



Father Christmas loves his DAF Reindeers

Dear Colleague,

Following the increase in September, it was disappointing to see truck registrations decline in October compared to the same time last year, as the shortage of semiconductors continues to affect product availability.

Despite the ongoing supply constraints, demand for vans and trucks remains strong. Registrations of light commercials up to 3.5 tonnes grew by 9.7% from last year and by 11.4% on the pre-pandemic average, marking the best November ever.

Best wishes for Christmas and the New Year, I look forward to catching up with you all in 2022!

NFDA is your trade body: we are here to help and advise you on regulatory and operational issues that affect your business. If you require any assistance, please do contact the helpline on 01788 538303.

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HGV registrations slow in October

It was disappointing to see truck registrations decline in October.

The main cause of this decline continues to be the shortage of new product available due to semiconductors' supply issues. Dealers are indicating demand is at the highest levels and many new orders are being confirmed for delivery in late 2022 or early 2023 without a final, fixed delivered price.

With the shortage of new product, demand for good quality used trucks is booming, thus pushing up prices and proving harder to obtain stock. In fact, many of these trucks are on lease and were due to be replaced now, but they are having their contracts extended to continue operating due to the new product shortages.

Talking to dealers there is still a positive feeling that many of the movements in the market are well overdue and are merely a correction in profit and rates charged, but it is fair to say that a move back to more normal new vehicle supply is looked forward to.

Please note: our full analysis and all the statistics are available in the member edition of this newsletter.

NFDA welcomes extremely strong van registrations

Positively, registrations of light commercials were up by 11.4% on the pre-pandemic average, marking the best November ever, according to the latest SMMT's light commercial vehicle registration figures.

Light commercial vehicles up to 3.5 tonnes performed well in November with 31,320 new vans registered, 9.7% more than the same month last year. The market is now up 22.8% year to date.

All segments of the light van market experienced growth except vans weighing less than or equal to 2.0 tonnes. Following last month's strong growth (+110.5%), sales of LCVs below 2.0 tonnes declined by -19.6%.

The single biggest contributor to light commercial sales, 2.5-3.5 tonnes vans, grew by 7.7% to 22,363 units. These vehicles represent 71.4% of all LCV sales. The pick-up market saw a significant 31.2% rise to a total of 2,610 units.

The Ford Transit Custom (5,809 units sold) and the larger Transit (3,203) continued to be the best sellers in November, followed by the Mercedes-Benz Sprinter, with 1,857 registrations.

Sales of light commercial vehicles performed well in November showing that demand remains robust despite significant supply constraints. Going forward, dealers stay cautious as production issues are still affecting the market, but there is optimism as businesses continue to recover.

REGISTRATIONS OF VANS plus HCVs 3.5T-6T by MONTH

	Nov-21	Nov-20	% change
Pickups	2,610	1,989	31.2%
4x4s	207	148	39.9%
Vans <= 2.0t	1,361	1,692	-19.6%
Vans > 2.0 - 2.5t	4,779	3,943	21.2%
Vans > 2.5 - 3.5t	22,363	20,769	7.7%
All Vans to 3.5t	31,320	28,541	9.7%
Rigids > 3.5 - 6.0t	412	659	-37.5%

REGISTRATIONS OF VANS plus HCVs 3.5T-6T by YEAR-TO-DATE

	YTD-21	YTD-20	% change
Pickups	38,713	33,095	17.0%
4x4s	3,944	1,380	185.8%
Vans <= 2.0t	16,916	15,640	8.2%
Vans > 2.0 - 2.5t	43,408	43,410	0.0%
Vans > 2.5 - 3.5t	222,995	171,849	29.8%
All Vans to 3.5t	325,976	265,374	22.8%
Rigids > 3.5 - 6.0t	5,349	6,141	-12.9%

Image source SMMT

Government announces further cuts to plug-in grant

On 15 December, the Government announced a number of changes to the Plug-in Car Grant (PICG), the Plug-in Van Grant (PIVG) and the Plug in Motorcycle Grant (PIMG) rates and eligibility criteria. The new terms applied from 07:00 on Wednesday 15 December 2021.

NFDA Chief Executive Sue Robinson said: "It is extremely disappointing that the Government has chosen to reduce the availability of the plug-in grant as this move can derail the progress our sector has made in decarbonising transport".

"Cutting the grant strongly disincentivises EV adoption across the UK. This, in turn, will exacerbate the unequal, regional EV uptake gap. While the market share of EVs is growing at an impressive rate, it is premature to reduce the levels of this support to the consumer and send the wrong message to the public, especially as other G7 nations continue to ramp up consumer support.

"We have already spoken with the Department for Transport to outline our concerns and we will continue to liaise with the Government. We encourage our members to contact us if they require any assistance or clarification".

Plug-in Van Grant (N1/Light Commercial Vehicles)

Grant rates changed from:

- 35% of purchase price up to £3,000 for small vans < 2.5 tonnes gross vehicle weight (t GVW)
- 35% of purchase price up to £6,000 for large vans 2.5-3.5t GVW

To:

- 35% of purchase price up to £2,500 for small vans < 2.5 tonnes gross vehicle weight (t GVW)
- 35% of purchase price up to £5,000 for large vans 2.5-3.5t GVW

There are no changes to grant rates for vehicles over 3.5 tonnes.

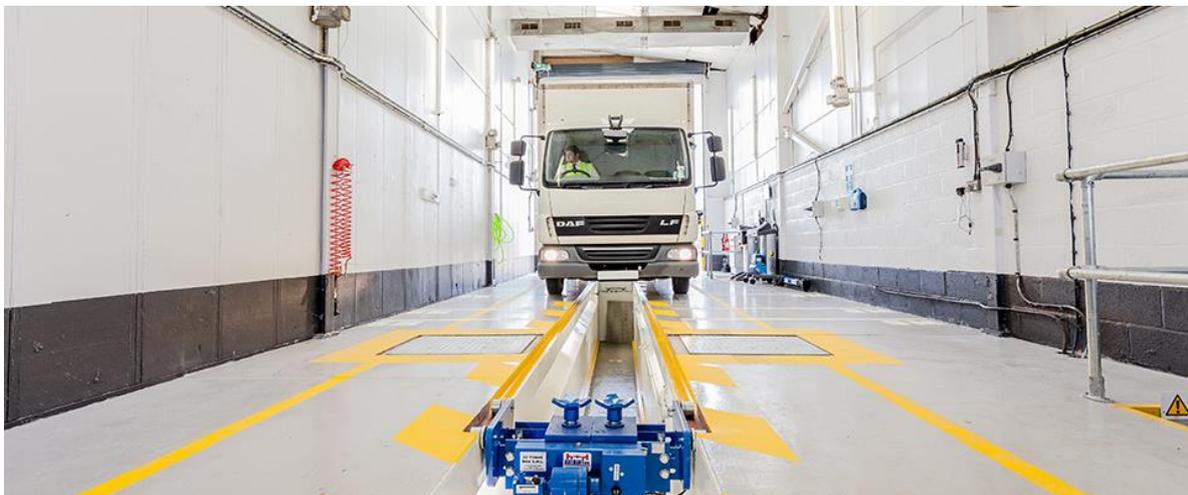
New Plug in Van Grant Limits

The Government introduced a new limit on the total number of grants available to each business, organisation or individual through the Plug in Van and Truck grants.

Each business, organisation or individual may receive up to 1,000 grants each financial year (1 April to 31 March). Limits apply to end customers and not to lease companies. Orders placed on the portal before 07:00 on 15 December 2021 will not be counted towards this year's limits.

Existing per customer and total limits on Plug in Truck Grant orders will continue to apply.

Heavy vehicle testing at ATFs – COVID Plan B



On 8 December 2021, the Government confirmed that England would move to COVID Plan B following the rapid spread of the Omicron variant in the UK. DVSA will continue to provide the vehicle standards assessors needed to test heavy goods vehicles (HGVs) and public service vehicles (PSVs) safely.

DVSA's Network Business Managers will work with ATFs to manage any local impact from COVID-19 on our service provision.

Face coverings are now a legal requirement in many indoor settings. DVSA staff will be advised to continue to adhere to the rules of the site they are working in, which may include wearing face coverings (unless exempt) in certain areas. Some colleagues may choose to wear a face covering at all times.

Priority actions businesses can take

The Government has issued guidance for all businesses on the six main actions you can take to protect yourself, your staff, and your customers during COVID-19.

Complete a health and safety risk assessment that includes the risk from COVID-19.

- 1) Provide adequate ventilation.
- 2) Clean more often.
- 3) Turn away people with COVID-19 symptoms.
- 4) Enable people to check in at your venue.
- 5) Communicate and train.

Vehicle cleanliness and ventilation

All vehicle operators and presenters are reminded about the importance of vehicle cleanliness and ventilation when bringing vehicles for annual test. Vehicles that are not cleaned will be refused an inspection until the vehicle is properly prepared.

Further updates

DVSA and ATFs are returning to the full terms and conditions of the ATF contract on 1 January 2022, as previously communicated in June 2021.

DVSA will continue to keep the overall situation, including this contractual agreement, under review in line with Government guidance and will provide updates if any further amendments are required.

Chancellor reintroduces Statutory Sick Pay Rebate Scheme (SSPRS)

The Government announced on Tuesday 21 December that it will reintroduce the **Statutory Sick Pay Rebate Scheme (SSPRS)** across the UK. The SSPRS will help small and medium-sized employers – those with fewer than 250 employees – by reimbursing them for the cost of Statutory Sick Pay for Covid-related absences, for up to 2 weeks per employee.



Firms will be eligible for the scheme from **21/12/2021** and they will be able to make claims retrospectively from **mid-January**.

Please find link to the full business support announced today - [HERE](#).

Eligibility criteria

Employers will be eligible for the scheme if:

1. They are UK-based.
2. They employed fewer than 250 employees as of 30 November 2021.

3. They had a PAYE payroll system as off 30 November 2021. 3. They have already paid their employees' COVID-related SSP.

Employers will be able to claim the costs for up to two weeks of SSP per employee that has to take time off because of COVID-19. This two-week limit will be reset so an employer will be able to claim up to two weeks per employee regardless of whether they have claimed under the previous scheme for that employee

Compliance measures

Employers must keep records of Statutory Sick Pay that they've paid and want to claim back from HMRC.

Employers must keep the following records for 3 years after the date they receive the payment for their claim:

- the dates the employee was off sick
- which of those dates were qualifying days
- the reason they said they were off work due to COVID19
- the employee's National Insurance number

The fully detailed SSPRS fact sheet can be found - [HERE](#)

TOP update: OCRS customer reports system available from 16 December



On 16 December, DVSA notified us that repairs to the reporting system were complete and OCRS reports became available. However, after only a week in operation the DVSA has warned us of delays obtaining the data of up to a 24 hours, this is seen as a temporary blip as demand for data from OCRS has been very high following the re-opening of the system.

New features

There are new features: desk based assessments and fleet assessments are now included in OCRS. This means your score may have changed.

Desk based assessments (DBA)

Desk based Assessments (DBAs), whether satisfactory or unsatisfactory, will now contribute to the OCRS score. By adding DBAs, DVSA will include more ways in which they interact

with you. This will help reduce the volume of operators who are currently in the grey or unknown risk category.

Fleet assessments

Fleet assessments are an essential part of monitoring maintenance regimes and drivers' hours records. How often DVSA visits your premises depends on your OCRS rating and a DVSA risk assessment.

Visits help DVSA to establish whether your transport management systems enable vehicles to be operated safely and legally. Adding fleet assessments to the OCRS system allows DVSA to judge how frequently an operator should be assessed.

For more information on desk based and fleet assessments visit [GOV.UK](https://www.gov.uk).

Questions

If you have any questions about changes to the system, user issues or your score please contact DVSA's Customer Service Centre.

If you have questions about any technical changes to the content of the OCRS report, please contact the Criminal Analysis Unit: criminalanalysisunit@dvsa.gov.uk.

Heavy Vehicle testing review: DVSA's latest progress



Opening new ATFs

DVSA has had 38 applications since lifting the ATF moratorium. Two sites are close to opening: one is likely to be up and running before Christmas and the others will join the network in the new year. Further updates will follow.

A new model for scheduling

DVSA previously updated us on their plans to talk to vehicle operators and ATFs about finding a way for ATFs to book testing hours which works for everyone.

They believe getting things joined up between DVSA and ATFs for the end customer – vehicle operators, leasing companies and other vehicle users – is “key to making the service work better”.

DVSA says they are aware from the Heavy Vehicle Testing Review that the current way of scheduling testing hours to ATFs does not always let operators book as far ahead as they might want to. They also know that flexibility to change things at shorter notice can be important.

As a result, they have been carrying out some deeper research into this, through focus groups with ATFs and vehicle operators. The sessions have looked at: how tests are booked, how the process works for customers and how it fits in with their maintenance regimes.

What has DVSA learned?

DVSA has found the conversations “really useful”, they have heard things they were “already thinking about but also had some helpful and challenging insight in other areas”. As a result, they are planning to run more focus groups to build on this feedback, particularly with vehicle users.

Two key themes have come out so far. One is around certainty, which is something that’s critical for many operators. This is understandable, because vehicles and trailers need to be part of a planned and preventative maintenance system. So having certainty about when and where tests are scheduled is important.

The other theme is about flexibility. This can be particularly important for smaller operators, for example if the ownership of a vehicle changes at short notice, or where a vehicle ends up in a different location.

So how does this help DVSA to review their process for scheduling testing hours to ATFs? Normally, they book testing hours in quarterly periods. But this is not always helpful for the certainty and flexibility which vehicle operators and ATFs want.

A longer term view

One of the things DVSA is keen to look at is whether they can move to a longer-term view of planning and confirming testing resource. This could mean they agree testing hours with ATFs over a rolling 13-month period, for example.

There would need to be a process to enable short-term adjustments, whether that’s for the ATF to add some extra days, or maybe to cancel some. There’s hope this type of approach would enable ATFs to give vehicle users the service that they need – offering certainty, but also enabling flexibility.

DVSA is continuing to carry out research with ATFs and vehicle operators and they would welcome your feedback.

In terms of timing, DVSA intends to develop these ideas early in the new year – so they can share the detailed proposals with us. The reality is that any changes cannot happen overnight, particularly as they have already confirmed some of the quarterly booking process for 2022.

MILS Legal Update

Can I discipline an employee for raising numerous unfounded grievances?



Employment law, generally speaking, seeks to put in place fair rules necessary to ensure a smooth working environment. Where both parties approach the process constructively, they can resolve many disputes. However, these processes can also break down to such an extent the working relationship is harmed. What happens when the employee’s approach to the process is frivolous and designed to cause trouble? Can the employee be disciplined and ultimately dismissed? In *Hope v British Medical Association*, the Employment Appeal Tribunal (EAT) was asked to consider just that and their answer was “yes”.

H was employed by BMA from June 2014. During the period of employment H brought a number of grievances, including against senior managers who, among other things, failed to

include him in meetings that he thought he should attend. H wished to discuss his grievances informally with his line manager, M, but was informed that as this involved decisions of more senior managers M could not resolve the issue. H was invited to escalate his concerns to the formal stage or withdraw them. However, H refused.

A formal grievance meeting was scheduled, but again H refused to attend. The meeting proceeded in H's absence and his grievances were not upheld. The BMA considered that H's conduct of bringing numerous vexatious and frivolous grievances, and his refusal to attend the grievance hearing was a refusal to comply with a reasonable management instruction and therefore amounted to gross misconduct. The BMA took disciplinary action against H and eventually dismissed him for gross misconduct.

An employment tribunal found that H's dismissal was fair. It considered that it was reasonable for BMA to conclude that H's conduct was vexatious and unreasonable and that BMA had acted reasonably in dismissing H on that basis. H appealed to the EAT arguing, among other things, that the tribunal had erred by failing to consider whether his conduct was capable of amounting to gross misconduct in the contractual sense. H appealed.

The EAT dismissed the appeal. Mr Justice Choudhury, President of the EAT, held that the test for determining whether a dismissal is fair or unfair within the meaning of S.98(4) ERA involves consideration of all the circumstances, which might, in some misconduct cases, include the fact that the conduct relied upon involved a breach of contract amounting to gross misconduct. The tribunal had been entitled to find that BMA had acted reasonably in treating the reason for dismissal, namely H's conduct as described, as being a sufficient reason to dismiss in all the circumstances.

In conclusion

The key to this finding is that the employer had clear policies in place and complied with them. The employer followed these processes in order to consider the employee's concerns in spite of the employee's actions. The employee's actions in refusing to co-operate was sufficient for his employer to find that the grievances were vexatious and frivolous. Whilst we would not normally advise to go as far as dismissal, this case shows clearly that disciplining an employee where their actions are designed to cause trouble rather than resolve a dispute can sometimes be an option.

As always, this advice 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.

Solicitor
Motor Industry Legal Services

Motor Industry Legal Services (MILS Solicitors) provides fully comprehensive legal advice and representation to UK motor retailers for one annual fee. It is the only law firm in the UK which specialises in motor law and motor trade law. MILS currently advises over 1,000 individual businesses within the sector as well as the Retail Motor Industry Federation (RMI) and its members.

General news

Daf Trucks provides free cuppa and mince pies for drivers

Commercial Fleet, 16 December

Daf Trucks is offering a free cuppa and a mince pie for truck drivers again this Christmas as a thank you for their hard work throughout the year.

At the same time, the Daf Trucks Christmas Choir – a collective of employees from Daf Trucks, the Daf Dealer Network and Daf drivers – has released 'Trucking Home for Christmas'; a cover version of the Christmas pop classic by Chris Rea.

Drivers of all truck types will be able to claim a free hot drink from now until December 24, by visiting the following eight Truckstops: Avon Lodge Truckstop in Avonmouth; Junction 29 Truckstop in Chesterfield; Lymm Truckwash; Roadking in Cannock (Certas Energy); Ashford International Truckstop; Chippenham Pitstop; Ulceby Truckstop in Immingham; and Lockerbie Lorry Park.

Full article [here](#)

The NFDA Spring Ball is back: ticket & sponsorship packages announced



The NFDA Spring Ball is back! Join us for a captivating night of stellar entertainment, fine dining and unique networking opportunities with key automotive stakeholders.

After two challenging years, NFDA's Celebration of Automotive Excellence is back. The world renowned five-star **Grove Hotel, Chandler's Cross, Hertfordshire**, will play host to next year's prestigious NFDA Spring Ball on **Saturday 2 April 2022**.

Join us for a captivating night of stellar entertainment, fine dining and unique networking opportunities with key automotive stakeholders. Due to high demand, we are excited to welcome back, compering the evening, the fantastic TV personality and presenter Mark Durden-Smith, promising a night of engagement, laughter and fun. Awards for best manufacturer partner, industry partner, industry personality of the year and a new retailer award will be presented, celebrating the excellence of the automotive industry.

Ticket options vary, you can join us for the night's festivities or include accommodation to extend the evening and enjoy a luxurious stay at The Grove Hotel & Golf Resort.

Download our ticket options [here](#), to purchase your tickets, please contact Lena Patel on 07341 396125 or email: lena.patel@rmif.co.uk.

