



DRIVER CPC – There may be trouble ahead

Most of the MEPs who voted through the controversial plans for enhanced training and qualification regimes for professional drivers in 2003 are now applying their minds to other topics, but for the industry some hard questions remain.



Tests for bus and coach drivers will get longer and more complex (if not harder) by September 2008, and drivers who already hold a licence will have to complete five days of periodic training to keep it, after September 2013. CPT and its members have long known the basic requirements of the European Directive, but some worrying features are emerging in the Driving Standards Agency's plans to bring it in. Candidates for a PCV licence will have to sit a single 2.5 hour test containing 100 multiple choice theory questions and 20 'hazard perception' video clips. They will not be able to 'bank' a pass in the theory questions or the hazard perception test alone. CPT believes that the prospect of a single, long exam will deter some people who would otherwise make good bus or coach drivers.

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CPT SCOOP MEMBERSHIP SUCCESS AWARD



THE CPT TEAM RECEIVING MEMBERSHIP SUCCESS AWARD:
(L-R) Lord Heseltine, Sarah Conner (CPT), Mandy Oteng (CPT) and Peter Gomersall (CPT).

CPT was awarded the Trade Association Forum's Membership Success Award at a 'Winners' dinner earlier this year at the Millennium Hotel, Mayfair, London. The judging panel commended CPT's strategy as "a great exemplar for other associations."

Director General to move on

CPT has announced that Brian Nimick had decided to step down from his role as Director General at the end of 2006. Brian leaves after 5 years with the organisation. Simon Posner, currently Deputy Director General, will be taking over from Brian from 1 January 2007.



MORE NEW MEMBERS FOR CPT!

CPT is always delighted to welcome new members and this year more new members have joined than ever before. CPT is the leading passenger transport trade association representing the interests of coach, bus and light rail operators in the UK – so why are more and more operators joining CPT?

The role of a trade association over the last 25 years has altered as the requirements and demands of running a modern business have changed. The core value typically associated with many trade bodies – lobbying, in both the UK and the EU, is no longer sufficient to maintain an active and dynamic membership.

- Crisis Control – 24/7 service provided by CPT's own in house, media trained professionals. Accidents in our industry often attract intrusive media attention which can seriously disrupt your business. Include Crisis Control in your disaster recovery plan.
- Helplines – information is king, and membership opens up a world of resources which you can use to support your business. Our Technical and Operational helpline is operated by CPT's own in-house experts. A Legal Helpline offering 15 minutes free advice is also available, with discounted rates for subsequent advice.

- CPT's website, available 24/7 has been extensively developed for the exclusive benefit of members – instant access to legislation, regulations, operational practices and engineering standards which can impact upon your business.
- Commercial Partnerships – membership of CPT can provide direct financial benefits to your business - a number of key commercial partnerships are available - finance, insurance, legal assistance, vehicle breakdown and vehicle inspection services aimed at delivering real benefits, both in terms of cost and enhanced levels of service.

The political credentials CPT has developed are envied by many – our direct access to politicians and policy advisers both at home and in Europe, have clearly benefited members. However, CPT has also recognised that many operators also require practical assistance in running their businesses on a day to day basis.

We welcome our new members and look forward to supporting their business needs. We also recognise that for many long standing members, some of CPT's products and services are being tried for the first time – and feedback from these members would be very much appreciated indeed.

CORNER PIECE

A little known advantage of the recent changes to licensing law in England and Wales is that you don't need a licence to sell alcohol (or to provide musical entertainment) on a moving vehicle on the highway.

Coach drivers who plan to sell beer while playing the banjo and driving up the middle lane of the M6 should, however, remember their duty of care to their passengers and other road users.

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Welcome

A very warm welcome to our Autumn/Winter edition of Business Matters, the Confederation of Passenger Transport UK's quarterly newsletter. In Business Matters we aim to provide a regular synopsis of important developments within the road passenger transport industry and for those non-members amongst you, an insight into our organisation, its work and the benefits available from membership.

This edition has been published just prior to Euro Bus Expo which takes place at the NEC, Birmingham on the 7th, 8th and 9th November. The newly designed show will be attracting in excess of 10,000 buyers from over 40 countries, including visitors from some of Asia's fastest growing economies, India and Taiwan. Representatives from European countries including the Netherlands, Sweden, Belgium, Italy, Germany and Finland will also be attending. And with over 250 exhibitors, this event promises to become one of the world's leading events for the passenger transport industry.

A whole host of issues have been at the forefront of operators' minds in recent months and in this edition of Business Matters our Director of Operations, Steven Salmon, summarises the current position on subjects ranging from the London Low Emission Zone through Driver CPC to seatbelts.



As more operators take the decision to join CPT, it is timely to remind ourselves as to why the industry needs a trade association; and for those non-members out there, further information together with membership packs can be obtained by contacting our Membership Department.

CPT is recognised as the voice of the road passenger transport industry by national and European Governments. However, in addition to our political credentials more and more members are taking full advantage of the broad range of business services available from CPT, including our technical and operational helpline, 24 hours crisis control service, and commercial services.

I trust you will find this edition of Business Matters both interesting and informative, and should you require additional information concerning any of the topics covered please do not hesitate to get in touch with the team here at CPT.

Phil White
Phil White
President, CPT



London Low Emission Zone

The Mayor gives, the Mayor takes away.

Despite the arguments of transport professionals that there are more logical targets for improving the quality of London's air, the Mayor has announced his intention to press ahead with a Low Emission Zone (LEZ) covering the whole of the Greater London area. Although the standards for buses and coaches are not going to be as demanding as originally proposed, minibuses are likely to be controlled in the LEZ, along with lighter goods vehicles.

CPT has been closely involved with the development of the scheme. "Even if we think the LEZ is targeting the wrong things, we don't want our members to get caught out by the details," said CPT Operations Director Steven Salmon. Here is how the plans are shaping up:

- The LEZ will cover virtually the whole of Greater London, and apply 24/7.
- The standards for full size buses and coaches will be Euro III for particulates from mid-2008 and Euro IV for particulates from January 2012.
- Buses and coaches that are recorded as meeting the standard (either because they complied when new, or because they have had additional equipment fitted and checked) will be able to travel in the Zone without paying and without fuss.
- Buses and coaches that do not meet the standard will be able to travel in the zone on payment of a substantial daily charge (between £100 and £200).
- Failing to pay the charge when it is due will incur a penalty of £500 to £1000.
- The M25 (which runs inside Greater London in a couple of places) will not be covered by the Zone at all.

- The scheme will be enforced by Automatic Number Plate Recognition cameras at a mixture of permanent and temporary locations. There will be further consultation on minibuses (more than eight seats plus the driver); the current thinking is that these would have to meet either Euro III or a ten year rolling maximum age from October 2010. Although the LEZ will apply to foreign HGVs and coaches, the arrangements for proving that a foreign coach meets the standards need a lot more work, in CPT's opinion. Plan your future journeys with CPT's 'in or out' guide to well-known coach destinations near the LEZ boundary:

- IN THE LEZ**
Biggin Hill
Chessington World of Adventures
Hampton Court Palace
Heathrow Airport
Twickenham RFU Stadium
Wembley Stadium
- OUTSIDE THE LEZ**
Bluewater
Epsom racecourse
Gatwick Airport
Hampton Court Station (convenient for the Palace over the River)
Kempton Park racecourse
Lakeside
Luton Airport
Sandown Park racecourse
South Mimms Services
Stanstead Airport
Thorpe Park
Thurrock Services

The information included in Business Matters is for general guidance only and represents our understanding of current practice. It is not intended to constitute an offer of insurance or any other financial product. CPT, its officers, servants and agents do not accept any responsibility for loss or damage resulting from reliance on the information included in this material and Business Matters, nor intended to provide legal advice or professional consulting.

SMOKING BANS

- CPT gets hot under the collar

Scotland led the way with a ban in March this year and England and Wales are set to follow in 2007, but there are major differences between practice north of the border and proposals for the rest of Great Britain.

Implementation of the ban in Scotland has been pretty smooth. Buses and coaches are treated as mobile premises, and the same broad duties apply to drivers (and other people who work for bus and coach operators) as apply to staff in other public places. CPT and the Scottish Executive worked closely on a detailed protocol for enforcing the ban on buses which sets out clearly who should do what where there is a problem. Bus and coach drivers in Scotland are under a legal duty not to 'knowingly permit' someone to smoke on their vehicle.

CPT does have a problem with the requirements for signs in Scotland. As well as telling passengers that they can't smoke, signs must identify a person to whom passengers can complain if they see someone breaking the ban. This might be reasonable for Scottish buses and coaches, according to CPT, but is an unreasonable burden on touring coaches from England, Wales and Northern Ireland (or, for that matter, anywhere else in the EU). Technically, enforcers (who work for local Environmental Health departments) can break into unattended coaches that they believe are not displaying the correct sign and have the fixed penalty ticket for £200 ready for the driver's return. CPT is currently negotiating with the Scottish Executive to give its non-Scottish members (and the rest of the European coach operator community) some assurance that common sense will prevail.

The Department of Health's consultation on introducing a public-place smoking ban in England is wholly reasonable on the question of signs. The proposals in Wales are identical. However, in both countries, the Government is proposing a very strong duty on transport staff. Drivers who see or smell a passenger smoking will be under an obligation to, in the language of the draft Statutory



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Instrument, 'cause them to stop'. CPT believes that this proposal demonstrates that policy makers are wholly detached from the reality of England's streets. "People who ignore no smoking signs are generally not the types who respond politely to requests from bus drivers", commented CPT's Operations Director, Steven Salmon. "Trying to force someone to stop smoking is asking for a punch in the mouth, or worse, in some cases. Have DoH never heard of risk assessment?"

To add insult to injury, the fine for a smoker caught in the act will be a £50 fixed penalty (reduced to £30 for prompt payment) while a bus driver failing to cause a smoker to stop would face a court appearance and a fine of up to £2500.

CPT's campaign to get the most realistic rules on signs for coaches and duties for drivers in England, Scotland and Wales continues.

The problem of passengers who ignore smoking bans is not new. Like several CPT staff, Steven

Salmon holds a PCV driver's licence and has driven coaches on 'bread and butter work' in the past. He recalls one morning school run when the telltale smells of cheap body spray and cheap tobacco began to drift forward from the back of the coach. At the next pickup point, he took a stroll to the back where a girl had evidently used her last match to light her cigarette and did not want to put it out. Stuffing the glowing material up her cuff was not the brightest idea, though.



WEARING SEAT BELTS –

Not quite as simple as you might think



The UK bus and coach industry - like its customers - is adjusting to new rules on seat belts.

Fundamentally, passengers are less likely to be seriously injured in a collision if they are wearing any kind of safety belt than if they are wearing no belt at all. It is therefore now the law that everyone travelling in any kind of vehicle must wear belts wherever they are fitted.

The DfT has issued The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (SI 2006:1892), and The Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) (Amendment) Regulations 2006 (SI 2006:2213) to adopt EU directive 2003/20/EC into national law. The following requirements regarding buses and coaches (i.e. vehicles with more than 8 passenger seats in addition to the driver) have applied since 18 September 2006:-

- Passengers must wear the safety belt if their seat is equipped with one (legally termed "available"). They will only need to wear the belt while they are actually seated and the vehicle is in motion. This allows passengers to move around within the coach, for example to visit the toilet.
- The driver and any crew member (e.g. guide) must also wear the belt if their seat is equipped with one.
- The operator is required to take all reasonable steps to ensure that every passenger is notified that it is a legal requirement to wear an available seat belt. The operator may use any one or more of the following four options to fulfil this legal obligation:

- 1) the driver could make an announcement
- 2) the conductor, courier or group leader could make an announcement

- 3) an audio or video presentation could be used (eg tape or DVD). The announcement or presentation must be made when the passenger boards the vehicle or within a "reasonable" time period of boarding
- 4) a sign prominently displayed at each passenger seat equipped with a belt. The sign must be either text or the specified pictogram (white figure wearing a 3 point belt against a blue background). The DfT has indicated flexibility regarding the provision of signs, and will accept one sign per double seat fitted to the window, luggage rack or woven into the seat material. The size of the sign is not specified, but CPT suggests at least 60mm diameter.
- The potential fine for failing to provide the necessary notification is £2500.
- The regulations do not yet require children less than 14 years of age to wear a belt in a bus or coach. The general rule is that it is the driver's duty to ensure that child passengers less than 14 years old wear seat belts, but the DfT recognises the practical difficulties for bus and coach drivers. The DfT has promised another consultation when they have thought up a practical solution.
- Passengers of all ages are exempt from wearing seat belts where a bus or coach is certified to carry standing passengers, provided the bus or coach is officially approved for this by its Certificate of Initial Fitness. This approval must be identified by the carrying capacity displayed on the vehicle.

The wearing requirement therefore can only apply where belts are already fitted.

2. The information given here is specific to buses and coaches (i.e. any vehicle with more than 8 passenger seats). Some operators may use cars under their O licence. There are additional requirements, particularly relating to special seats and boosters for children. The details are on the DfT website (www.dft.gov.uk).
3. The regulations do not ban the carriage of standing passengers, provided the bus or coach is officially approved for this by its Certificate of Initial Fitness. This approval must be identified by the carrying capacity displayed on the vehicle.
4. All passengers aged 14 and over are always legally responsible for putting on and wearing their own belts. The fixed penalty for people caught breaking the law is £30.
5. The same rules apply to all seats on the upper deck of a double deck bus or coach. The regulations clearly specify that any deck above the driver's head (when he is in the normal driving position) is part of the rear of the vehicle. Rear is defined as any part of the vehicle to the rear of a transverse vertical plane through the rearmost part of the driver's seat.

Points to note

1. There is nothing in these "wearing" regulations to change the existing requirements for fitting belts.

6. Some buses and coaches have passenger seats alongside the driver. These are deemed front seats. It is an offence to drive the vehicle unless children are properly restrained in the front of any vehicle. Children under 3 years must be in an appropriate child seat or restraint. Children aged 3 or more must be belted in, but could use an adult belt if an appropriate restraint were not available. Alternatively the children could move to a rear seat (see bullet point 5 above).
7. Originally the driver committed an offence if he drove a car or small minibuses (unladen weight less than 2540kg) without ensuring children less than 14 years old were belted in. However, the definition of small bus has changed from an unladen weight of 2540kg to a gross weight not exceeding 3.5t. This may slightly change the driver's responsibility to ensure that children wear their belts, however there may be further changes following a consultation about extending this requirement to larger vehicles.
8. If a young child sits on a parent's lap in a PSV, only the parent should wear the belt (as a child inside the belt could be crushed if there was a collision). Special loop belts can be obtained from manufacturers.
9. Where a minibus or coach is used wholly or mainly for the carriage of children (probably where the journey would not happen if the children were not present), each child aged 3 or more must have its own forward-facing seat fitted with a belt.
10. The regulations apply equally to a crew member, such that a hostess or guide would be under the same obligation to wear their belt. However they only need to wear the belt whilst seated, and may be able to perform their duties. In these circumstances, CPT recommends that employers should conduct a risk assessment to ensure that the risk of injury to employees has been reduced to the minimum level possible.
11. The requirement to wear belts and notify passengers is an EU wide obligation. The authorities of other Member States will enforce similar requirements.

These regulations also introduce requirements regarding the use of child restraints, booster cushions and child seats in passenger cars, vans and other goods vehicles. These requirements do not apply to vehicles with more than 8 passenger seats (i.e. minibuses, buses and coaches). This material, collated by Technical Executive Colin Copelin, is taken from one of the many detailed briefings on operational matters that are available to CPT members through the CPT website.

Commercial Services – Fact File

CPT's Commercial Partner, Belmont International, has specialised in coach and bus insurance for over 15 years, and provides members with a broad range of products and services.



Here, Alison Etchells, Director at Belmont International, takes a look at two important financial services products.

Group Life

Retaining staff in the coach and bus industry has always been a problem and more and more operators are turning to providing an 'employee package' to promote loyalty and reward its staff. Benefits such as life cover and pensions have proved 'key' factors to retaining staff by enhancing the salary package.

Group life cover is possibly the more cost effective benefit where, subject to numbers of staff insured, it is flat rated across the board as opposed to individually costed. It is usual for members to be automatically covered without the need for medical underwriting, again subject to the size of the scheme.

The benefit payable is usually calculated as a multiple of salary or can be a fixed benefit per employee category.

Cover is provided 24/7, for the duration of employment

We are endeavouring to establish a CPT/BCHG member scheme, taking advantage of economies of scale.

Key Man Cover

If a partner of your business or 'key' person died or suffered a major illness could your firm continue without being affected financially? In most cases the answer would be no. Inevitably there will be some financial loss, depending on the role of the individual, for example, general manager. If a partner dies, then depending on the share agreement, you could be faced with non family members/disinterested parties owning part of the company. The injection of a cash lump sum could mean the difference between the company surviving or going bankrupt. The solution is to insure the partners or key staff.

Partnership protection allows partners to insure each other with the purpose of buying out the other partner's interest in the event of their death. Similarly, key person cover provides a cash lump sum to tide the company over, offsetting any financial losses.

A company can experience financial loss in a similar way if a partner or key person suffers from a specified critical illness and is therefore unable to work. Again, by insuring the partners and key people for such an eventuality, a cash lump sum would be paid out should a valid claim be made.

If you are interested or wish to have an indication of costs on either Group Life or Key Man cover, please call Ian Willis on 01732 744754.



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