

Derbyshire County Council

Meeting of Cabinet Member – Sustainable Communities

26 April 2007

Report of the Strategic Director – Environmental Services

New EU Drivers' Hours Rules

(1) **Purpose of Report** To inform the Cabinet Member of the change to the EU Drivers' Hours Regulations and the impact of this change for the Authority.

(2) **Information and Analysis** A new European Regulation (Regulation 561/2006) replaces Council Regulation 3820/85 on drivers' hours on 11 April 2007. The changes fall into three main areas; exemptions and derogations; drivers' hours rules; definitions, responsibilities and liabilities.

The areas that will be affected by the change in legislation are Environmental Services for Highways Works and Social Care Transport.

Currently highway maintenance and control are exempt from EU Drivers' Hours Regulations; under the new Regulation this exemption is moved into a list of derogations. The difference between an exemption and derogation is that an exemption is a list of the types of vehicles which are exempt from the rules, whilst a derogation is a list of the types of vehicles which Member States of the EU are permitted to exclude from the Tachograph Regulations within their own territories. The majority of Highways vehicles will still be exempt from the EU Drivers' Hours and Tachograph Regulations as long as they remain operating solely on highway maintenance and control. However, these vehicles are used for other purposes including highways construction and general haulage and these activities are not exempt from EU Tachograph Regulations. To ensure that staff and vehicles can be used for a wide variety of activities the Authority needs to ensure that it complies with the new Regulations.

Social Care transport is currently exempt under the derogation of vehicles used by public authorities to provide public services and this has not changed.

Legal advice has been provided by the County Secretary which supports the adoption of the new EU Drivers' Hours Regulations to allow the continued flexibility in working practices adopted by Environmental Services Highways.

An impact assessment is being carried out by the Assistant Director – Consultancy and Contracting and the County Transport Manager to determine the most effective way to implement these changes.

(3) **Financial Considerations** Implementation costs are estimated to be in the region of £18,230.00 constructed as follows:

	No	Cost Each	Total
Drivers Cards	180	£38.00	£6,840.00
Tachograph Training	180	£32.50	£5,850.00
			£12,690.00
Card Readers	12	£50.00	£600.00
Vehicle download Units	6	£150.00	£900.00
Analogue Scanner	2	£650.00	£1,300.00
Training Software	1	£120.00	£120.00
Tachograph simulator	1	£2,350.00	£2,350.00
			£5,270.00

This estimate is based on 180 drivers.

Software is provided free of charge with the card readers and vehicle download units.

The training software and tachograph simulator will allow the Authority to train staff on the correct use of tachographs. The card readers, vehicle download units and analogue scanner will capture the necessary data which then needs to be processed to ensure compliance with the EU Drivers' Hours Regulations. This work is undertaken by an external bureau the cost of which would be £14,000 per annum again based on 180 drivers. Driver's cards are renewable every five years at a cost of £5.00 per card.

The cost of the driver's cards, tachograph training and processing of the data once captured will be met from the Department's existing training (trading) budgets. The cost of the card readers, vehicle download units, analogue scanner, training software and tachograph simulator will be met from within County Transport's trading account.

(4) **Environmental and Health Considerations** Adopting the new regulations will provide better management information on the use of vehicles.

(5) **Personnel Consideration** Consultation will take place with affected staff as appropriate.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality of opportunity; and legal and human rights, and property considerations.

(6) **Background Papers**

- Regulation (EC) 561/2006 on the Harmonisation of Certain Social Legislation Relating to Road Transport Amending Council Regulations [New EU Drivers' Hours Regulations].
- Regulation (EC) 3820/85 on the Harmonization of Certain social legislation Relating to Road Transport [Old EU Drivers' Hours Regulations].
- Regulation 3821/85 on Recording Equipment in Road Transport [Tachograph Regulations].

(7) **Key Decision** No.

(8) **Officer Recommendations** That the Cabinet Member:

- 8.1 Notes the changes to the EU Drivers' Hours Regulations and approves the expenditure for training and equipment.
- 8.2 Recommends to the Cabinet Member – Strategic Policy and Budget that the software necessary for the analysis of the tachograph data be placed on the approved software register.