 46% for vehicles aged 0-2 years to 72% for vehicles aged 12 years or more. Again this finding needs to be treated with caution as the survey was never designed to be able to formally test the statistical significance of this difference.

Although it is possible that there is still some selection bias in the sample (for example, it may be difficult for officers to be truly random in their sampling of lorries when on duty) overall the findings from the non-targeted stops suggest that the level of non-compliance in HGVs in London is unacceptably high.

## 4 Findings from surveys and interviews

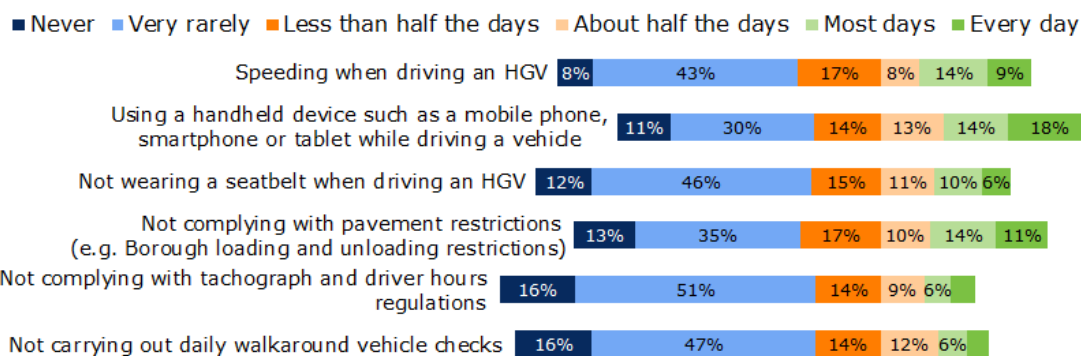
Findings from the quantitative (surveys) and qualitative (interviews) approaches are combined, with verbatim quotes from interviewees and survey open text responses provided for illustration. Avatars show the type of respondent offering each quote. Some reference is made to previous conclusions from the stop data where appropriate.

### Finding 1: Current levels of non-compliance – even with fundamental laws – are unacceptably high

Despite operating HGVs being a highly regulated profession, it is clear from survey data that **even basic road rules (adhering to speed limits, not using handheld devices and wearing seatbelts) are at least occasionally being disregarded.** Drivers, managers and owners<sup>10</sup> were asked how often they observe or hear about non-compliant activities being carried out by others. Figure 2 below illustrates the six activities which were most often reported as being seen in other organisations.



I see the drivers come in, I see them on the phone, I see them smoking, I see them speeding through the yard



**Figure 2. Proportion of respondents reporting they have seen non-compliant behaviours**

Where they're perhaps weak is tachograph compliance, the most challenging area of consistent compliance



It can be seen that the three most frequently-reported non-compliant activities related to basic road rules. Compliance with tachograph/drivers' hours regulations and daily walk-around checks should also be fundamental activities for HGV drivers but non-compliance is reported to happen with some frequency. Non-compliance with tachograph and drivers' hours regulations may be linked to the difficulty often associated with parking legally in order to take a required break, or demands placed on drivers to achieve deliveries.

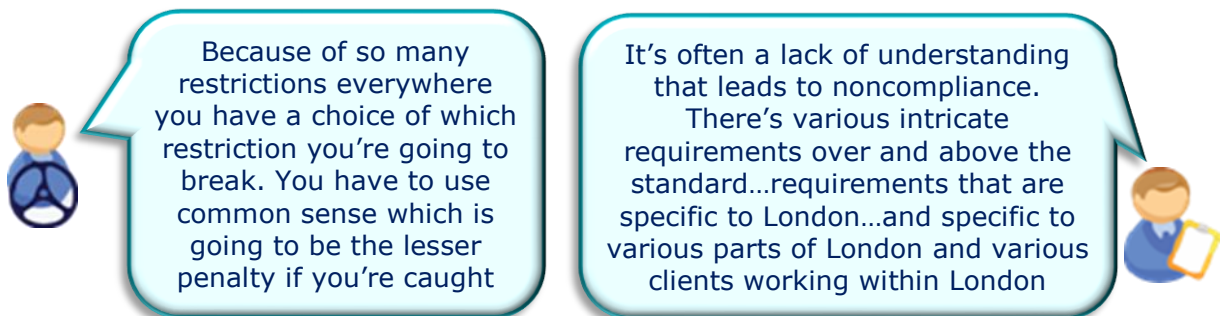
<sup>10</sup> n=~320. Not all respondents provided a response to each question, therefore the baseline number of respondents varies slightly



The findings as a whole suggest that the culture in the industry, and the ability of drivers and managers to deal with non-compliance, requires some improvement. The high level of non-compliance even in the non-targeted stops supports this conclusion.

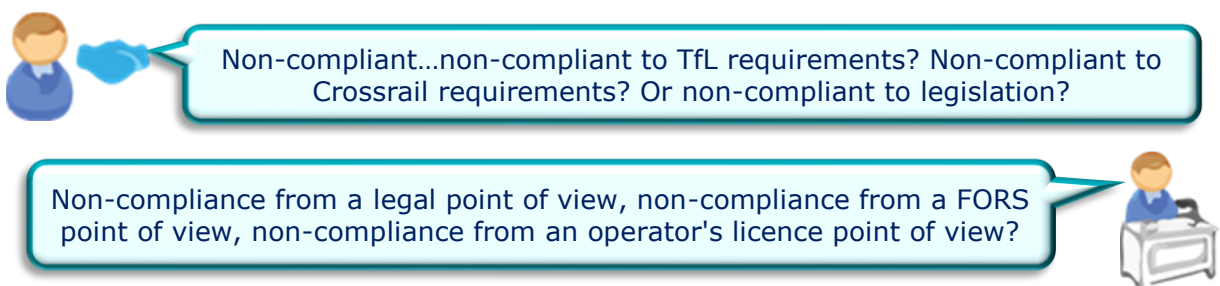
HGV regulatory non-compliance is motivated by a number of factors. These include (but are not limited to):

- a lack of understanding or knowledge of *how* to achieve full compliance (internet searches were commonly used to find advice or guidance)
- the feeling that non-compliance is necessary due to the quantity of rules and regulations
- the perception that penalties are not severe enough
- an attempt to improve personal or organisational profit.



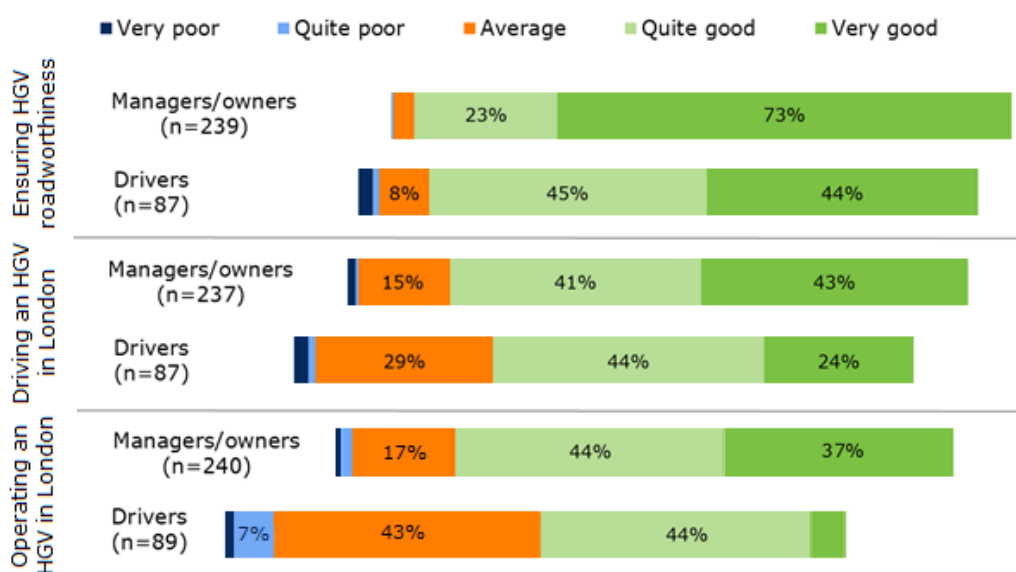
## Finding 2: The term 'non-compliance' holds different meanings for different people

There is a lack of consistency in what people mean when they talk about non-compliance. While 'non-compliance' covers the whole range of rules, regulations and requirements, it was found that drivers tended to focus on vehicle-specific rules and regulations; managers and owners tended to focus on operator licence requirements, driver rules and vehicle maintenance; clients tended to focus on deliveries or contractual requirements.



**Finding 3: Views held by drivers and management differ in many ways, particularly: (a) perceived levels of non-compliance (compared with management, drivers report lower levels) and (b) self-reported knowledge and attitudes towards non-compliance**

A number of statistically significant differences were found between the responses given by drivers and managers/owners to many of the survey questions. These suggested differences in self-reported attitudes (for example drivers were significantly more likely to think that 'some rules and procedures do not need to be followed to get a job done safely') and knowledge (for example managers/owners reported significantly better knowledge than drivers on ensuring HGV roadworthiness, driving HGVs and operating HGVs in London (see Figure 3), and the legal consequences of non-compliance).



**Figure 3. Self-reported knowledge amongst drivers and managers/owners**

Drivers were also less likely than managers to report non-compliance happening in their own and other organisations.

**Finding 4: Operators with restricted licences are perceived to be, and appear to be, more likely to be non-compliant**

Interviewees, including Traffic Commissioners, strongly believed that **operators holding a restricted licence are more likely to be non-compliant**. This may be because they are not required to undertake formal training on the management of HGVs, and/or because HGVs are an ancillary part of their business and so they do not devote the time and resources to managing their vehicles and associated compliance issues.




Anybody who's got a restricted operator's licence – they may be unknowingly non-compliant or unconsciously non-compliant, because they just don't know

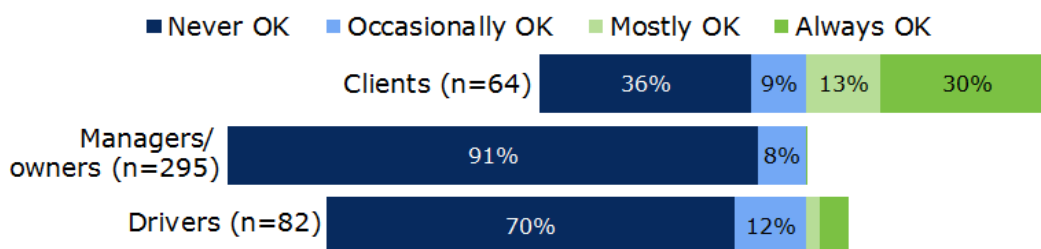
The survey did not actually find many differences between operator licence types. This may have been due to the low response rate of restricted operator licence holders (and the possibility that those who did respond those who did respond were more engaged in the HGV-related aspects of

their business<sup>11</sup>). Alternatively it may reflect that people’s perception of this group is biased. The non-targeted vehicle inspections undertaken as part of this project do suggest that restricted licence holders have higher levels of non-compliance, although the data from the non-targeted stops do need to be treated with caution with respect to this and other comparisons.

In terms of the types of activity that were perceived to be most strongly associated with non-compliance, those involving vehicles used in the construction industry were frequently mentioned, in particular, tippers, scaffolders and skip vehicles.

Some industries are more prone to problems and typically they will be scaffolding and skip hire 

**Finding 5: While the HGV industry as a whole believes that clients do have a role to play in improving compliance, not all clients are engaged with the topic or interested in raising compliance levels; many feel that non-compliance is acceptable, particularly when relating to the delivery of goods**



**Figure 4. Client, manager/owner and driver views on how often non-compliance with HGV regulations is OK**

Clients responding to the survey<sup>12</sup> reported **significantly poorer attitudes than managers/owners and drivers towards the acceptability of non-compliance with HGV regulations**, as shown in the Figure 4<sup>13</sup>. Over 40% of clients felt that non-compliance was mostly or always OK.

<sup>11</sup> The survey was ‘marketed’ as a survey to improve HGV safety in London, not as a ‘non-compliance survey’.

<sup>12</sup> Most client responses were gathered via a short version of the survey which was administered face-to-face in London. The majority of respondents were retail organisations. The difficulties faced when attempting to recruit clients to complete the full survey may be indicative of a lack of engagement of this group with HGV safety.

<sup>13</sup> Responses to a question about how often, in their view, non-compliance with HGV regulations is OK. Don’t know/none of the above responses not included in the graph

I only want them to deliver my goods. How they do it is up to them



Typically, clients and other respondents reported that clients' key concern is the delivery of goods to or from their premises. **Compliance with delivery-related regulations in particular was seen as being of low importance by clients** (only 45% stated that they thought this was 'very important'), feasibly because they are aware that drivers frequently need to park in a non-compliant way in order to load or unload.



The contractor will only do what the client asks

If the client requires vehicles to be compliant, then, you know, they have to be



Clients procuring HGV services vary greatly in their level of interaction with the HGV operator and drivers. Clients may have little or no interaction at all<sup>14</sup> but other clients, particularly larger clients requiring HGV operators to tender for work, have a far greater potential to influence HGV compliance.

The construction sector has historically been a leader in improving client involvement in HGV safety and compliance (for example through the CLOCS initiative), and other sectors will benefit from the progress made by the construction sector as they increase the attention they pay to this important issue. The industry as a whole believes that **the role of clients in all sectors is key to improving HGV regulatory compliance**, and must be strengthened.

### Finding 6: Some penalties for non-compliance are not a deterrent and there are variable views on the likelihood of being subjected to an enforcement check

PG9s have an effect. Fixed penalty notices, no effect. They just take it as part of the risks of running the business



A considerable proportion of respondents indicated that they felt drivers and operators are able to 'get away' with non-compliance (for example 29% of drivers, managers and owners agreed or strongly agreed that organisations/operators can easily get away with being non-compliant). Some penalties, in particular fixed penalty notices, are considered to be too lenient. Fixed penalty notices were reported to be a predictable penalty which is **often built into the cost of contracts**.

There was a mixed response on the question of the likelihood of being subject to a compliance check by the DVSA or police, with a **high perceived risk of detection amongst most survey respondents and some interviewees, but a low perceived risk among others**.

Most of them think they can get away with it, because the risk of being stopped on the one particular journey is very low



<sup>14</sup> For example an independent product retailer occasionally using courier services which will involve an HGV to deliver their goods.



The driver gets caught at the side of the road, he gets done, very, very rarely does a further investigation take place

Current penalties are also felt to **target drivers to a greater degree than their organisations**. Being summoned to the Traffic Commissioner is seen as the ultimate deterrent. Increased publicity around enforcement activities and the resulting penalties was encouraged, including publicity targeting operators who do not read the trade press.

### Finding 7: Non-compliant activity observed by those operating in the industry is reported, but not all the time

The reporting of observed non-compliance is key to reducing its occurrence. **Almost a quarter of survey respondents had observed non-compliance in the last year (most frequently in another organisation) and not reported it.** Deterrents to reporting included a lack of knowledge of how to report non-compliance, the perception that reporting non-compliance is not their responsibility, and a lack of time to make such reports.



I have no idea how you would report it



I see non-compliance all day every day so do not have time to report everything



Too much hassle and it's not my job

### Finding 8: There is room for improvement to driver CPC training to ensure it is fit for purpose

The current driver CPC system is seen as beneficial, but with a number of shortcomings; the lack of a formal assessment and the option of attending the same course module multiple times in order to achieve the required number of training hours were two key issues mentioned. A desire was also expressed for more practical and less classroom-based training to be offered.



There is no test, no exams, you just have to be in the classroom, you can fall asleep

Perfectly legal, perfectly legitimate, I did my training, but out of those 35 hours, 21 hours were on the same course, what's the point in that?



### Finding 9: London presents different compliance challenges to other UK cities, in terms of its operating environment and regulations

London presents a complex operating environment for HGVs. The physical environment is different to other UK cities, with high levels of traffic, congestion and vulnerable road users. Parking (to load and unload, or to take rest breaks) was perceived to be more difficult in London. The additional regulations and contractual requirements associated with operating in London were also

When I was a 'Big Smoke virgin' there were so many questions, am I Euro 4 or 5? Is the LLC the same as the congestion charge? What are Approved Routes? Am I inside the LLC times?



reported to make compliance more difficult (e.g. London Lorry Control Scheme, Low Emissions Zones, the soon-to-be-introduced Safer Lorry Scheme).

Over 80% of survey respondents felt that it was much harder (49%) or a little harder (32%) to comply with regulations for HGV operations in London than in the rest of the UK. Over half of respondents felt that the rules and regulations associated with operating an HGV in London are too complicated. Operators are required to adhere to the London Lorry Control Scheme, but the permitted routes are seen as outdated or irrelevant, and there was a desire for many rules and regulations to be reviewed and streamlined (e.g. parking and unloading, drivers' hours). The perceived irrelevance of some regulations may lead to an increased risk of routine non-compliance.



Because the criteria we've got, and the criteria that many contractors have got, only relate to London, so it's a lot easier to be non-compliant in London than it is everywhere else

## 5 Recommendations

Nine recommendations have been developed based on the findings. Figure 6, presented at the end of the section, illustrates how each recommendation addresses the findings as well as which agencies and organisations should take ownership of each recommendation. Where possible, the ownership of these recommendations must lie with the relevant industry stakeholders, including regulators as specified below, and the HGV industry as a whole (i.e. any individual or organisation involved in the operation of one or more HGVs).

### **Recommendation 1: Extend the CLOCS community to include all industries operating HGVs, and with a clear focus on achieving compliance**

The existing CLOCS community is working to "revolutionise the management of work related road risk and embed a road safety culture across the industry". It is currently focused on the construction industry but should continue to expand to include other industries which operate HGVs, both in London and nationally. A clear focus on achieving compliance should be maintained and strengthened; for example a fourth workstream could be included around improving compliance of organisations, drivers and vehicles.

### **Recommendation 2: Provide a clear definition of what is in the scope of 'non-compliance'**

In order to improve knowledge and understanding of non-compliance and encourage observed incidences to be reported and managed, a clearer definition is required of what rules, regulations and requirements should be complied with (including vehicle, driver, contractual and road law). This definition should be provided as part of the guidance described in Recommendation 2. Once established, the definition should be widely publicised and organisations should be encouraged to ensure that it is disseminated to drivers and clients. The definition should include road laws such as keeping within posted speed limits, and wearing seat belts.

**Recommendation 3: Ensure clear guidance for the HGV industry on compliance is available in one central repository, and is disseminated throughout the industry**

In combination with Recommendation 1, it is crucial that individuals involved in the HGV industry have easily accessible, clear, simple guidance on how to achieve compliance, particularly in London. This can include information and toolkits on key issues (e.g. how to ensure compliance, how to report non-compliance) and should be aimed at drivers, managers, owners and clients of organisations operating HGVs. The guidance should be collated into a central, easily navigable repository, and should be clearly signposted when operator licences are issued. The contents of any existing guidance aimed at the HGV industry, and the way it is currently disseminated, should also be reviewed. The review should ensure that clear guidance is available for every aspect of compliance, and should assign responsibility to the relevant agencies for dissemination of the information amongst drivers, managers, owners and clients.

**Recommendation 4: Put in place mandatory training for restricted operator licence holders and/or transport managers**

Holders of restricted operator's licences are not currently required to undergo any training or to prove their knowledge and understanding of the licence requirements, and the current optional nature of training for this group results in a range of knowledge on compliance amongst those operating vehicles on a restricted licence. Mandatory training similar to that currently required of transport managers holding a CPC for a standard operator's licence is required to ensure that all operator's licence holders or transport managers have the same baseline knowledge of understanding of their responsibilities, and what they need to do to ensure compliance across their vehicles and drivers.

**Recommendation 5: Encourage client involvement in improving compliance through increased publicity of the CLOCS Standard, FORS, the FORS Associate Scheme and TfL Work-Related Road Risk (WRRR) contractual process**

The CLOCS Standard for managing work related road risk is a common standard for use by industries operating commercial vehicles which deliver to, collect from or service a project, premises or property. It is intended for use by clients within contracts and covers issues relating to vehicles, drivers and clients. Further promotion and implementation of this standard, particularly among non-construction industries, would benefit safety and compliance. Future iterations of the standard could make it more inclusive of all industries, particularly if CLOCS is extended (see Recommendation 10).

The FORS Associate Scheme is designed to encourage those who 'don't operate commercial vehicles and would like to help drive up standards across the sector' to either 'set FORS' best practice standards and legal compliance at the heart of your freight distribution activities' or 'offer an exclusive discount on your products and services that adds value to the scheme by enabling operators to comply with contractual/legal requirements etc'. Focusing on increased publicity of this scheme amongst clients procuring the services of HGVs across all sectors will encourage client

involvement in driving down non-compliance<sup>15</sup>. The public sector should be encouraged to demonstrate leadership, with major public sector organisations becoming FORS Associates and introducing compliance requirements as part of their contracts.

Clients should also consider whether the organisations they contract are FORS accredited, and to what level, since FORS accredited operators are more likely to be compliant. The existing directory of FORS registered and accredited companies should be updated so that it is easier to search (e.g. allowing a user to search for an operator in a particular sector within 20 miles of a specific postcode, and including contact details).

**Recommendation 6: Increase visible enforcement activities and publicity around enforcement**

Visible enforcement, at the roadside or at operator premises, is a key means of increasing the real and perceived risk of being checked. Continued high levels of publicity around enforcement activities will also increase the perceived risk, particularly among operators who may go into London less frequently and so not see the enforcement activities first-hand. Such activities could include press releases relating to both hard-hitting and routine cases of enforcement, and will also help to dispel the apparent perception in some quarters of the industry that certain penalties for non-compliance are too lenient. Trade association magazines and websites should be involved in this publicity, as well as methods which would target operators who do not have trade association membership, such as posters at truck stops and adverts placed on online forums for transport managers and drivers.

**Recommendation 7: Put in place a readily-accessible reporting system for non-compliance**

A unitary anonymous reporting system for reporting non-compliance is required. Based on the findings, this system should make reporting non-compliance quick and easy, should provide clear feedback and results, and should not require any proof in order to make a report. A combination of telephone and internet-based reporting would enable individuals across the HGV industry to have access to the system. A reporting system for London is already in place (Roadsafe London) for members of the public to report criminal, nuisance and anti-social behaviour on London's roads; this could be publicised and expanded so that three key types of report can be made both online and by telephone: reports by members of the public, reports of issues observed in the reporter's own organisation, and reports of issues observed in other organisations. (See also Recommendations 3 and 9.)

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<sup>15</sup> Related to this finding is a previous finding from the CLOCS report (Delmonte et al., 2012) which stated that 'Principal contractors and clients (in the construction industry) should use more realistic delivery time slots.' This recommendation still stands (parentheses added).



**Recommendation 8: Undertake internet search engine optimisation to ensure that clear guidance on achieving compliance and reporting non-compliance is readily available**

As internet searches were reported by drivers, managers and owners to be a key means of finding information and advice on compliance-related issues (all aspects of compliance including how to achieve compliance and how to report non-compliance), it is important that internet search engines return the most relevant, clear and useful guidance (i.e. the repository of information developed under Recommendation 3). Search engine optimisation of the guidance websites and documents deemed most useful will increase the probability of this guidance being found and used.

**Recommendation 9: Review driver CPC training legislation to ensure that it is fit for purpose, and lobby parliament for a change in legislation**

Driver CPC training aims to ensure that professional drivers have a good understanding of current legislation and equipment, and to improve road safety. Currently, drivers undergoing periodic training are able to attend the same module a number of times and regardless of how relevant it is to their role. The JAUPT website should be designed such that drivers must vary the modules that they attend, and ensure that these modules are pertinent to their training needs. Transport managers or other appropriate role holders should conduct a training needs analysis and ensure that the outcome of this analysis is used when selecting CPC modules.

**Recommendation 10: Undertake a review of regulations specific to London, with the aim of improving synergy between the various regulations and agencies**

The additional regulations and requirements placed on operators in London were felt to contribute to non-compliance (e.g. London Lorry Control Scheme, parking and unloading restrictions, Low Emissions Zones, the soon-to-be-introduced Safer Lorry Scheme). In particular the London Lorry Control Scheme was felt to be outdated and in need of review. A comprehensive review of both regulations and contractual requirements should be conducted, with the aim of combining and streamlining to make them easier to understand and comply with.

**Ownership of recommendations**

Agencies and organisations that should take ownership of each recommendation, to ensure implementation, are shown in Figure 5.

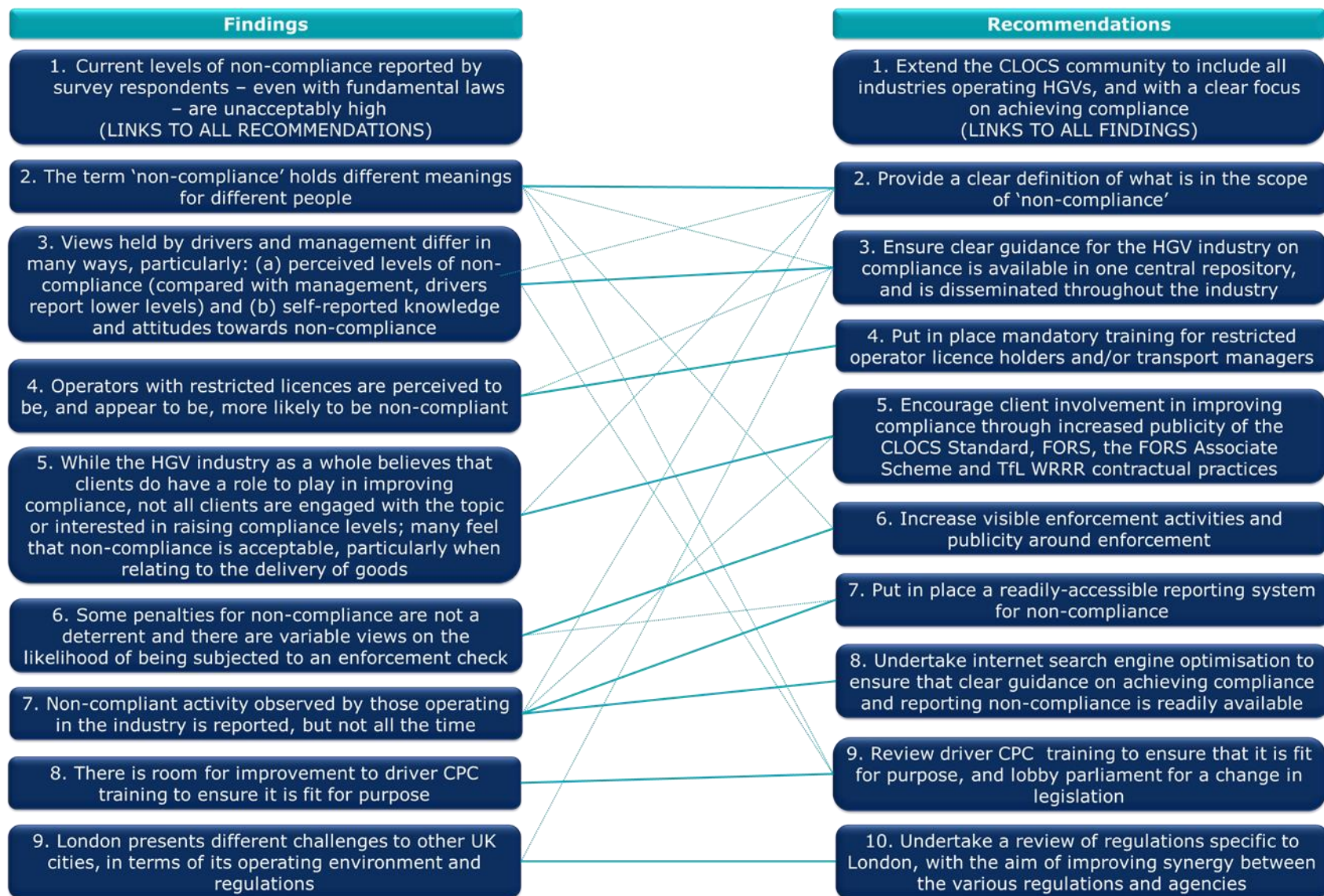
	TfL	DVSA	DfT	Traffic Commissioners	Trade Associations	Met Police	Borough Councils
1	✓						
2	✓	✓	✓	✓			
3	✓	✓				✓	
4		✓	✓				
5	✓					✓	
6	✓	✓	✓	✓		✓	
7	✓	✓				✓	
8	✓	✓					
9	✓	✓	✓				
10	✓		✓				✓

**Figure 5. Suggested responsibility for implementing recommendations**

### Further research

Further research is advised to explore some of the issues raised during this research. For example, what regulations could be simplified and how? Could there be a recognition scheme for drivers? How could the current penalty system be improved to enhance its deterrent value? Could the driver CPC be improved? Would enhanced transparency relating to organisations involved in non-compliant activity (for example by improving accessibility to the Traffic Commissioner Applications and Decisions data) be of value in encouraging compliance?

Continued research and exploration of the issues surrounding non-compliance, whether regarding industry-specific regulations or fundamental road laws, is key to gaining a complete understanding of why non-compliance occurs, and how to eliminate it.



**Figure 6. Findings and associated recommendations**

## 6 Limitations

All research methods have their limitations, and it is important to acknowledge these. The limitations of the four research tasks are summarised here.

The literature review found scant research from the UK, and so the findings may not be fully generalisable to the UK HGV industry.

The initial data analysis used data from targeted enforcement activities, meaning that the level of non-compliance in the data gathered from these activities is likely to be higher than would be expected in the overall population. The non-targeted vehicle inspections undertaken to try and minimise this bias showed that the actual level of non-compliance was lower than indicated by the targeted stops. The non-targeted stops were limited however, and a greater number of such stops will be required if we are to undertake robust comparisons of compliance levels between sectors and licence types, to build on the indicative data reported in this document.

The survey was intended to reach 750 respondents over a range of sectors, licence types and roles. Despite best efforts, this target was not achieved, and so comparisons between sectors and licence types were always possible. The final sample is likely to be biased towards those who are willing to take part in research relating to HGV safety or compliance, possibly representing the more compliant end of the spectrum of operators.

The pool of driver, manager, owner and client interviewees was typically drawn from the pool of survey respondents and may therefore also be biased towards the more compliant. Qualitative responses, by their very nature, are unlikely to fully represent opinions across the HGV industry as a whole; the findings cannot be generalised in quantitative terms.

## References

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