



Mercedes-Benz Sprinter, the best-seller in August

Dear Colleague,

DVSA plan hours allocated to ATF's

	July	August	September	October	November	December
Predicted hours required (12 - month exemptions)	35,000	35,300	53,400	45,800	22,200	31,000
Hours made available to ATF's	37,000	48,600	57,500	60,300	48,400 (provisional)	47,900 (provisional)
Hours tested	39,700	42,000 (data not yet complete)	##,###	##,###	##,###	##,###
Cancelled events (hrs)		128	909	###	###	###

IAG September 2020

At the end of August the DVSA advised trade associations that additional testing hours would be available to ATF's to assist catching up with the testing backlog, they have advised us that this chart will be progressively updated.

LCV Registrations

Sales of light commercial vehicles declined by -16.1% in August due to the arrival of the new '70' number plate in September and a number of external factors including supply challenges as well as an increase in customers keeping rental vans for longer than usual.

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 us on the NFDA helpline 01788 538303.

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VAN REGISTRATIONS DECLINE DUE TO EXTERNAL FACTORS

Sales of light commercial vehicles declined in August due to the arrival of the new '70' number plate in September and a number of 'external factors'.

The light commercial vehicle market declined by -16.1% in August to 19,407 units, according to the latest SMMT figures. All LCV segments saw a decrease in registrations. Sales of pick-ups & 4x4s, which are small volume sectors, saw marginal declines of -2.4% and -3.1% respectively.

Mid-size vans weighing 2.0 - 2.5t saw a modest decline of -3.2%, with just 92 fewer vans going on the road compared with last year.

The largest declines were visible in the small car-derived vans under 2.0 tonnes segment, down 35%, and the largest LCV sector, the maximum weight vehicles 2.5 – 3.5t, where sales declined by 18.2%, a reduction of nearly 3,000 units. Many of these vehicles are used for online deliveries, a sector that thrived during the pandemic, as a result, supply issues could be the cause of the decline.

Additionally, daily rental companies have reported an uplift in demand for their vehicles. These vans are often being used for "last mile" online deliveries, and therefore retained by customers for longer than usual. This has had a detrimental effect on sales as well as on the much-needed used LCV stock for dealers.

Although most businesses have reopened since the lockdown, there remains uncertainty in various sectors where businesses are holding back as they are not feeling confident to invest in new commercials. Many factories have only just restarted to manufacture commercial vehicles, customers who are not ordering standard specifications may face longer waiting times.

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

	Aug-20	Aug-19	% change
Pickups	2,239	2,295	-2.4%
4x4s	31	32	-3.1%
Vans <= 2.0t	1,150	1,768	-35.0%
Vans > 2.0 - 2.5t	2,760	2,852	-3.2%
Vans > 2.5 - 3.5t	13,227	16,173	-18.2%
All Vans to 3.5t	19,407	23,120	-16.1%
Rigids > 3.5 - 6.0t	396	449	-11.8%

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

	YTD-20	YTD-19	% change
Pickups	20,227	33,758	-40.1%
4x4s	869	990	-12.2%
Vans <= 2.0t	9,678	18,495	-47.7%
Vans > 2.0 - 2.5t	26,088	36,280	-28.1%
Vans > 2.5 - 3.5t	99,122	155,877	-36.4%
All Vans to 3.5t	155,984	245,400	-36.4%
Rigids > 3.5 - 6.0t	3,586	4,833	-25.8%

BEST SELLERS LCV <3.5 tonnes

AUGUST 2020		YEAR-TO-DATE	
1	Mercedes-Benz Sprinter 3,471	1	Ford Transit Custom 21,955
2	Ford Transit Custom 2,181	2	Mercedes-Benz Sprinter 14,184
3	Ford Transit 1,211	3	Ford Transit 11,460
4	Volkswagen Transporter 1,090	4	Vauxhall Vivaro 7,921
5	Peugeot Partner 934	5	Volkswagen Transporter 7,675
6	Ford Ranger 803	6	Peugeot Partner 7,235
7	Ford Transit Connect 684	7	Ford Transit Connect 6,550
8	Citroën Berlingo 565	8	Citroën Berlingo 6,475
9	Volkswagen Crafter 562	9	Ford Ranger 6,431
10	Peugeot Expert 506	10	Vauxhall Combo 5,182

Image source: SMMT

LOGISTICS UK GUIDANCE FOR WORKSHOP STAFF ON CHECKING ADVANCED DRIVER ASSISTANCE SYSTEMS (ADAS) ON HGVS

LOGISTICS UK

Advanced Driver Assistance Systems (ADAS) are becoming increasingly more common on today's trucks and trailers; however, there is very little guidance available from manufacturers or the authorities on how to check these systems. Logistics UK has worked with its members to produce some simple guidance on checking these systems which we hope other users will find of use. *Please note, this guidance is correct at the time of writing, though new systems may have been developed and fitted to vehicles since this publication.*

Warning lamp confirmation of operation/malfunction

Most manufacturers' warning lamp systems work on a 'fit and forget' basis – the system will check itself and tell the driver if there is a problem. When the ignition is switched on, a 'system check' is undertaken. This usually results in all the 'tell-tale' warning lamps (see below) illuminating for a few seconds and then extinguishing, unless a system is active (eg, the fuel level is low or the handbrake is applied) or the system is faulty (see below left).



Did the light come on?

Warning lamps can only warn drivers if the lamps themselves are working, but, with a vast array of systems (and hence warning lamps) fitted to modern vehicles, it can be difficult to see if all the tell-tale lamps that should have illuminated did so. Should this be difficult, we suggest the system check be undertaken a number of times, or to take a photo of the warning lamps as they go through their check – reviewing the photo/s afterwards to ensure all the warning lamps illuminated as expected.



Automatic reactivation systems

Some ADAS systems (eg, stop/start function) will, following a driver deactivation, automatically reactivate themselves once the ignition has been switched off. It should not be necessary to check this functionality, unless the warning light remains on – in which case, further investigation may be required. This deactivation may be applicable where vehicles are used off-road or have/had temporary front attachments (eg, a snowplough fitted) where their operation causes the activation of the electronic braking system (EBS). However, problems may be detected where drivers attempt to rig the system to permanently default to deactivation.



ADAS that allow driver activation/ deactivation

Some systems allow the drivers to activate the system fully/ partially or to switch them off completely (eg, Lane Keep Assist). During a safety inspection, these systems should be checked for operation (see the manufacturer's instructions or owners handbook for advice). Should these systems have been switched off, they should be reactivated and checked to ensure correct operation.

ADAS – what to check and when

There is currently very little guidance from manufacturers or the authorities on which systems should be checked, when and to what degree. Our recommendations are as follows:

During safety inspections

It is recommended that engineers check all tell-tale warning lamps to ensure they operate as intended, including those on the trailer. It is also recommended that driver-activated/deactivated systems be checked to ensure they are operational, and, if not, that they be activated and checked accordingly. Although there should be no need to undertake a road test to check the function of systems, their operation could be assessed during a road test. During the outside inspection of the vehicles, any externally mounted sensors (where visible) should be checked for condition and security.

Note: Some systems will only indicate/operate where there is a risk of accident or incident – it is recommended that you **do not** try to simulate such situations. Safety inspection sheets should be annotated to indicate that the ADAS systems fitted were checked and that warning lights operated as intended.

During routine servicing/maintenance

In addition to the checks undertaken for a safety inspection, it is recommended (where possible) that an On-Board Diagnostics (OBD) check is performed on the vehicle to identify any ADAS activations/errors. Where these are detected, the relevant system(s) should be assessed for correct function, remedial action taken (if necessary) and error codes cleared.

Note: The recording of activation error codes for some ADAS may not indicate a problem with the system, but these should be assessed to ensure the systems(s) are functioning as intended – eg, Advanced Emergency Braking System (AEBS) activations may have been the result of the system working as intended and having helped prevent an incident.

Accident or damage repair – first use checks

Different systems may use a variety of detection systems (sensors, cameras, radar, LiDAR), so if a vehicle has been involved in an accident that resulted in damage, these detection systems need to be checked and, where necessary, repaired or replaced. It is recommended that, where any repair or replacement has been undertaken by a third party, some form of certificate of confirmation is obtained, to provide assurance that the ADAS is functioning correctly.

Note: In some instances (eg, windscreen replacements), there may be a need to recalibrate some systems (eg, AEBS, Lane Keep Assist). Where this is the case, a calibration certificate should be provided and kept within the vehicle file. Further and vehicle-specific information can be obtained from the vehicle handbook and/or dealership.

Source: [Guidance for workshop staff on checking Advanced Driver Assistance Systems \(ADAS\) on HGVs](#)

LEGAL UPDATE: investigations and unfair dismissal

A key element in any fair dismissal of an employee with over 2 years' service is that the employer must follow a fair procedure and conduct a reasonable investigation into any allegations, especially where misconduct is alleged. Such an investigation includes gathering all relevant evidence that it is reasonable to investigate. The investigation does not have to be perfect, but within a band of reasonable investigations that another employer could have undertaken in the circumstances. The extent and depth of the investigation also clearly depends upon the seriousness of the matters being investigated.



In the case below the Employment Appeal Tribunal (EAT) supported an employer when it failed to take some evidence from potential witnesses. It concluded that the employer was reasonable in excluding such evidence, under circumstances where the excluded evidence could not have really changed the employer's view.

In Hargreaves v Manchester Grammar, Mr Hargreaves was a teacher with an unblemished record until it was alleged that he had grabbed a pupil, pushing him against the wall and putting his fingers to the pupil's throat. He was dismissed. The tribunal found the dismissal fair. Mr Hargreaves appealed to the EAT, contending the employer's investigation was inadequate, given the career-changing impact of the allegation. Also, the employer had failed to disclose to the disciplinary panel evidence from potential witnesses who had said they had seen nothing.

The EAT dismissed the appeal. The tribunal had correctly directed itself as to the higher standard of investigation that might be expected, given the very serious nature of the allegation. It was within the band of reasonable responses to decide not to put forward to Mr Hargreaves and the disciplinary panel details about interviews with those who had seen nothing. It did not follow that, because those individuals had seen nothing, nothing had happened. The tribunal permissibly concluded the employer had reasonably formed the view that the excluded evidence was immaterial and could not assist.

The tribunal was entitled to conclude the employer had conducted a fair investigation and that the dismissal was not unfair.

Comment

The above case shows there is some degree of latitude for employers in such matters however employers should generally be careful to investigate with all potentially relevant witnesses and that remains the safest option. Employers must remember that, in any investigation, they are looking for all the evidence (not only evidence that supports the charges against the employee).

LEGAL UPDATE: managing holiday post lockdown

Many employers in the motor industry are facing a headache post lockdown with managing employees' holiday entitlement.



In this article, we thought we would bullet point some of the key considerations and potential options.

The key points to remember for an employer are as follows:

1. In the UK, entitlement to annual leave is split into different sections of leave:
 - (a) 20 days known as “EU” leave which derive from the Working Time Directive;
 - (b) an additional 8 days “UK” leave.

Together, the 28 days is the minimum in UK law, but as below, different rights attach to the different sections.

Anything beyond 28 days is extra contractual leave and again, different rules would apply.

2. Except on termination of employment, employers are not supposed to pay in lieu of any untaken holiday.
3. Employers should be facilitating employees to take all their leave within the holiday year, but if an employer does so and the employee does not take the leave, then (subject to certain exceptions) the employer can determine that any unused leave entitlement is lost at the renewal of the new holiday year.

As holiday will have continued to accrue during any period of furlough and lockdown, many employers are finding it difficult to grant employees their full leave entitlement within the holiday year.

What are the options in these circumstances?

- One option is to try to “buy” some of the leave back from the employee. As above, with the statutory minimum leave, this is not technically allowed in law, albeit commercially, it is something that employers and employees might agree if both parties are willing to do so.
- Where the Coronavirus has rendered it not “reasonably practicable” for employees to take their leave during the holiday year, then new regulations allow workers to carry over untaken holiday into the next two leave years (SI 2020/365). The two-year carry-over applies to the 20 days basic EU leave.

This is a relatively limited right and guidance suggests that it only relates to situations where it will be quite difficult for the employee to take their statutory leave, given the extent of the leave

year remaining and the extent of the holiday entitlement remaining. Further guidance is available at:

<https://www.gov.uk/guidance/holiday-entitlement-and-pay-during-coronavirus-covid-19#carrying-annual-leave-into-future-leave-years>

- Under the Working Time Regulations, it is possible for the employer and employee to agree to carry over the additional UK leave (effectively the 8 days of the 28) into the next leave year if there is agreement.
- With any contractual leave above and beyond the 28 days, employers and employees have more leeway. As above, there is nothing to prevent the employer and employee agreeing a payment in lieu of the extra contractual holiday, if that makes it more manageable. In the alternative, if the employer can demonstrate a strong business case, it might, after consultation, decide that it needs to change the contract and reduce contractual leave in the present economic circumstances.

As the above summary demonstrates, the situation is somewhat complicated, and you should always seek specific legal advice which will depend on the individual facts of the case.

If you find yourself in a similar situation with managing employees' holiday post lockdown, you should seek advice via the RMIF helpline.

MAINTENANCE INVESTIGATIONS ARE CHANGING

The Maintenance Investigation Visit Reports (MIVR), which DVSA carries out to ensure operators have the right systems and facilities in place to maintain their vehicles, are changing.

The MIVR form is being updated to reflect this. This is the document that DVSA staff complete during a visit. These reports can be given to the Traffic Commissioners if the operator's systems or facilities are not good enough.



Operators will always receive a copy of these reports and along with other feedback to help them improve if necessary.

The changes

There are some new areas that DVSA will be checking on MIVR visits, some of them include:

- management of exhaust emissions
- wheels and tyres
- safety recalls
- vehicle security.

You should read about the changes to ensure you stay compliant.

[The guide for operators on MVIR](#) has also been updated to reflect this. It includes helpful links on improving your maintenance systems.

Source: DVSA

AMAZON ORDERS 1,800 ELECTRIC MERCEDES VANS

Amazon is expanding its European delivery fleet with 1,800 new electric vans from Mercedes-Benz. The new vehicles will be integrated into the online retailer's fleet throughout the year. In the UK, 500 electric Mercedes-Benz vans will be deployed.

The new fleet will be a mixture of 1,200 e-Sprinters and 600 e-Vitos. Amazon and Mercedes-Benz share a commitment to reduce emissions from the transportation sector, and Mercedes-Benz also announced today it has joined The Climate Pledge, which calls on signatories to be net zero carbon across their businesses by 2040—a decade ahead of the Paris Agreement goal of 2050.

Source: Fleet News