

- driving with falsified driver card, a card which the driver is not the holder of or a card that was obtained by false declaration, etc;
 - exceeding maximum gross vehicle weight:
 - vehicles over 12 tonnes = 20% or more;
 - vehicles less than 12 tonnes = 25% or more.
4. A vehicle is detected with roadworthiness infringements and is issued with an *‘S’ marked prohibition.
 5. Intelligence is received that suggests serious infringements are being committed/permitted by the operator, transport manager or other relevant person.
 6. Vehicle test history data suggests that vehicles are not being properly maintained.
 7. Very serious Infringements, as set out in EU Directive 2009/5 (drivers hours, rest periods, tachographs, etc) are being committed.
 8. The operator, transport manager or other relevant person has been guilty of repeated road transport offences.

What is actually looked at during an audit?

The nature and detail of a compliance audit will be linked to the circumstances triggering it in the first instance.

In considering an audit, any action taken by DVA will be proportionate to the seriousness of the issue in question.

The detail of the audit will be tailored according to the seriousness of the issue in question and may include:

- a review of all available information held by DVA;
- a visit to the operator to review their procedures, processes and records; or
- a visit to the operator to review their procedures, processes and records and to inspect a number of vehicles

DVA staff will assess the systems an operator has in place to ensure compliance with the statutory undertakings. The findings of the review will be reported to the TRU, who will then consider what action, if any, is appropriate.

The objective of the audit is to measure an operator’s compliance with industry best practice as contained within the DVA publications highlighted previously. It is therefore essential that any system or procedure introduced by an operator to manage compliance with statutory undertakings is properly managed and effective.

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The Goods Vehicles (Licensing of Operators) Act (Northern Ireland)

2010

Compliance Audits



Our Mission

“To improve road safety, reduce damage to the environment and assist fair competition by increasing compliance within the transport industry through a programme of education, inspection and prosecution where necessary.”



An Agency within the Department for

Infrastructure

Gníomhaireacht Ialstigh den Roinn

Bonneagair

www.infrastructure-ni.gov.uk



Introduction

Responsibility for the regulation of goods vehicle operators rests with the Department for Infrastructure's Transport Regulation Unit (TRU).

However, the Driver & Vehicle Agency (DVA) is required to undertake a range of additional activities to inform the TRU as to an operator's compliance with their "statutory undertakings" or "conditions of licence".

Both the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 and EU Regulation 1071/2009 have introduced additional requirements to ensure operators manage their businesses safely and properly.

If an operator, their driver, transport manager or other relevant person is detected committing a serious infringement and is deemed not to be complying with these requirements, a compliance audit or review may be undertaken at the operator's premises.

This leaflet is designed to give an operator an overview of what to expect should they be subject to an audit or check at their premises.

The leaflet is not designed to give detailed information on what standards are expected as these can be found in other documents including the DVA publications "A Guide to Maintaining Roadworthiness", "The Safe Operator's Guide".

The Department will grant an operator's licence only if it is satisfied that the licence holder will fulfil various requirements in relation to vehicles operated under the licence. The Department may impose additional conditions as it sees fit. However, the key ones are set out below.

1. There are satisfactory arrangements for ensuring that drivers' hours and tachograph requirements are complied with.
2. There are satisfactory arrangements for ensuring that vehicles are not overloaded.
3. There are satisfactory facilities and arrangements for ensuring that vehicles are maintained in a fit and serviceable condition.
4. There is a minimum of one approved operating centre suitable for the number, type and size of vehicles operated under the licence.
5. Maintenance records are being retained for at least 15 months.

What can trigger a DVA Compliance Audit?

DVA may decide to undertake a compliance audit for a wide variety of reasons. The following list is not exhaustive, but designed to illustrate some of the more common grounds for such a visit.

1. Request from the TRU.
2. The operator, transport manager or other relevant person has been convicted of one or more serious infringements in connection with:
 - driving time, rest periods, working time or recording equipment;
 - maximum weights or dimensions;
 - initial qualifications or driver CPC;
 - vehicle roadworthiness or annual test;
 - operator licensing;
 - dangerous goods;
 - speed limiters;
 - driver licensing;
 - animal transport.
3. The operator, transport manager or other relevant person has incurred a penalty for one or more of the most serious infringements as contained within Annex iv of EU Regulation 1071/2009 including (summary only):
 - exceeding max 6-day or fortnightly driving time by 25% or more;
 - no tachograph, speed limiter, using a device to fraudulently modify records or record sheets/data;
 - no roadworthiness certificate;
 - very serious roadworthiness deficiency in respect of braking system, steering linkage, wheels/tyres, suspension or chassis leading to immediate prohibition;
 - no driver's licence;
 - no operator's licence;