

# GREATER LONDON AUTHORITY

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### Jenny Jones AM

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Date: 21 DEC 2009

Dear Jenny

### Re: Commercial Vehicle Education Unit

Thank you for your letter of 22 October about the closure of the Commercial Vehicle Education Unit (CVEU). I apologise for the delay in responding to you, but I am glad we had the opportunity to discuss this when we met.

As you know, I am passionate about cycling and cyclists' safety. I do not believe the changes in Transport for London funding to the Metropolitan Police Service relating to the CVEU will have a negative impact on cyclists' safety. I hope the following information will reassure you as to why this is the case and correct various misconceptions where they exist.

As you are aware, TfL has funded the MPS CVEU since 2006 to support the development and delivery of the Freight Operator Recognition Scheme (FORS) project. The CVEU undertakes a range of functions including: roadside stops of potentially defective vehicles or those displaying traffic infringements, follow-up visits to companies involved in such stops to provide advice and/or potential prosecution procedures, company assessments before the award of the TfL's FORS Bronze award and referrals of companies to join FORS. Therefore, improving the safety of freight operations (including in relation to cyclists and other road users) in London is one feature of the CVEU's work, but is not its core function. The CVEU does not operate educational events for cyclists and freight operators (such as the Exchanging Places events), which are provided by other units within the MPS and some London boroughs.

The CVEU has powers delegated from the Health and Safety Executive (HSE) to investigate underlying management issues related to the Management of Health and Safety at Work Regulations 1999, specifically those concerning Driving at Work. In addition to its enforcement powers as part of the MPS, this gives the CVEU the ability to serve prohibition and improvement notices as appropriate. The MPS will retain these delegated powers in future, which means that in practice it can request immediate remedial action by freight operators through the issue of such notices.

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Moving forward, the functions formerly carried out by the CVEU will continue to be delivered in a number of ways:

- Roadside stops will still be undertaken by the MPS, which will continue to make prosecutions and where appropriate provide instruction to the driver;
- Company visits following roadside stops will continue to be undertaken by the MPS which will, where appropriate, provide instruction to the freight operator or make prosecutions;
- The MPS will continue to visit companies involved in fatal collisions for prosecution investigation;
- Independent assessment to ensure that operators' procedures for safety, lawfulness and fairness are verified before FORS bronze is awarded will be undertaken by specialists in occupational road risk and legal compliance appointed by TfL under contract;
- Referral of operators to join FORS will continue to be undertaken by the MPS.

I turn now to the specific questions in your letter:

1. In terms of a deadline for formalising the new arrangements with the MPS, these are well advanced and should be agreed by the New Year.
2. Current levels of enforcement will continue. Each of the enforcement agencies in the FORS partnership (the Health and Safety Executive, the MPS, and the Vehicle and Operator Services Agency) undertakes legal compliance testing and monitoring as part of their normal activities. If a FORS member is subject to enforcement action from any of the FORS partners, information is shared with the FORS partnership to ensure membership is either revoked or an improvement action plan issued. This arrangement remains unaltered by the change in funding for the CVEU.

Regarding the issue of whether the FORS partnership will have legal powers to carry out enforcement duties, the answer is no, as this function will continue to rest with the MPS and other partners mentioned above which do have such legal powers.

3. As mentioned, the MPS will continue to visit all freight operators involved in fatal collisions. As you suggest, those operators belonging to FORS can continue to draw on the expertise available to improve company practice and training.
4. Regarding the issuing of improvement and prohibition notices under the Health and Safety Act, as explained above, this is a power delegated to the MPS (not TfL) which will continue to be able to issue such notices.
5. In a similar vein there will be no transfer of delegated powers under Health and Safety legislation to staff in the FORS partnership or TfL as this is not necessary. We continue to work alongside the MPS to improve safety with regards to freight operations in London.

I hope this helps to reassure you that while funding for the CVEU has come to an end, the activities it has been undertaking will not.

More generally, I feel it is important to point out that there is an extensive programme of activity underway to promote and support cycling safety in London. We are well aware that HGVs and cyclists' safety is a key source of public concern, and have identified a number of initiatives to tackle the issue.

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Finally, given the concerns expressed by yourself and others regarding the proportion of HGVs stopped by the MPS that turn out to be defective, I would make two points. First, as mentioned previously, the MPS will continue to make these roadside stops. Second, it should be noted that the recent study of the casual factors involved in HGV/cyclist fatal collisions did not highlight the illegal or poor condition of vehicles as a key problem (see, *Analysis of police collision files for pedal cyclist fatalities in London 2001-2006*, TfL, 2009). This research shows that fewer than one in twenty cycling fatalities involved a defective HGV, whereas over a fifth involved a large vehicle changing lanes to the left or turning left. While there is no room for complacency on this issue, it does suggest that the key priority in reducing cycling fatalities is to reduce the risk to cyclists from left-turning HGVs.

This will be done by changing the design and use standards for HGVs, encouraging the retrofitting of mirrors and safety sidebars to existing HGVs and raising awareness amongst both cyclists and HGV drivers on the need to travel safely on the road. TfL and the MPS are working closely together on these issues including promoting Exchanging Places Events through which cyclists experience the realities of driving an HGV. Much of this was outlined in the draft Cycle Safety Action Plan launched on 23 October, which can be downloaded from the following link: <http://www.tfl.gov.uk/roadusers/cycling/13382.aspx>.

Yours ever,



**Boris Johnson**  
Mayor of London