



Transport



Changes To Operator Compliance Risk Score (OCRS)

New OCR bands Roadworthiness

Baseline Score over 25 points ■ Baseline Score over 10 and up to 25 points
No Baseline score as VOSA have no information ■ Baseline Score up to 10 points

Roadworthiness Points

Category of Offence	Type of Defect Found	Points	Points if defect 'S' marked
1	Immediate prohibition issued for tyres, brakes and or steering	200	400
2	Immediate prohibition issued for all other defects	100	200
3	Delayed prohibition issued for tyres, brakes and or steering	50	100
4	Delayed prohibition for all other defects	25	50
Test Fail	Tyres, brakes and steering	50	N/A
Test Fail	All other defects	25	N/A

Offices

Chester
Tel: 01244 405555

Shrewsbury
Tel: 01743 443043

Manchester
Tel: 0844 800 8346



Aaron & Partners

Categorisation Of Defects

Traffic Enforcement

- Baseline Score over 30 points
- No Baseline Score as VOSA have no current information
- Baseline score over 5 and up to 30 points
- Baseline Score up to 5 points

Traffic Enforcement Points

Offence Band	Type of Penalty	Points
0	Verbal Warning	0
1	Fixed Penalty £30	25
2	Fixed Penalty £60	50
3	Fixed Penalty £120	100
4	Fixed Penalty £200	200
5	Prosecution	500

The Grey Band

The new grey band applies to both new and existing operators who have not had any VOSA “encounters” (Annual Tests/Roadside Inspections etc) in the previous three years. Operators with current historical scores will find themselves moved into the grey band if after three years they have not had any encounters. This is less likely in roadworthiness terms because of annual testing but more likely in traffic enforcement terms as this relies on roadside inspections.

This could therefore mean that an existing operator with either a predictive green or historic green banding but no traffic encounters in the last three years could suddenly find itself in grey and a second tier priority for further enforcement checks.

Straight To Red (“STR”)

There only appears to be a limited amount of information available about this. It is clear that where a licence holder is convicted his OCRS will go straight to red and stay there for 12 months. After 12 months the OCRS will revert to whatever score the baseline then indicates.

VOSA have published in their “FAQs” a table of points that will be attributed to prosecutions as follows:

Parameter Description	Points
VOSA Prosecution Case	500
VOSA Operator Prosecution points per offence	100
VOSA Driver Prosecution points per offence	50

The FAQ’s give no further explanation as to how these points will be applied, other than to describe a trigger event for straight to red as being: “...an encounter with an operator’s vehicle that resulted in a Most Serious Infringement (MSI) or a prosecution[sic – I think they mean conviction]”

VOSA have advised that it is only the conviction of the operator that will trigger STR and the conviction of an operator for a single offence will attract 500 points for the prosecution case plus 100 for the offence – giving a total of 600 points for that single conviction. The conviction for further offences will attract 100 additional points for each offence.

This can best be illustrated by an example:

A roadside check results in the detection of three drivers’ hours offences. The driver and licence holder are convicted. The OCRS consequences for the licence holder are as follows:-

Straight to red for 12 months	
Operator points:	
VOSA Prosecution Case	500
VOSA Operator Prosecution points per offence (3 x 100)	300
VOSA Driver Prosecution points per offence (3 x 50)	150
Total Points:	950

If this was a new operator’s first encounter to fall out of red after 12 months (i.e. to get a baseline of 30 or less) there will have to have been a further 23 clear encounters – after 12 months the weighting reduces the points to 712.5 (950 x 0.75). To get into green (baseline of 5 or less) there would need to be 142 clear encounters!

If the convictions related to roadworthiness then the clear encounters required would be 28 to get out of red and 71 to get into green.

This could be caused by say a failure to properly train a driver so that he commits three daily rest offences or an articulated vehicle is found to have an axle, gross and train weight overload.

If this was a small operator with only one or two vehicles the it could take be very difficult to accumulate sufficient clear encounters before the 3 year period passes. VOSA have said that they are looking at a “quick out” to balance this “quick in” but this is unlikely to be in place for a further 12 months.

I understand that the “quick out” would be available where a VOSA follow up visit after a “quick in” determined that the issues giving rise to the STR had been fully addressed and appropriate steps taken to ensure they did not reoccur or that the STR was the result of a single rogue driver.

Most Serious Infringement (“MSI”)

The other way in which an OCRS can go STR is by a prohibition being issued or fixed penalty accepted for an MSI. These are now being referred to as the seven deadly sins!

MSI's are defined at Annex IV of Regulation (EC) 1071/2009 as follows, but VOSA have advised that they will apply certain subsets for MSIs triggering a STR for 6 months. These subsets are indicated in bold:

1. Exceeding the maximum 6-day or fortnightly driving time limits by margins of 25% or more.

or

Exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50% or more without taking a break or without an uninterrupted rest period of at least 4 ½ hours.

2. Not having a tachograph and/or speed limiter or using a fraudulent device able to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/pr the driver card.

Using a fraudulent device able to modify the records of the recording equipment.

Not having a speed limiter although required by Community law.

Using a fraudulent device able to modify the speed limiter.

3. Driving without a valid roadworthiness certificate if such a document is required under Community law and/or driving with a very serious deficiency of, inter alia, the braking system, the steering linkages, the wheels/tyres, the suspension or chassis that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle.

4. Transporting dangerous goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such an extent it leads to the e decision to immobilise the vehicle.

5. Carrying passengers or goods without holding a valid driving licence or carrying by an undertaking not holding a valid Community licence.

6. Driving with a driver card that has been falsified, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents.

Falsifying record sheets of the tachograph.

Falsifying data downloaded from the tachograph and/or the driver card.

Driving with a driver card that has been falsified
Driving with a driver card of which the driver is not the holder.

7. Carrying goods exceeding the maximum permissible laden mass by 20% or more for vehicles the permissible laden weight of which exceeds 12 tonnes, and by a mass of 25% or more for vehicles the permissible laden weight of which does not exceed 12 tonnes.

At present there is not a great deal of information available on these changes.



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“Tim, totally blown away by your professionalism and approach and I personally can’t thank you enough for getting us that result. It releases us to hopefully pursue some of the business we lost and create a platform to get us back to where we were.”

“Their key strength is their depth of knowledge of the subject matter and the protocols around operator licensing and the traffic commissioners.”

“Tim Culpin is a “really friendly and helpful guy” who gives “really good advice and knows what he is talking about.”

Clients

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Tim is an experienced advocate in both the Magistrates’ Court and at Traffic Commissioners’ Public Inquiries. He has built up significant experience in dealing with regulatory authorities on behalf of his clients, reviewing existing compliance management systems and providing practical advice on updating and improving those systems.

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