

Managers CPC – Eleven Undertakings

Undertaking No 1 - The laws relating to the driving and operation of vehicles used under this licence are observed.

What This Means - Ensure you adhere to the undertakings of the declaration of understanding and agreement when gaining your 'O' Licence (Operators Licence).

How you can achieve this undertaking - By taking an active role in the day to day running of all aspects of the transport side of your business and keep up to date with the latest legislation.

Undertaking No 2 - The rules on driver's hours and tachographs are observed, and proper records are kept and that they are stored, also that records are readily available on request

What this means - The operator licence holder is expected to have a good understanding of tachograph legislation, drivers' hours rules and must have a formal, auditable process that ensures tachograph data is collected, analysed and corrective action taken where infringements occur.

This is a legal requirement when operating vehicles.

How you can achieve this undertaking - To have tachograph card & chart readings analysed, to attend a manager's digital tachograph course

Undertaking No 3 - To ensure vehicles and trailers are not overloaded.

What this means - With this undertaking you are agreeing that the vehicles you operate will not be overloaded.

The components of a vehicle such as steering and suspension are designed to work within various parameters, one of these parameters is the vehicle weight.

Overloaded vehicles could be dangerous to other road users. With this undertaking you are providing assurance that you will not overload vehicles.

How you can achieve this undertaking - There are many public weighbridges throughout the UK that can be freely used to determine the weight of a vehicle. We recommend that you weigh your vehicle when un-laden to determine the maximum load which that vehicle can carry. A list of public weighbridges in your area can be found on your local trading standards website. It is the responsibility of the vehicle operators and drivers to ensure vehicles are not overloaded.

Undertaking No 4 - That all vehicles operator within speed limits.

What this means - You undertake not to speed and if your vehicles are found to be speeding then it opens the possibility of action being taken against your O Licence.

How you can achieve this undertaking - It's easy to simply say "don't speed" but how can you ensure your drivers comply?

It's important to have a written procedure in place that drivers are required to follow. Not only does it provide a route with which to take disciplinary action if necessary but it also provides some evidence to the Traffic Commissioners that you were acting proactively should problems arise.

Undertaking No 5 - Vehicles and trailers, including hired vehicles and trailers are kept in a fit and serviceable condition.

What this means - It is a legal requirement to have a suitable maintenance regime in place when operating vehicles. Including the maintenance agreement and maintenance interval that you agree to with a suitable provider. Even if the vehicles are hired and you don't directly deal with maintenance, you still have to undertake that as the operator, you will ensure the vehicles are well maintained.

How you can achieve this undertaking - Put in place a suitable maintenance regime and use a reputable maintenance provider that you can trust. Also, make sure your maintenance interval is appropriate for the level of work your vehicles are doing. OLMC can provide independent audits of your maintenance regime and provide independent inspections that will provide piece of mind that your maintenance provider is doing the job as required and also assess the effectiveness of your overall maintenance program. Also, if you are hiring a vehicle, ask for a copy of the previous maintenance check sheet, the vehicle provider is obliged to do so and you can then ask if any defects listed have been rectified.

Undertaking No 6 - To ensure drivers promptly report any defects that could prevent the safe operation of the vehicle or trailer and that all defects are recorded in writing.

What this means - Your drivers are expected to carry out pre-use inspections and post-use defect reporting, they are also expected to have the ability to do so effectively. It is also a requirement that the processes in place are fully auditable, records kept accordingly and made available to inspectors upon request.

How you can achieve this undertaking - To ensure drivers are fully trained on how to carry out a Daily-Walk Round Check and how to complete a defect report sheet or book to ensure compliance. Drivers should also attend a Drivers CPC course that is covering these sectors.

Undertaking No 7 -To ensure you are keeping full records for a 15 month period for all drivers' reports of defects, safety inspections, routine maintenance and repairs to vehicles.

All these records need to be available on request.

What this means - All the formal processes required by operator licensing and these undertakings need to be fully auditable and documents need to be made available to VOSA inspectors upon request. All documents must be retained for 15 months.

How you can achieve this undertaking - It's important to have a formal filing system that ensures easy and quick access to documentation.

Undertaking No 8 - In respect of each operating centre specified, that the number of vehicles and number trailers kept there will not exceed the maximum number authorised at each operating centre. (Which will be noted on the licence)

What this means - When you apply for an operator's licence, you state the maximum number of vehicles and trailers that you will be operating at (each of) your operating centre(s); this determines the amount of financial standing you have to show to support your application and can influence the decision to approve your requested location for an operating centre.

With this undertaking you are agreeing that you will not operate more vehicles or trailers than you have applied for.

How you can achieve this undertaking - To provide a complete O-Licence application and setup of how you intend to operate your business.

Undertaking No 9 - An unauthorised operating centre is not used in any traffic area.

What this means - As an operator's licence holder, you must provide details of where you will be operating vehicles from, and this is known as an **operating centre**.

The location you choose for your operating centre is given much consideration by VOSA and the Traffic Commissioners.

You also have to obtain written permission from the landowner if you do not own the land and place a public notice announcing your intention to use the location as an operating centre.

You are only permitted to use operating centres that are specified on the licence. This undertaking ensures that you agree to this.

How you can achieve this undertaking - To provide a complete O-Licence application and setup of how you intend to operate your business.

Undertaking No 10 - You will inform the traffic commissioner against yourself, company, business partners, company directors and nominated transport manager/s named on the application.

What this means - On the application form there is a section that asks for information about any criminal convictions awarded to the persons mentioned.

When considering a licence application, VOSA will carry out extensive background checks on people involved in the business and if certain criminal convictions are found, the decision to grant an o-licence may be affected.

If VOSA discover convictions that aren't listed on the application, your application again might be affected.

You also undertake that in the future, you will inform the Traffic Commissioners of any criminal convictions gained by the people mentioned in the undertaking.

How you can achieve this undertaking - Make sure you declare all unspent criminal convictions for all Directors, owners and Transport Managers and provide as much information as possible on the application form. Also make sure the Traffic Commissioner

is notified of any new criminal convictions awarded to the people mentioned in the undertaking.

Undertaking No 11 -That you will ensure that you will notify the traffic commissioner of any changes within 28 days, EG: proposed changes to maintenance arrangements.

A change in the financial status of the licence holder (Liquidation etc) or a change to the limited company status or partnership that may affect the licence.

What this means - By agreeing to this undertaking you are obliged to inform then Traffic Commissioners in writing (within 28 days) of any formal changes to your business, maintenance arrangements for your vehicles or financial status of your business.

How you can achieve this undertaking - Take care of official communication with the Traffic Commissioners or VOSA. Also provide written notification letters that will ensure the Traffic Commissioners are officially notified of any changes when necessary.