



DfT Vehicle and Operator Services Agency (VOSA) and Driver and Vehicle Agency (DVA) Powers to Stop Commercial Vehicles for Inspection at the Roadside Consultation - Unite Submission - August 2010

Introduction

This submission is by Unite the Union. Unite is the UK's largest trade union with over 1.5 million members across the private and public sectors. The union's members work in a range of industries including manufacturing, financial services, print, media, construction, local government, food, agriculture, education, health, not for profit and the transport sector.

Unite the Union's current membership in road transport, which combines our Passenger Transport and Road Transport Commercial, Logistics and Retail Distribution sections, exceeds 162,000. Unite is the largest trade union representing drivers, engineers, administrative staff, inspectors and managers employed in the UK transport industry, with the vast majority of organised workers in the sector in Unite.

Unite has obtained the views of our members through our lay member committees at national and regional level. Therefore Unite is in a unique position to submit a response to this DfT consultation.

Consultation Questions

Q1. Do you agree that the Secretary of State should be able to appoint stopping officers to stop commercial vehicles in England, Wales and Scotland for routine roadside inspections?

- Unite believes that the strengthening of VOSA enforcement in this area is welcome as clearly many operators are failing to take their obligations seriously and are endangering their drivers, our members and the rest of the traveling public on the roads at the same time.
- In addition, Unite gathers from our members in the ports that many foreign commercial vehicles are dangerously overloaded when entering the country. If stopping officers wanted to make their presence felt then some targeted enforcement around the ports in Great Britain and Northern Ireland would be an appropriate place to start.
- There is also a danger that criminals will look to exploit stopping officers' enforcement powers through impersonating officers, which isn't a new threat. The deterrent and punishment for impersonating a stopping officer has to be right if it is going to prevent placing drivers, our members and the traveling public at risk.

Q2 Do you agree that equivalent provision should be made in Northern Ireland for DVA examiners, where no power exists which is comparable to that in England, Wales and Scotland?

- Unite believes it is right for the equivalent provision to be made in Northern Ireland for DVA examiners so that they have comparable powers as currently exist in England, Wales and Scotland.

Q3. Do you agree with extending the scope of stopping powers to include more than just roadworthiness inspections?

- Unite supports checks at the roadside for compliance with regulations on vehicle roadworthiness, overloading, drivers' hours and required documentation.

Q4. Do you agree that – in order to deter criminal activity – it should be an offence to impersonate a VOSA stopping officer and a DVA vehicle examiner?

- Unite believes that impersonating a VOSA stopping officer or a DVA vehicle examiner must be regarded as a serious criminal offence on par with impersonating a police officer with the toughest form of punishment to go with it, if this type of criminal activity is going to be deterred.

Q5. Do you agree that – in order to deter criminal activity – it should be an offence to obstruct a VOSA stopping officer?

- This is a slightly different point because it could bring our members into the line of fire when all they may be doing is trying to make sure that the VOSA stopping officer is who they say they are.
- Clearly, if this is going to be the case then it must be communicated to drivers that they are fully entitled to contact the police to corroborate the identity of a VOSA officer if they wish to do so.

Q6. Do you agree that – in order to deter criminal activity – it should be an offence to fail to stop and wait for the inspection to be carried out by a VOSA stopping officer?

- Again, Unite is uncomfortable with putting drivers, our members, in the firing line in this way, particularly when you consider that currently the safety of drivers, their vehicles and their cargo in the road freight industry in the UK, for instance, is nowhere near good enough.
- The recorded value of loss to the industry due to road freight crime in the UK (both loss of vehicles and loads) was around £84.5 million during 2008¹ and a price cannot be put on the potential loss of a driver's life or damage to their physical and/or future mental health from being subjected to an attack.
- The reason for stating all this is because it is not quite as simple as 'if you have got nothing to hide, you will stop.' Clearly, drivers are working in an unsafe environment, where they have to be careful where and when they

¹ TruckPol Annual Report, 2008.

stop and it would be wrong to bring an offence on a driver who was simply unsure whether a VOSA officer was who they purported to be.

- So again if this is going to be the case then it must be communicated to drivers that they are fully entitled to contact the police to corroborate the identity of a VOSA officer if they wish to do so.

Q7. Do you agree that the proposal should not result in any additional costs to commercial vehicle operators, as we suggest in the 'developmental Impact Assessment' at Annex A?

- Unite's main concern is obviously the health and safety of the drivers, our members, in these affected industries. Cost issues should not be accepted as an excuse because it is workers safety which will be put at risk.
- If costs can be avoided being placed on operators then that is something that Unite would support because no doubt it will be our members terms and conditions that will come under attack if operators face increased costs in this way.
- However, having said this, if the proposal in the 'developmental Impact Assessment' at Annex A fails to provide the additional funding in the way outlined then clearly it should be the operators' financial responsibility to do so.

11th August 2010

Graham Stevenson
National Organiser Transport
Passenger Transport
Unite the Union

Ron Webb and Paul Davies
National Secretaries
RTC / Logistics & Retail Distribution
Unite the Union

For clarifications and more information please contact:

John Neal
Researcher
Unite the Union
128 Theobald's Road, Holborn, London, WC1X 8TN
Tel: +44 (0)207 611 2633
Fax: +44 (0)207 611 2746

Email: John.Neal@unitetheunion.org
Internet: www.unitetheunion.com