

Winter 2023

The **NOVEMBER** ISSUE

The Official
NFDA
magazine
for the
Industry



The Voice Interviews
Graeme Potts,
CEO Eden Motor Group

In this issue...

- ▶ The NFDA Spring Ball
- ▶ Ben Cost-Of-Living Crisis ▶ Meet the NFDA Team
- ▶ Audi UK first to achieve 100% EVA Accreditation
- ▶ MILS Quarterly Bulletin ▶ Drive My Career Survey

Welcome to the Winter Edition of the Voice



Sue Robinson,
NFDA Chief Executive

The discussion surrounding Agency Models and block exemption continues to overshadow our sector. Throughout the year, we have continued to work closely with retained legal advisor, Miles Trower, Partner TLT LLP. Ongoing presentations have been extremely important in keeping the industry up to date with the latest developments on Agency, ensuring that members are better informed as to how this transition may influence their business.

NFDA Northern Ireland Division has made good ground with the increasingly concerning MOT backlog issue. November facilitated a meeting between franchised dealer members, MPs and MLAs in Belfast, which was hugely successful in alerting government officials of the broken system and the need for action. NFDA will continue to lobby on behalf of its members as substantial change is required in the system to rectify the MOT issue which is risking motorist's safety and is causing retailers financial damage.

NFDA's Electric Vehicle Approved (EVA) scheme reached another significant milestone as Audi becomes the first manufacturer to achieve 100% accreditation across its dealership network in the UK. The financial investment and dedication to achieve this highlights the importance Audi places on the decarbonisation of UK transport and its expertise in the EV retailing sector. We are delighted to now call one of the most recognisable automotive manufacturers 100 percent Electric Vehicle Approved.

Since its launch in February 2018, Drive My Career has seen incredible growth. DMC

membership fees will be sent out at the beginning of the new year which entitles members to the vast amount of DMC benefits from digital marketing, to survey access, to event representation. In the Winter Edition of The Voice, you will find DMC's second survey of the year, titled: "Economic Crisis: how will this impact my career?". The survey explored how young people perceive the current economic climate, the fears it presents for their future career prospects and how Drive My Career can offer support by raising awareness of exciting career opportunities in the automotive sector.

The NFDA Spring Ball will be back on Saturday 22 April 2022! Our yearly celebration of automotive excellence will return to The Grove, Chandler's Cross, Hertfordshire. Secure your tickets today! Please email lena.patel@rmif.co.uk for full details and find more information in this copy of The Voice.

Finally, NFDA is organising a dealer trip to the NADA Show 2023 taking place in Dallas, Texas. NADA is the perfect opportunity to learn all about all the latest trends facing our industry. We will be departing on 25 January and returning Sunday 29 January, please email lena.patel@rmif.co.uk for full price packages and to reserve your place.

Thank you all for your continued support, best wishes for Christmas and a 'positive' New Years, from the NFDA team.



Sue Robinson, NFDA Chief Executive

Dear Colleagues,

Over the past 12 months, the UK has lived through a number of challenging conditions which has impacted the automotive industry. Issues relating to COVID-19 lockdown measures, conflict and wider economic turbulence have had an adverse effect on the supply of new cars entering the vehicle parc, making it significantly harder for franchised dealers to attain the newest vehicles. As a whole, members have reported that consumers are understanding of this issue affecting retailers across the industry. The used car market, on the other hand, has reached record high values due to the shortage in supply. High used prices, coupled with strong consumer demand, has made for a lucrative year for many. Above all, dealers have maintained their resilience throughout the year and have continued to operate under increasingly difficult conditions.

NFDA DEALER MEMBER MEETINGS – Upcoming dates and venues for the diary

Join our regional meeting to discuss the range of key issues facing franchised dealers.

<p>EXECUTIVE MEETING Venue: Inter Continental London Park Lane Date: 17 January</p>	<p>SOUTHERN REGIONAL MEETING Venue: Hilton, Cobham Date: 14 February</p>	<p>SOUTH WEST REGIONAL MEETING Venue: Double Tree by Hilton Bristol North Date: 15 February</p>
<p>MIDLANDS REGIONAL MEETING Venue: Delta Hotel by Marriott Warwick Date: 21 February</p>	<p>NORTHERN REGIONAL MEETING Venue: Thorpe Park Hotel & Spa, Leeds Date: 22 February</p>	<p>NFDA USED CAR WORKING GROUP Venue: TBC Date: 2 March</p>

The regional meetings help us set the direction of our work and enable us to provide you with an accurate update on all our activities. Your feedback is key and your attendance to the NFDA Regionals is vital: please contact lena.patel@rmif.co.uk to attend.

Meetings take place in the morning and lunch is provided.



Help coping with the post-Christmas cost-of-living crisis.

As the festive season ends, Christmas cheer seems to have been much shorter supply than it has been in the past. The pressure of a cost-of-living crisis has led many of us to tighten our purse strings, limit our gift budgets, ration our fuel and strip away some of the festive excess to ensure we can get through the winter to avoid further financial pressure.

Christmas is always a challenging period for those who are struggling with their physical or mental health or those who are experiencing loneliness. It's easy to feel overwhelmed by the holiday season - with money worries just one of the many factors that contribute to elevated stress levels and lowering mood at this time of year.

When fuel bills and food costs are so high, many people have been choosing between heating or eating this Christmas and that is a near-impossible dilemma. While this time of year is, in theory, a time for giving and spending time with loved ones, it's also important to ensure that you making healthy choices that prioritise your own health and wellbeing and not make the winter period more difficult than it needs to be.

Stress and anxiety are sometimes hard to avoid over Christmas, but BEN, the automotive industry charity, has a whole host of tools to help you cope with the post Christmas period, including managing your money, coping with stress, anxiety and building along with developing your personal resilience.

Additionally, from guidance on how to keep your home warm over winter to debt and borrowing advice, tips on managing your mental health to support for those experiencing loneliness, Ben is there to help anyone from the automotive

community who is struggling or in crisis this winter. Whether you work in the showroom, the office or the workshop, if you're one of the 800,000+ people working in automotive in the UK, then we're here for you and your family.

Rachel Clift, Health & Wellbeing Director at Ben, said: "The winter season is always tough for those who are struggling and we are seeing a significant increase in demand for our services this year due to the huge financial struggles our automotive family is facing.

"We want our industry family to know that they don't have to suffer in silence. Our team is here to help you through this difficult period – whether you just need a friendly, reassuring voice, or practical support, we are ready to take your call and get you through the challenges you're facing."

If you are struggling, or you're worried about someone else at this time of year, then you can find some more advice at www.ben.org.uk

You can also chat with us online or call our free and confidential helpline on **08081 311 333**.



Ben also operates an out-of-hours text support service, to access this service you can text BEN to 85258. This is a free, confidential, and anonymous service.

We're in this together

NFDA are delighted to announce

The Spring Ball

Saturday
22 April 2023
at The Grove,
Chandlers Cross

Save the date!
Reserve your tickets now!



The NFDA Spring Ball is returning to the world renowned five-star Grove Hotel, Chandler's Cross, Hertfordshire, on Saturday 22 April 2023! Join us for a captivating night of stellar entertainment, fine dining, and unique networking opportunities with key automotive stakeholders.

An incredibly talented live musical performance will top off what is already set to be a riveting night, accompanied by a celebrity after-dinner speaker. The NFDA Spring Ball 2022 saw Mark Durden-Smith, TV presenter, and former Cabinet Minister Ed Balls offer their attendance, sharing insights on their show business and political careers.

Ticket types vary, allowing you to come solely for the night's festivities or include accommodation to extend the evening and enjoy a luxurious stay at The Grove Hotel & Golf Resort. All table and ticket packages include a welcome drinks reception, as well as a three course dinner with wine and beer. Additional accommodation at The Grove includes an overnight stay in the 5 star hotel, access to SPA facilities, breakfast and the opportunity to use The Grove Golf Course at an extra cost.



To reserve tickets:

Please contact lena.patel@rmif.co.uk

#NFDA SpringBall

CELEBRATING AUTOMOTIVE EXCELLENCE.

Celebrating Automotive Excellence

The Spring Ball



There are 5 level of sponsorship options available to suit your businesses requirements, take a look at the options below and contact lena.patel@rmif.co.uk to secure your table!

NFDA SPRING BALL 2023 SPONSORSHIP OPPORTUNITIES

Saturday 22 April 2023, The Grove, Herts.

Level 1 sponsor - £1,000

- Two tickets
- Name and logo in menu book

Level 2 sponsor - £2,000

- One double room and two tickets
- Name and logo on all promotional material

Level 3 Award sponsor- £3,500

- One double room and two tickets
- Name and logo on all promotional material
- Name associated with the award and presentation of the award
- Mention in NFDA's post-event communications including social media, press release, newsletter and NFDA's magazine

Level 4 sponsor - £5,000

- Two double rooms and four tickets
- Name and logo on all promotional material
- Pop-up banners during drink reception
- Branded signage
- Mention in NFDA's post-event communications including social media, press release, newsletter and NFDA's magazine

Level 5 Headline sponsor - £20,000

- One table of ten and five rooms
- Name and logo on all promotional material
- Pop-up banners and stand during drinks reception
- Name and logo on signage, AV display, menu book etc
- Marketing material on tables and drinks reception
- Table gifts or goodie bags to take away
- Mention in NFDA's post-event communications including social media, press release, newsletter and NFDA's magazine.

**All prices exclude VAT*



NFDA SPRING BALL 2023 TICKET OPTIONS

Saturday 22 April 2023, The Grove, Herts.

All table and ticket packages include:

- Welcome drinks reception
- Three course dinner
- Wine and beer with meal

Accommodation includes:

- Overnight stay in luxurious 5 star hotel
- Access to SPA facilities
- Breakfast
- Golf course available at extra cost

Ticket options:

- Table of 10 plus accommodation (5 double bedrooms): **£4,495**
- Table of 10: **£2,495**
- Couple tickets with accommodation: **£895**
- Couple tickets: **£475**
- Individual ticket with accommodation: **£595**
- Individual ticket: **£245**
- Additional accommodation: **£425**

**All prices exclude VAT*

For more information and to buy your tickets, please email lena.patel@rmif.co.uk or contact **07341 396125**



To reserve tickets:

Please contact lena.patel@rmif.co.uk

#NFDA SpringBall

CELEBRATING AUTOMOTIVE EXCELLENCE.

PROVIDING MORE FOR CONSUMERS AND DEALERS IN THE COST-OF-LIVING CRISIS



Insurethat Showcase Their Simple, Clear, Affordable Mantra

With unique offerings to enhance your sales process, Insurethat's innovative approach to GAP supports dealers and consumers alike. You provide Insurethat's free 30-day GAP insurance to consumers at the point of vehicle sale and introduce them to us. Consumers have peace of mind that the value of their vehicle is protected and even better, for every lead you provide you receive a fee – **regardless** of if the consumer goes on to purchase a full policy.

Simple

There's no hassle* involved, you're able offer a great additional product to your consumers and we'll handle the rest. At a time where dealers are bracing for a cost-of-living crisis which looks set to be long lived, it's more important than ever to maximise additional revenue streams. With access to our proprietary online portal and bespoke point of sale materials it couldn't be simpler to tap into this additional opportunity, not only for you but for your customers too. Our dealers receive guaranteed income from the scheme, providing them with extra security and allowing them to concentrate on their main business, selling vehicles, but their customer will also receive a completely free term of cover from us – with absolutely no obligation and a whole 30 days to shop around in the market. Whilst we hope some will choose us for our industry leading policy features, the customer comes first at InsureThat and as a "consumer-first" distributor, there is zero tie-in and we actively encourage checking out our competitors; yes, we're that good!

Clear

Our efficient service is easy to access and jargon free. The stats speak for themselves: 93.4% of our calls are answered within 30 seconds and of the tens of thousands of consumers we interact with, our average CSAT score is an impressive 4.88 out of 5. By keeping the consumer at the heart of everything we do, you can be sure that they continue receive the best experience even after they've left your forecourt. To ensure it stays that way, as we've grown we've invested over £1,200,000 in recruiting additional staff for both our consumer and dealer divisions. And we don't just make it clear for consumers, as a dealer we'll provide you with tailored reporting packs to guarantee continuous enhancement and transparency with our network.

*Subject to due diligence. We expect the upmost standards of our affiliated dealerships. If you have a great passion for delivering exceptional results for your customers, we want to speak to you!

Affordable

Now more than ever, it's critical that consumers know how they're going to pay their bills. For many families feeling the pinch their vehicle is essential for getting to work but if it was to be written off they might be left out of pocket and unable to purchase a similar vehicle. Protecting that asset has never been so important. That's why Insurethat are one of the only providers to offer a 0% interest premium funding facility over a 36-month term. Helping consumers to manage their budgets and spread the cost, the appetite is clear, with nearly 85% of policies being purchased through premium funding compared to the industry standard of around 11% - our premium finance also comes with zero obligation; if the consumer changes their mind, the payments stop, and there no penalty or cancellation charges.

Get in Touch

Interested in discussing how you can become part of Insurethat's dealer network? Contact Ben Lillywhite, Sales Director: ben.lillywhite@insurethat.com

Find out more at <https://www.insurethat.com/more>



AUDI UK CENTRES ARE FULLY CHARGED: ENTIRE NETWORK ACHIEVES 100 PERCENT ELECTRIC VEHICLE APPROVED (EVA) ACCREDITATION

- 113 Audi Centres gain approval under Electric Vehicle Approved scheme
- NFDA's EVA scheme endorsed by the Government's Office for Zero Emission Vehicles (OZEV)
- First manufacturer to achieve 100 percent network approval
- EVs account for almost 11 per cent of Audi UK sales in 2022

Audi is the first car manufacturer in the UK to receive Electric Vehicle Approved (EVA) accreditation across its entire network of centres. Developed by the National Franchised Dealers Association (NFDA), endorsed by the Government's Office for Zero Emission Vehicles (OZEV) and independently audited by Energy Saving Trust, the EVA accreditation is a clear demonstration of electric vehicle expertise across all areas of automotive retail and Audi's achievement is a reflection of the company being at the forefront of electric vehicle development.

Despite having one of the largest networks of retailers in the UK, Audi is the first brand to achieve 100 percent EVA approval across its 113 Centres. This achievement is a reflection of Audi's commitment to electric vehicles and ambition to become the leading provider of sustainable mobility. The EVA scheme encourages dealerships to further develop their ability in selling and servicing electric vehicles and build consumer confidence in electric vehicle technology.

Andrew Doyle Director Audi UK, commented: "Audi has a clear and unwavering commitment to electric vehicles - from 2026 every new model we launch will be fully electric. It's therefore essential that our expertise and knowledge are applied across the entire business and visible to all – especially to our customers.

"Being the first manufacturer in the UK to achieve 100 percent network EVA accreditation is a testament to our first-class teams across our dealer network and at Audi UK. We are matching rapid customer interest in our electric vehicles by equipping our company and staff with the tools and training they need to provide a seamless and confidence-inspiring experience to our customers as we accelerate the transition to a fully electric future."



As part of the EVA accreditation, each Audi Centre is independently audited by the Energy Saving Trust to verify that they meet a set of standards covering EV sales and aftersales. These include the customer qualification process, staff knowledge and training, EV demonstration and handover processes as well as the availability of EV service bays and charge points on site.

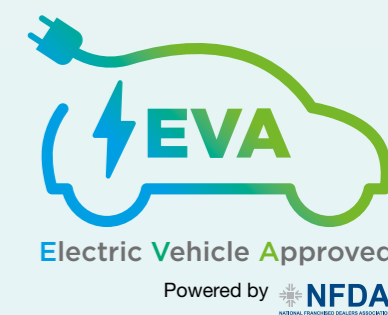
In the first 10 months of 2022, Audi UK sold 9,781 electric vehicles representing a 12.6 percent increase year-on-year. Today's lineup of fully electric models comprises the e-tron SUV and e-tron Sportback, e-tron GT and high-performance RS e-tron GT as well as the



increasingly popular Q4 e-tron SUV and Q4 Sportback e-tron. In March 2023 will also welcome the new Q8 e-tron family into Audi Centres. Within the next three years, Audi's product portfolio will expand to include at least 20 fully electric vehicles.

Commenting on Audi's success, Sue Robinson, Chief Executive of the National Franchised Dealers Association (NFDA), which launched the EVA scheme, said: "Audi reaching 100 percent EVA accreditation across its entire UK network, is an incredible achievement and is another significant milestone for the NFDA's EVA scheme itself. The financial investment and dedication to achieve this highlights the importance Audi places on the decarbonisation of UK transport and its expertise in the EV retailing sector. We are delighted to now call one of the most recognisable automotive manufacturers 100 percent Electric Vehicle Approved.

"The rapid growth of the programme means that consumers looking to make the shift to electric will be able to do so at an increasing number of EVA sites, benefiting from the informed sales staff, a better range of EV models and improved EV facilities and charge points. This will all contribute to improving consumer confidence and drive EV adoption. We hope that Audi is the first of many to achieve 100 percent accreditation as the scheme continues to gain momentum and increase its coverage of dealerships within the UK."



Meet the Team

FUN FACTS from our NFDA team!

Mark Ayres
Field Sales Manager

- Family man, golden retriever dog walker... and part-time DJ!
- I am the member facing field sales manager who also handles member enquiriess with Government bodies like DFT, OZEV and the energy saving trust.



Oliver Nurser
Policy and Research Officer

- I'm the tallest in the office.
- I speak to boring Civil Servants so you don't have to.



Zachary Moodie
Policy and Research Executive

- I've read all of Game of Thrones. Twice!
- I'm the one who gets scared every time Government thinks of a new policy idea.



Adam Weeks
Communications Officer

- I run my own Sunday league football team with my friends.
- I am the one that writes many of the things you receive from the NFDA.



James Perman
Marketing Executive

- I am actually the tallest in the office.
- As the Marketing Executive for the NFDA, I design marketing material and run their online channels!



Annaluce Cavalmoretti
Communications Executive

- I'm everyone's favourite co-worker in the office.
- I'm responsible for the daily operations of Drive My Career and, of course, trying to maintain my "favourite co-worker" title!



Stephen Latham
Commercial Vehicle Advisor

- My 'outside of work' passion is the sea and spend many hours sailing off the Cornwall, Devon & Dorset coast.
- I have always had a passion for the Van & Truck sector of the motor industry so after many years working in dealerships I now assist NFDA-CV members with issues around DVSA information on testing and compliance plus lobbying for commercial vehicle dealers to be better supported by Government.



Susan Munslow
Member Support Officer

- I married in Las Vegas at Gracelands, Chapel and our family and friends were all shook up by Elvis (an impersonator, obv's) who serenaded us with a few well-chosen songs. Viva Las Vegas!
- Member support calls come to me when I hope to help with your issues and concerns.



Anna Miskewic
Office Administrator

- I once lost one of my shoes whilst on the underground. My heel got stuck and the shoe fell onto the track. I had to go home barefoot, through Brixton... not quite the perfect Cinderella story I would have hoped for!



- For the NFDA, I have gone through over 400 members details, and I haven't quit my job. Still love it!

Thomas Warburton
Policy Intern

- I am a triplet.
- I'm the intern so I make lots of tea and coffee, and I support the press and policy team, writing press releases and consultation papers.



Sue Robinson
Chief Executive of NFDA

- No fun facts!



Lena Patel
PA to Chief Executive

- I'm really good at cricket.
- I'm the one who keeps appearing in your inbox!



Symon Cook
Head of Operations

- I once won a holiday in a talent competition for playing the Drums, I was 8 years old.
- As Head of Operations I take responsibility for looking after our members needs and assisting them all aspects of their business, from Electric vehicle accreditations with EVA, to Careers opportunities with Drive my Career. Hosting regional meetings and working groups for our Motorcycle association committee and Aftersales, EV and HR. Representing NFDA at networking events with Government bodies like DFT, OZEV and the energy saving trust.



Louise Wallis
Head of Business Management

- I have a mad but adorable Labrador.
- I am the one that helps members with all their FCA issues and other business problems.



NFDA
NATIONAL FRANCHISED DEALERS ASSOCIATION

DIGITAL RETAILING RESEARCH

in partnership with

AutoTrader **icdp**



National Franchised Dealers Association (NFDA), in collaboration with Auto Trader and the International Car Distribution Programme (ICDP) are conducting research to understand how retailers across the UK are adapting their business and operations as more of the car buying experience moves online.



This research will provide actionable insight on how you can support consumers to complete more of the car buying process online, improve efficiency through your operations and set yourself up for success in the future. These insights will help improve the car buying experience and help understand how opportunities and efficiencies can be created for all retailers.

Find the link to the short survey here:

Or type this address into your browser:
<https://t.co/V4vOR841xC>

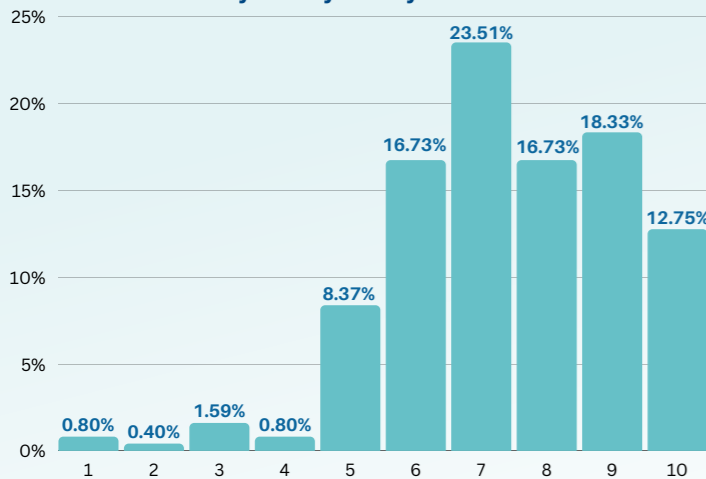


69% OF 16-24-YEAR-OLDS ARE WORRIED THAT THE CURRENT ECONOMIC CLIMATE IN THE UK WILL AFFECT THEIR CAREER

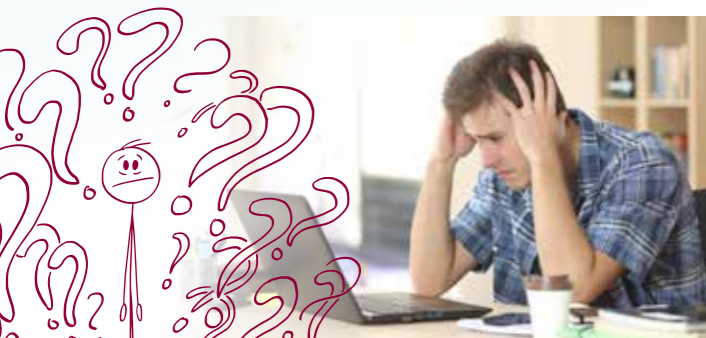
- 84% of respondents are looking to start a career in the near future
- Drive My Career is working to raise awareness of exciting career opportunities in the automotive sector.
- Drive My Career (DMC) is the employment initiative launched by the National Franchised Dealers Association (NFDA) in 2018 to promote the retail automotive industry and to raise awareness of the exciting career opportunities it offers.

Drive My Career regularly polls its target audience of 16-24-year-olds to investigate the latest issues impacting younger people and to better understand perceptions of the automotive industry.

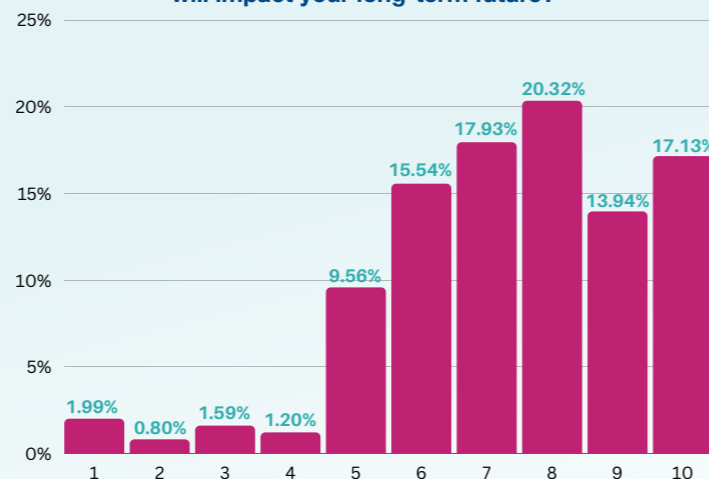
How severely do you think the economic crisis will affect your day-to-day life?



Drive My Career's most recent survey, titled: "Economic Crisis: how will this impact my career?", received 804 responses and researched how young people perceived the current economic climate and how broader issues impacting the UK will have an effect on their career prospects.

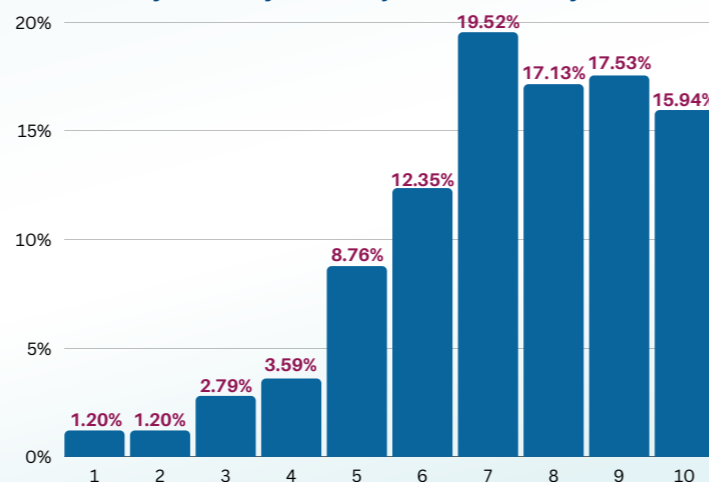


How severely do you think the economic crisis will impact your long-term future?

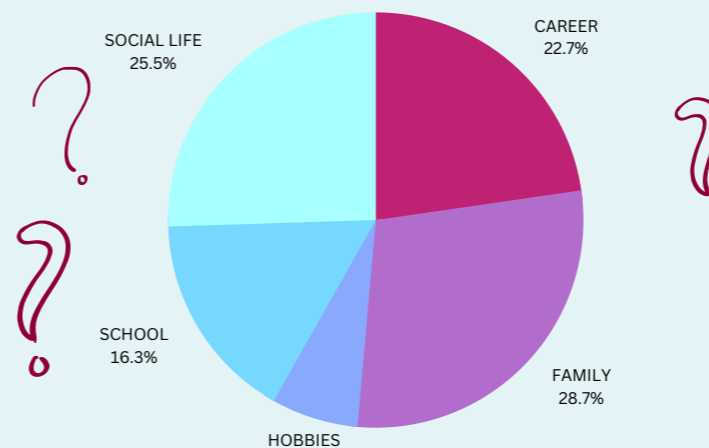


When analysing the responses from 16-24 year olds, the survey found that 71% are worried the economic crisis will affect their day-to-day life and 69% think it will also impact their long-term future.

How do you think the current issues in the UK will affect your ability to find a job in the next 5 years?

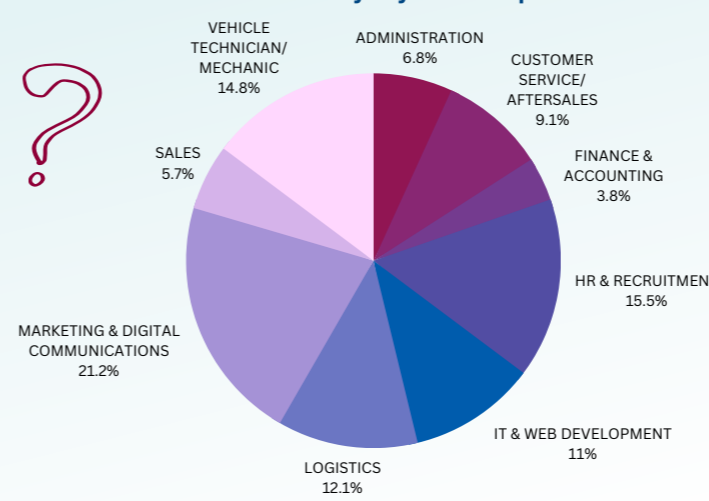


Which areas of your life do you think will be, or have been, impacted by the current issues in the UK?



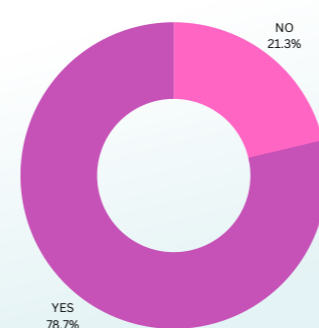
Interestingly, when asked which areas of their lives they think will be, or have been, affected by current issues in the UK, the highest response of 29% are concerned it will negatively impact their family, 26% said their social life, and 23% said their career. Furthermore, 70% of respondents think that current economic issues will have an affect their ability to find a job in the next 5 years.

Which of the following career paths within the UK automotive industry is your most preferred?

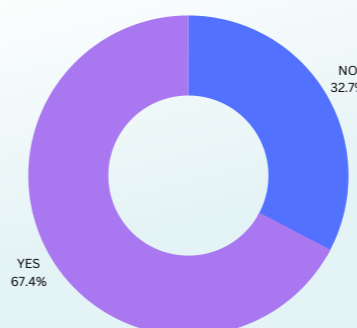


Ultimately, the survey has revealed that an overwhelming majority of young people are worried, or have concerns, that the current climate in the UK will have an adverse effect on their future. Fortunately, Drive My

Respondents currently in school who are aware of job opportunities in the automotive industry



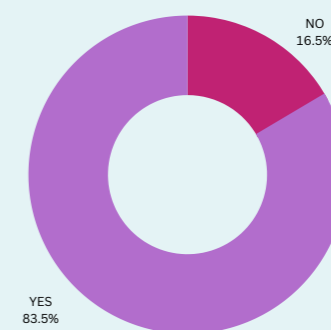
Respondents currently not in school who are aware of job opportunities in the automotive industry



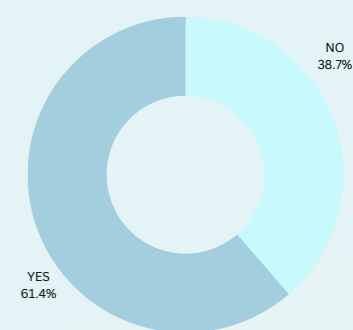
If you are a Drive My Career member and would like to run a survey to our audience of automotive enthusiast, please contact annaluce.cavalmoretti@rmif.co.uk

Career works hard to inform the younger generation that the automotive industry is a career path that has many opportunities.

Respondents who are unemployed looking to start a career in the immediate future



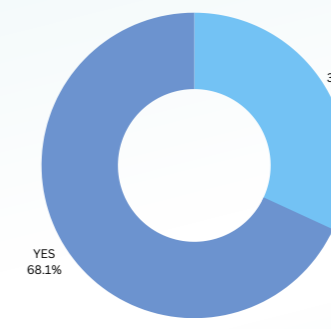
Are you aware of the potential career progression offered within the UK automotive industry?



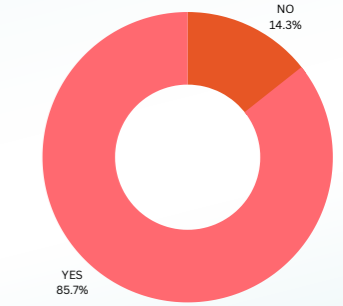
Among respondents who are currently in school, 79% are aware of job opportunities in the automotive industry and among respondents who are currently unemployed, 84% are looking to start a career in the near future. When asked which Automotive career paths would be of most interest to them, digital marketing and communications received the highest response (22%), followed by technician (16%), and logistics (13%).

The survey also shows positive signs for Drive My Career and automotive industry's awareness. Most respondents were already familiar with Drive My Career (68%), highlighting our strong brand recognition for young automotive enthusiasts, and felt more confident about their future career prospects after hearing about the options offered by the automotive industry (86%).

Are you familiar with Drive My Career?



Do you feel more hopeful about your career after hearing the options the automotive industry offers?



Sue Robinson, NFDA Chief Executive, commented: "Young people are clearly concerned for their future job prospects, given the current state of the economy. At NFDA, we are committed to helping young people launch their career in the automotive sector. Drive My Career was launched by the NFDA to promote the retail automotive industry and to raise awareness of the exciting career opportunities it offers. We work with industry partners to drive people into the automotive sector where careers can be made in technology, sales and many other roles. Going forward, we will continue to work hard to enable our business leaders of the future."

Visit the Survey results here:



Take a look behind the scenes... with NFDA Policy

As the automotive industry recovers from the effects of COVID-19, tight vehicle supply, economic turbulence and the ever-increasing concern for the sector to meet net-zero targets, it has been a busy year for the NFDA policy team. NFDA has worked hard behind the scenes as the voice of automotive retailers, lobbying government and prioritise the issues that face our industry.

Online sales tax scrapped

After being asked by the government to consult on a proposed implementation of an online sales tax, the policy team were happy to provide their expertise, recommending that the tax should not be legislated, as it risked taxing some brick and mortar businesses disproportionately. We are pleased to report that the online sales tax was scrapped in the autumn budget. A win for our members, allowing them to continue to trade and be taxed fairly in a rapidly digitising sales process.

Dealer Attitude Survey (DAS) receives record response rate

The annual Dealer Attitude Survey (DAS), saw record responses this year. The DAS is an essential tool for the NFDA to further our member's interests, it's vitally important that we have a wide range of responses to further our understanding of the issues they may face.

Froze Business rates and removed the downward multiplier

After consulting our members, we recognised the challenges that the high business rates are having. The policy team lobbied the Department for Business, Energy and Industrial Strategy, and after a productive consultation, the Chancellor announced in the Autumn Statement the freezing of the business rates multiplier for an additional year, this is set to save ratepayers £9.3 billion over the next five years, giving our members extra support over this difficult period. NFDA also welcomed the Chancellor's announcement that the downward multiplier would also be removed, giving businesses who have had their valuation reduced a helping hand.

Northern Ireland MOT meeting

Over the last year, we have had several meetings with the Northern Irish DVA, raising the profile of the MOT backlog. The delays in the MOT system are a unique problem for our Northern Ireland members and are often overlooked during a period of political stagnation in the Northern Ireland Assembly. Since NFDA held its first member meeting in Northern Ireland back in October we have now also held productive meetings with members of the Executive Assembly and MPs on the issue to express our concerns with the current MOT system and how to best tackle the backlog. NFDA has further meetings with parliamentarians already scheduled to continue to pressurize government on the issue and drive our argument for change.

Meeting with MLA Minister of Agriculture, Environment and rural affairs

The NFDA met with Edwin Poots, the MLA for Belfast South,

at the time the Minister of Agriculture, Environment, and Rural Affairs. A challenging but productive meeting has facilitated a closer working relationship with the MLA and its key figures, allowing our members in Northern Ireland to be better represented and the Northern Irish assembly to be aware of the unique issues that face our industry.

L-cat bikes consultation response led to a meeting with DfT

The Policy team was asked to respond to a consultation on the planned phase-out date for L-category bikes. As part of this process, the team met directly with two senior policy advisors for the Department for Transport. The meeting proved successful, with the policy team demonstrating our concerns about the plans and the issues our members will face. We hope to receive the results of our work in the New year.

Party conferences

Sue Robinson, Chief Executive of the NFDA, Oliver Nurser, Policy and Research Officer, attended this year's Conservative



and Labour Party conferences in Birmingham and Liverpool respectively. Both conferences proved to be a successful opportunity to meet with prominent MPs and political figures from across the political spectrum. Oliver proved to be a natural for the silver screen, with appearances on both BBC and ITV, watch out Hollywood!

Consultations

The policy team responded to a large number of consultations this year on behalf of franchised dealers, notably representing our member's concerns in regards to large shifts in the industry like the move towards the electrification of the vehicle parc and an Agency sales model.

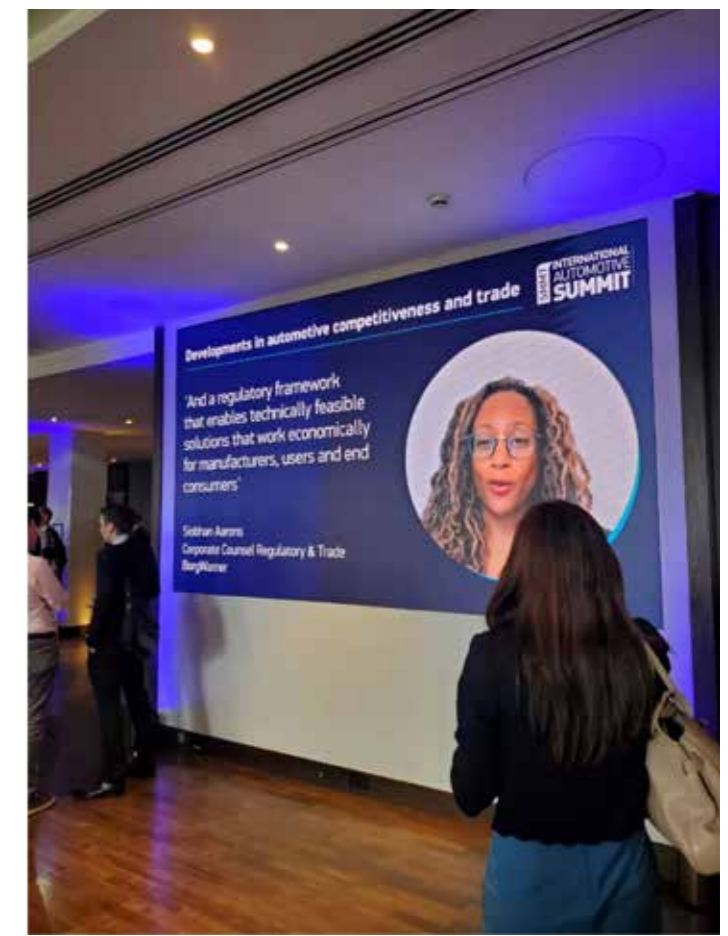
The policy team also undertook consultations on the following:

- Driving licence flexibility for alternatively-fuelled vehicles
- Consultation open for new standards seeking to ensure accessibility of Electric Vehicle public charging
- Online Sales Tax: Policy Consultation
- FCA regulated fees and levies: rates proposals for 2022/23
- Northern Ireland Future Energy Strategy
- Improving air quality and Londoners' health, tackling climate change and reducing congestion among others.
- Call for evidence on opportunities for changes to the driver licensing regime
- Consultation on the Proposed Content of the new Road Safety Strategy for Northern Ireland to 2030
- FCA: A new Consumer Duty
- UK competition law: Motor Vehicle Block Exemption Regulation



International Automotive Summit 2022

The NFDA Policy team attended the International Automotive Summit 2022, the event was a brilliant opportunity to meet with figureheads of the industry and politicians from across the political spectrum. The summit saw discussions on key sector challenges such as sustainability, competitiveness, future retailing models and infrastructure which NFDA continues to monitor.



“With every pair of hands, you get a free brain”



Q
A

Neil Addley talks to Graeme Potts, CEO Eden Motor Group about his career and philosophy as a motor retailer.

many lessons to learn and above all I think I learnt there is always a solution. Graeme confirmed he did coin the phrase “with every pair of hands you get a free brain.”

Its both altruistic born out of a belief in people and their experience, foresight, and insight but also commercially pragmatic. Leaders must beware of the risk of trying to do everything themselves. Learning from both positive and negative experiences helps us

all develop our true potential.

From my time in M&S I had the privilege of doing and loving every job in the business. It was a bit humbling and gave me an appreciation of the skills and diligence required in every role – and it also stops people trying to pull the wool over your eyes!

Early on as a General Manager in a small but very successful Rover dealership I'd have the regional aftersales manager from Rover calling me to ask about Rover Warranty. I've always been keen to 'read my way' into a job and I am a bit of a sponge. Generally, I take the view that 'If I don't know, I will find out'.

I was very fortunate to be associated with the success and growth at Reg Vardy but, ultimately, I would always be number two. So, when I was approached for something quite different, the CEO role at the RAC it was very flattering and out of my comfort zone, but we managed to turn it from a breakeven to a profitable business.

I hope I did a good job, but it was a tough situation to get the culture right. It was quite an old fashioned, almost militaristic business and so we had 4 priorities:

- 1) Openness of leadership
- 2) Demystifying the accounts and KPI's
- 3) Create a sort of communal agenda and
- 4) Above all, celebrate success!

(Something we all too often forget to do.)

Inchcape brought greater responsibility for retail in what was essentially a distribution business. Again, it was very hierarchical and significantly over-costed. A lot of the lessons from the RAC could be applied again. By nature, I want to work

with people. I get the biggest kick from helping and mentoring talent. But there is a need to balance speed of action and people to get things where they need to be.

If a person is a square peg in a round hole it's not their fault. It's the company, the senior people who have put them in that position. In that case I believe a leader must be decisive in action but generous in the parting.

Whilst I had enjoyed my time working in these big organisations, I always had an ambition to do 'something of my own' and perhaps a fear of regret if I didn't. I found myself in the privileged position of being able to do so. Vauxhall at the time was backing owner drivers with joint ventures called 'Motors Holdings,' and so I went from a billion turnover to a more modest one, but as majority shareholder.

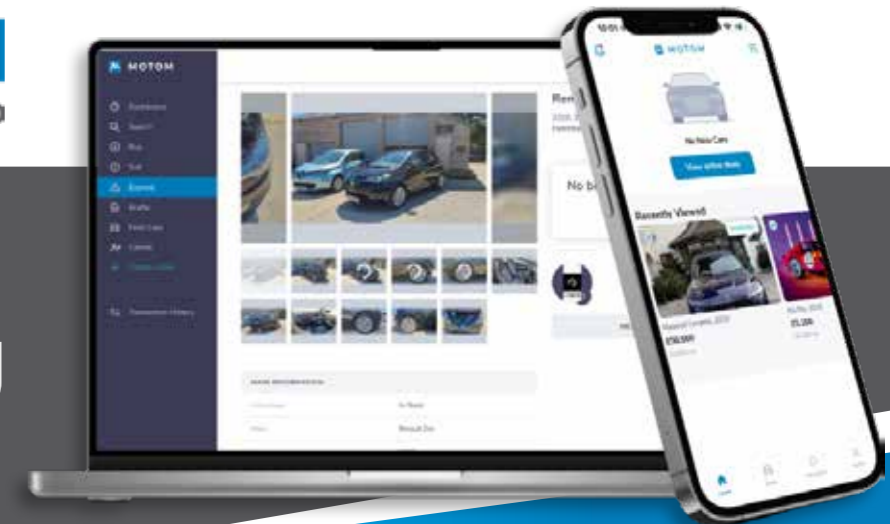
With Eden the best bits are the non-monetary ones, the things I believed in, wanted to put into practice in an unadulterated way. I take great satisfaction from seeing people develop within the business. I'm proud of how our company has developed and love to see 'stakeholders' reaction as they acquire and develop business skills. That is the focus of Eden.

“And as we look to the future there will still be a sizable market for people wanting to buy and service vehicles. Serve that market with good products, good pricing and a good customer experience and you'll be prepared for the significant challenges coming down the tracks”

The biggest challenge isn't the cost-of-living crisis but the forced, political nature of the move to EV's. It is forcing up prices for both ICE vehicles and alternatives and is in danger of eroding consumer choice. If I could make changes to (government) policy I would push out the deadline to 2035 in line with the EU. Put a greater emphasis on the market to decide progress towards alternatives, but not BEV only”.



MOTOM - Remarketing Reimagined



MOTOM is an independent automotive technology business with ambitions to challenge and drive fundamental change across the wholesale remarketing sector of the UK automotive industry. Uniquely supported by 12 seasoned remarketing experts who served as pre-launch advisors, MOTOM was unveiled in the Autumn of 2022. The B2B used car trading app, and its desktop sibling, delivers a robust digital platform that's interactive, engaging, and intuitive to use. And as the market anticipates a cooling in values, MOTOM's low-cost proposition complements users' appetite to drive down their total cost of defleet and/or acquisition.

The MOTOM management team is underpinned with over 100 years of experience across the automotive finance, mobility, fleet and asset management sectors and includes two regarded personalities from the fleet and leasing industry. CEO, Julian Humphreys, brings Board-level experience from his time with Interleasing, General Motors, and Maxxia Group whilst CCO, Mel Goodliffe, held senior roles with CitiCapital Fleet, Thrifty and Flexilease.



Julian Humphreys

Julian Humphreys, commenting on the launch of MOTOM said “The key output from our research advisory panel was clear in that potential users were looking for a low-cost trading platform that's not only easy to use but allows them to make buying and selling commitments in minutes rather than hours. We also found that many wanted additional tools and big data to help their businesses better compete with the wave of supposed disruption in the

sector and be assured they are dealing with an independent business that truly understands the dynamics of the market.”

Mel Goodliffe, pondering the 2023 landscape, said “The next 12 months will accelerate unprecedented change in the sector with macro-economic influences such as recession and enhanced asset management. On a local level, the MOTOM telephone support team, speaking with users, are garnering wide-ranging feedback that includes EV transition and values, ULEZ 'victim

vehicles', rising APR's and consumer confidence alongside the future of disruptors, agency models and the rising cost of defleet and acquisition.”

Whilst launching in what has been another buoyant year for the used car sector MOTOM has still grown its community to over 450 carefully vetted users and Julian Humphreys believes a lot of the sign-ups are driven, not surprisingly, by “the ease of search for appropriate stock and a growing sensitivity to the increasing costs of acquisition”. Humphreys added “We believe our technology, together with big data, can help and deliver enhanced market intelligence and profitability in used car wholesaling and further protect the space from the many disruptors and other challenges that continue to impact the sector.”

So as 2022 and their launch activities edge towards the next stage of their evolution, what are Humphreys take-aways from this year “MOTOM's simple deliverable and low-cost proposition has attracted some fantastic feedback from buyers and sellers. Additionally, we have engaged with traditional wholesale 'competitors' such as auction houses and car supermarkets, acknowledging the growth of phygital, and franchise dealer groups of all sizes and DMS businesses recognising MOTOM as a meaningful string to their strategic remarketing bow.”

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NFDA IN THE NEWS 2022

JANUARY

MOTORTRADER

NFDA polls finds franchised dealers 'optimistic' about year ahead

tyrepress

Dealers optimistic about demand despite current new car issues - NFDA

AM ONLINE

10 minutes with... NFDA chief executive, Sue Robinson

FEBRUARY

AM ONLINE

EVA accreditation scheme hits 300 members and expands into aftersales

iaea

EVA reaches 300 approved retailers and launches aftersales pilot group

van fleetworld

Van sector down 27% after bumper 2021 but market outlook positive

MARCH

Aftermarket online

Government: 300,000 EV chargepoints by 2030

MOTOR TRADE NEWS

Car registrations up but remain below pre-pandemic levels

Belfast Telegraph

Surge in EV sales of electric vehicles as orders for new cars step up a gear

Auto Express

What the global semiconductor chip shortage means for UK car buyers

APRIL

The Telegraph

How having an MOT every two years will cost you more money, not save it

Mail Online

Motor industry blasts Grant Shapps' money-saving idea to extend MOTs to every two years as a third of cars currently FAIL the annual check-up

FORECOURTtrader

Government extends support for NFDA's electric vehicle accreditation scheme

AM ONLINE

NFDA highlights antitrust and competition law risks of agency model car retail

MAY

FORECOURTtrader

New car sales fall despite monthly comparison with partial lockdown during April 2021

AM ONLINE

AM News Show: Making automotive retail a 'home from home' for apprentices

heycar

Car service: dealer vs independent

bbpmedia

eStar Wins Marketing Strategy of the Year at Prestigious Automotive Management (AM) Awards

MOTORTRADER

NFDA highlights risks posed by agency model to CMA

JUNE

MOTORTRADER

FLA joins forces with NFDA and MOD to launch new finance protocol

Mail Online

Government ENDS £1,500 electric plug-in car grants immediately: it claims scheme is no longer needed and was a success with one in six new cars electrified

AM ONLINE

NFDA welcomes move to reform 'outdated' Customer Credit Act

Aol.

What has changed with the Government's plug-in car grant?

The Guardian

UK new car sales slide to second worst May in 30 years

JULY

MOTORTRADER

NFDA hits out at extension of London ULEZ in August 2023

AM ONLINE

Car dealers advised to 'balance staff bonuses' in response to soaring inflation

MOTORTRADER

Van sales fall for sixth month in a row, down -23%

SEPTEMBER

tyrepress

NFDA comments on 'mini budget'

AM ONLINE

NFDA trials Electric Vehicle Approved (EVA) scheme for used car auctions

FORECOURTtrader

New car market in slight growth ahead of plate change

Mail Online

Britain's new car sales accelerate for the first time in months driven by electric cars - but growth in greener vehicles is now slowing down

MAY

NOVEMBER

Express & Star

UK car sales grow for third month in a row

bodyshop

Audi network achieves 100% EVA accreditation

MOTORTRADER

NFDA opposes ULEZ expansion during 'Britain's worst cost of living crisis'

AUGUST

Mail Online

Used car sales fall by almost a fifth as dealers run low on stock and cost-of-living squeeze bites in second quarter of the year

carwow

Why are used car prices going up?

MOTORTRADER

NFDA calls on government to support dealers in energy crisis

AM ONLINE

NFDA warns new FCA rules may delay some car dealers' F&I authorisations

ev fleetworld

More than one in 10 new cars now fully electric

OCTOBER

Investors' Chronicle

Car dealers face long road to volume recovery

AUTOCAR

Plug-in Car Grant extended by 18 months for dealer orders

ONE MILLIONTH plug-in electric car sold in September as plate change sparks a month of rising registrations - but growth is likely to wane

WHATCAR?

Government extends electric car grant delivery time so buyers don't miss out

This is MONEY

ONE MILLIONTH plug-in electric car sold in September as plate change sparks a month of rising registrations - but growth is likely to wane

MOTORTRADER

NFDA lobbies government on skills shortage

DECEMBER

AM ONLINE

SMMT reports UK's fourth month of new car registrations growth

AM ONLINE

NFDA aims to ease young people's career anxiety during economic gloom

BBC NEWS

Why car dealers may face a bumpy road ahead

NFDA chief executive Sue Robinson concerned for their future job prospects, given the current state of the economy. 'At NFDA, we are committed to helping young people launch their career in the automotive sector.'

RMI EMPLOYMENT LAW BULLETIN

Welcome to the
Winter Edition of
the RMI Employment
law bulletin.

Winter 2022

With the current political turmoil, this autumn it seems impossible to predict the future course for employment law over the next few years. Those of you following updates over the course of the last few years will be aware that the Employment Bill had substantial changes to employment law, but then did not form part of the (then) Queen's Speech and nor did many of the proposals seem part of the Truss Government's agenda. The Government has however recently published the Retained EU Law (For Revocation and Reform Bill) which could lead to large changes in employment law, albeit the progress of the Bill is still as uncertain as ever in the present political climate.

In this update we have a quick look at that Bill, should it come to pass. We then turn our attention to some recent interesting case law.

News

- Retained EU Law (Revocation and Reform Bill)

Case Law Update

- Unfair dismissal time limits (*Cygnat Behavioural Health Limited v Britton*)
- Discrimination time limits (*Kumari v Greater Manchester Mental Health NHS Foundation Trust*)
- Redundancy selection criteria (*Mogane v Bradford Teaching Hospitals NHS Foundation Trust*)

Retained EU Law (Revocation and Reform Bill)

At the end of September, the Government published this Bill which could potentially lead to sweeping changes in employment law in the UK. Essentially the Bill is about de-regulating following Brexit and would allow the Government to remove large sections of legislation derived from the EU, much of which impacts upon employment law in particular.

Under the terms on which the UK left the European Union (European Union Withdrawal Act 2018) laws from the EU that were in existence on or before 31st December 2020 were preserved and became known as "Retained Law". The Bill proposes to repeal EU derived laws by the end of 2023, with an option to extend. The Bill's proposal is also to change the present principle that EU law is binding, unless the Government departs from it. If this all progresses, then the Government has to try to decide which retained laws to keep

and which to bin and there are, well, quite a lot of them.

Comment

Whilst many employers would like to see the back of a fair amount of EU law relating to employment, there is a great danger of turmoil and uncertainty if such decisions are rushed through. Right-wing and left-wing commentators are particularly concerned given the automatic revocation principle in the Bill that it may simply create massive uncertainty, which is not good for employers or employees alike.

It is also not clear how the EU would react to such a move which may put the Government in breach of the Trade and Cooperation Agreement.

Unfair Dismissal: Time Limits

- *Cygnat Behavioural Health Limited v Britton*

Dismissed employees only have a certain amount of time after the dismissal in which to bring a claim in an Employment Tribunal. The basic time limit is three months from the effective date of termination (known as the EDT), however, employees can extend that if they lodge the matter with Pre-Claim ACAS Conciliation and so it is no longer the case that, after three months, employers can breathe a sigh of relief.

If an employee misses the time limit for bringing his claim but brings a claim in any event, then the Tribunal has to consider whether it was (a) reasonably practicable to present the claim within the primary time limits (three months or extended by ACAS Conciliation) and (b) if it was not reasonably practicable, whether he or she has presented the claim within a reasonable period thereafter. This is under section 11(2)(b) of the Employment Rights Act, 1996.

If you as an employer, are faced with a Tribunal claim, it is always worth considering the time limits and jurisdiction as the very first part of any defence, to see whether the claim might be struck out on such grounds.

In a recent case (*Cygnat Behavioural Health*

health, dyslexia and problems with his health, plus his new jobs and time dealing with the Regulator, had meant it was not reasonably practicable to meet the time limits.

The employer appealed that decision to the Employment Appeal Tribunal, that the decision was 'perverse'. The argument on appeal that the decision is perverse is a very high burden for the employer and to overturn the original decision the EAT must find that the original Tribunal's decision is irrational, fundamentally

also commented that, although the test for unfair dismissal claims of reasonable practicality failed, if any claim for discrimination had been brought, then there is a wider and more lenient test on the employee, known as the 'just and equitable test', which may well have been satisfied. Tribunals are far more lenient in such cases. Coincidentally another case this Autumn has looked at this test, which we look at next.

Discrimination: Time Limits

- *Kumari v Greater Manchester Mental Health NHS Foundation Trust*

Unlike unfair dismissal, in discrimination claims where a Claimant submits a claim that is out of time, the test is not whether it is reasonably practicable to extend time (as in the case above in this update), but whether it is "just and equitable".

Facts

In this claim, the Claimant presented complaints of direct discrimination and harassment to the Employment Tribunal which were beyond the original time limit. She also wanted to add a further complaint under the Equality Act, which was out with the original time limit.

At a preliminary hearing, the Employment Tribunal had to decide whether to extend time and, in its determination, took the view that the merits of the complaints appeared to be weak and that was a factor in refusing the extension.

When the Claimant appealed to the EAT, she argued that it was wrong in law for the Employment Tribunal to take account of its view of the merits at such a preliminary stage, when it did not have all the evidence, and where it did not consider it was so weak that it had no reasonable prospects of success. The Claimant also contended that as a litigant in person, she had not had fair warning that the merits of her proposed complaint would be considered.

The EAT dismissed the appeal by the Claimant. It held that the proposed merits of a complaint, which was not so weak that it would fall to be struck out, are not necessarily an irrelevant consideration when deciding whether it is "just and equitable" to extend time. It said that merits can be taken into account. If it does assess the merits at a preliminary hearing, that assessment must have been properly reached by reference to identifiable factors that are apparent at the preliminary hearing and taking into account that, at that stage, the Employment Tribunal does not have all the relevant evidence before it. The Employment Appeal Tribunal found that the Employment Tribunal had properly considered those points.

Comment

It is far easier for employees to extend time limits in discrimination cases on the "just and equitable test" than it is in unfair dismissal cases on the "reasonably practicable test". The case is a reminder however that it is still open to employers to put forward arguments about weak merits, if such an application is made, and that can be persuasive to a Tribunal.

- *Mogane v Bradford Teaching Hospitals NHS Foundation Trust*

It is well established that employers must consult employees prior to dismissing them for redundancy. Where adequate consultation does not take place then employees with over

two years' service can bring an unfair dismissal claim. In *Mogane v Bradford Teaching Hospitals NHS Foundation Trust* the Employment Appeal Tribunal (EAT) reminded employers of the importance of consultation.

Facts

In the case, the Trust (the employer) had to make redundancies. The Trust decided that the sole criterion for selection for redundancy (adopted without any prior consultation with the employees) was that Ms. Mogane's fixed-term contract was due to be renewed before that of her colleague. The employee was invited to a meeting and told that the Trust faced financial difficulties and was told of the criteria that it had chosen (the expiry of her fixed term contract being the soonest). The remainder of the redundancy process was an attempt to find her alternative employment.

Ms. Mogane challenged the decision of the employer claiming unfair dismissal. The original Employment Tribunal rejected her claim and it found that she had been fairly selected for redundancy. She appealed to the EAT.

The EAT allowed the appeal and went back to perhaps the most well-known cases in redundancy law in the UK, *Williams & Ors v Compair Maxam Ltd, 1982* and *Polkey v AE Dayton Services (Ltd), 1988*, which made clear that consultation is not just an optional part of redundancy selection criteria but is fundamental to fairness.

It held that consultation had to be genuine and meaningful and importantly has to take place at a stage where an employee or the employee's representative can still potentially influence the outcome.

On the facts here, it found that there was no such consultation and no ability for the employee to affect the selection pool. It also found the employer, on the facts, had failed to explain why it was reasonable to make that decision without consultation. Unusually (because the EAT often sends matters back down to the Tribunal to decide again on the facts), the EAT substituted its own finding, that Ms. Mogane was unfairly dismissed for redundancy.

Comment

The case is a reminder to employers that even where choice of selection criteria seems obvious and commercially in the best interests of the employer, potential criteria and pooling should be discussed with employees before any final decisions on the criteria are made by the employer.

In Conclusion

Please note: In this bulletin we aim to keep you up-to-date on some of the latest developments in employment law and although the bulletin is not intended to provide a comprehensive summary of all the changes to the law, we hope to highlight some key areas of change for motor industry employers. Any advice contained in the above is general in nature and will need to be tailored to any one particular situation. As an RMI member you have access to the RMI Legal advice line, as well as a number of industry experts for your assistance. Should you find yourself in the situation above, contact us at any stage for advice and assistance as appropriate.

wrong, outrageous, or flies in the face of properly informed logic.

On the facts here, however, the EAT found those tests were met. It decided that he had been able to do a great many things from his dismissal to the expiry of the primary time limit and thereafter, including working various jobs, moving house and engaging an appeal, liaising with ACAS, etc. All of this meant there was no logical reason why he could not have met the original time limit or submitted the claim within a reasonable time thereafter. The claims were accordingly struck out.

Comment

The decision was a good one for the employer in the case and shows that the law should be interpreted in line with the actual phrase "reasonably practicable". It shows that simply having mental health problems will not mean that an employee can miss the deadline, particularly where other facts suggest that the employee is capable of dealing with other relatively complicated matters in their lives.

Employers should note however that the EAT

Limited v Britton), the Employment Appeal Tribunal (EAT) gave a relatively pro-employer decision and on the facts of that case found that the employee was out of time.

Facts

In the claim, the Claimant had missed the primary time limit and had not then submitted his claim for a further 62 days. He pleaded a number of problems, including dyslexia, mental health problems and an ignorance of the time limit. He gave evidence that because he had started another job and was dealing with other issues in the claim (he had to deal with a Statutory Regulator of Healthcare Professionals during the time when he should have submitted the claim) he said that took up a lot of his time and so he had missed the original time limit.

The original Tribunal gave a judgment entirely in favour of the employee finding that his mental



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