

## APPENDIX 5: WORK RELATED ROAD RISK: SAFETY REQUIREMENTS AND ENFORCEMENT PROCEDURE FOR CONSTRUCTION CONTRACTS

### Work Related Road Risk (WRRR) safety requirements

Guidance notes: Note that there are **two** versions of the WRRR terms, the first is for Construction contracts only (incorporating the Construction Logistics and Cycle Safety Standard, CLOCS) and the second is all other for non-construction contracts. Note there are also consequently 2 versions of the **Enforcement Procedure** according to whether a construction contract or not. Please delete as appropriate.

- FOR CONSTRUCTION CONTRACTS ONLY:

Due to the nature of the requirements it is not practical to apply these requirements to all contracts. It is therefore proposed that these requirements are applied to relevant contracts which are defined as longer-term contracts of 6 months or more and/or contracts valued at above £100k pa, where Delivery and Servicing Vehicles are used, as defined below in section 11). These terms also apply to supply chain/ subcontractors vehicles making repeat visits to site.

The CLOCS Standard for construction logistics: Managing work related road risk (“the CLOCS Standard”) has been developed with the aim of reducing the risk of a collision between Delivery and Servicing vehicles in the construction sector and Vulnerable Road Users such as cyclists and pedestrians. On **[execution of this contract] / [appointment to this Framework Agreement]** the successful **[bidder] / [supplier] / [service provider]** shall implement the CLOCS Standard. The successful bidder shall also ensure that any subcontractors and other third party transport providers used to deliver this contract also comply with the CLOCS Standard. The WRRR requirements outlined below are aligned to Fleet Operator Recognition Scheme (FORS) Silver accreditation standard. Any costs associated with compliance are to be met by the Contractor.

More details on managing work related road risk can be found on the CLOCS and TfL websites:

- <http://www.clocs.org.uk/>
- <http://www.tfl.gov.uk/info-for/freight/safety-and-the-environment/managing-risks-wrrr>

The CLOCS standard is outlined more specifically at:

- <http://www.clocs.org.uk/standard-for-clocs/>

*Note: The following clauses are to be included in all contracts where it is known that deliveries or vehicle movements will form part of the scope of work e.g. Delivery and Servicing Vehicles as defined below, vehicles used to prepare, build and service a development). The definitions of terms are given in section 11.*

## **1. Fleet Operator Recognition Scheme (FORS) Accreditation**

Where the Contractor operates Delivery and Servicing Vehicles, it shall within 90 days of the Contract Date:

- i. (unless already registered) register for FORS or a scheme, which in the reasonable opinion of the Authority, is an acceptable substitute to FORS (the “Alternative Scheme”); and (unless already accredited) have attained the standard of Bronze Accreditation (or higher) or the equivalent within the Alternative Scheme.
- ii. The Contractor shall maintain the standard of Bronze Accreditation (or equivalent standard within the Alternative Scheme) by way of an annual independent assessment in accordance with the FORS Standard or take such steps as may be required to maintain the equivalent standard within the Alternative Scheme.
- i. Alternatively, where the Contractor has attained Silver or Gold Accreditation, the maintenance requirements shall be undertaken in accordance with the periods set out in the FORS Standard.

## **2. Safety Equipment on Vehicles**

The Contractor shall ensure that any Large Vehicle, which it uses to provide the Services, shall:

- i. Have side guards fitted, unless the Contractor can demonstrate to the reasonable satisfaction of the Authority that the vehicle will not perform the function for which it was built if side guards are fitted;
- ii. Have front, side and rear blind spots completely eliminated or minimised as far as practical and possible, through the use of fully operational direct and indirect vision aids and driver audible alerts;
- iii. Have equipment fitted with an audible means of warning other road users of the vehicle’s left manoeuvre;
- iv. Bear prominent signage on the rear of the vehicle to warn VRUs of the dangers of passing the vehicle on the inside and of getting too close to the vehicle.

## **3. Driver Licence Checks**

The Contractor shall ensure:

- i. It has a system in place to ensure all its Drivers hold a valid driving licence for the category of vehicle that they are tasked to drive, along with recording any endorsements, or restrictions on the Drivers licence; and
- ii. That each of its drivers has a driving licence check with the DVLA or equivalent before that driver commences delivery of the Services and that the driving licence check with the DVLA is repeated in accordance with either the following risk scale (in the case of the DVLA issued licences only), or the Contractor’s risk scale, provided that the Contractor’s risk scale has been approved in writing by the Authority within the last 12 months:
  - i. 0 – 3 points on the driving licence – annual checks;

- ii. 4 – 8 points on the driving licence – six monthly checks;
- iii. 9 – 11 points on the driving licence – quarterly checks; or
- iv. 12 or more points on the driving licence – monthly checks.

#### **4. Driver Training**

The Contractor shall ensure that each of its drivers undergo approved progressive training (to include a mix of theoretical, e-learning, practical and on the job training) and continued professional development to include training covering the safety of vulnerable road users and on-cycle hazard awareness, throughout the Term of the Contract.

#### **5. Collision Reporting**

The Contractor shall:

- i. Ensure that it has a system in place to capture, investigate and analyse road traffic collisions that results in fatalities, injury or damage to vehicles, persons or property and for generating Collision Reports. For example, the CLOCS Manager [www.clocs-manager.org.uk](http://www.clocs-manager.org.uk)
- ii. Notify the Authority of any collisions involving injuries to persons or fatalities within five working days of an incident occurring and provide to the Authority an updated Collision Report within five working days of a written request.

#### **6. Traffic Routing**

The Contractor shall ensure that any vehicle routes to sites or premises specified by the client/ developer are adhered to unless directed otherwise (referred to in paragraphs 7.(v) below). If applicable, these should be the routes as defined in the site's Construction Management Plan. Wherever possible, these routes should be from the Transport for London Road Network.

#### **7. Requirements for Contractors with Site Management Responsibility**

The Contractor shall ensure that the transport impacts of the construction site are effectively managed and shall ensure:

- i. That other options to plan and control vehicles to reduce peak hour deliveries are considered, to reduce the risk.
- ii. That the condition of the site is suitable for vehicles fitted with safety features and side guards.
- iii. That access to and egress from the site is appropriately managed, clearly marked, understood and clear of obstacles and that traffic management principles are adhered to.
- iv. That vehicles are loaded and unloaded on-site as far as is practicable.
- v. That a suitable, risk assessed vehicle route to the site is specified and that the route is communicated to all contractors and drivers. Any deviations to this route will be clearly specified and communicated.

- vi. Where a Construction Management Plan is required by the Local Planning Authority, to submit such a plan for approval by the Local Planning Authority before commencing any works, and once any Construction Management Plan has been approved in relation to the development to thereafter to fully comply with the same.

## **8. Subcontracts**

These terms shall also apply to the Contractor's subcontractors and the Contractor shall ensure that any relevant subcontracts awarded by them include terms requiring subcontractors to comply with these obligations. The Contractor shall provide documentary evidence of the inclusion of such terms in their subcontracts if requested to do so by the Authority.

The Contractor shall develop and implement a compliance monitoring and enforcement procedure for subcontractors, to ensure the CLOCS standard is adhered to.

## **9. CLOCS Associate**

The Contractor shall register to be a CLOCS Associate to receive updates on the standard and details of further opportunities to become involved with the CLOCS standard, as detailed at: [www.clocs.org.uk/express-and-interest/](http://www.clocs.org.uk/express-and-interest/)

## **10. Monitoring and Failure to Comply with WRRR requirements**

Contractors will self-certify their compliance at the start of the Contract and provide annual updates on their compliance, as well as notifying the Authority if their compliance changes at any stage.

Spot checks will be undertaken at random times at the Authority's properties and at Contractor's vehicle operators' sites or depots.

A copy of the Enforcement Procedure is attached below. Contractors should note that the Authority has the option to terminate this contract in the event of non-compliance with paragraphs 1 to 9 above. Following ongoing review and development of the CLOCS trial, the Authority reserves the right to amend this Enforcement Procedure in the future. A copy of any amended Enforcement Procedure will be issued to you.

If the Contractor fails to comply with paragraphs 1-9 above:

- i. The Contractor shall be in material breach of this Contract and subject to the Enforcement Procedure attached below; and
- ii. The Authority may refuse the Contractor, its employees, agents and Delivery and Servicing Vehicles entry onto any property that is owned, occupied or managed by the Authority for any purpose (including but not limited to deliveries).

## **11. Definitions**

*Bronze Accreditation* means the minimum level of accreditation within the FORS Standard, the requirements of which are more particularly described at: [www.forsonline.org.uk](http://www.forsonline.org.uk).

*Car-derived Van* means a vehicle based on a car, but with an interior that has been altered for the purpose of carrying larger amounts of goods and/or equipment.

*Collision reporting* means a report detailing all collisions during the previous 12 months involving injuries to persons or fatalities and within 5 working days of a collision occurring.

*Construction Logistics and Cycle Safety (CLOCS) Standard* means the standard for managing work related road risk in the construction logistics sector. Camden is a CLOCS Champion. The standard and supporting guidance can be found at: [www.clocs.org.uk](http://www.clocs.org.uk).

*CLOCS Associate* means an organisation which expresses an interest in receiving information and updates about the CLOCS standard and may be given the opportunity to participate CLOCS meetings or further development of the standard. A CLOCS Associate organisation should be positive in their messaging of CLOCS.

*CLOCS Manager* means the best practice work related road safety reporting system that enables fleet operators to capture, investigate and analyse incidents, collisions and near-misses, as detailed at [www.clocs-manager.org.uk](http://www.clocs-manager.org.uk).

*Construction Management Plan* means the LB Camden planning requirement secured under a Section 106 agreement, for certain construction developments to mitigate the cumulative impacts of construction in the vicinity of the site, including transportation and traffic management impacts, but also other environmental impacts such as noise, dust and vibrations.

*Delivery and Servicing Vehicle* means a Large Vehicle, a Van or Car-derived Van. This excludes cars, motorcyclists and grey fleet vehicles (vehicles used for business travel but hired or owned by the individual rather than the Contractor).

*Driver* means any employee of the Contractor (including an agency driver), who operates Delivery and Servicing Vehicles on behalf of the Contractor while delivering the Services.

*DVLA* means the Driver and Vehicle Licensing Agency.

*eLearning* means an online driver training course offered via FORS which can be found at: [http://www.fors-online.org.uk/index.php?page=AE\\_INTRO&return=PTE\\_INTRO](http://www.fors-online.org.uk/index.php?page=AE_INTRO&return=PTE_INTRO).

*FORS* means the Fleet Operator Recognition Scheme, which is an accredited scheme for businesses operating Delivery and Servicing Vehicle fleets. It offers impartial, independent advice and guidance to motivate companies to improve their compliance with relevant laws and their environmental, social and economic performance.

*FORS Standard* means the standard setting out the accreditation requirements for the Fleet Operator Recognition Scheme, a copy of which can be found at: [www.fors-online.org.uk](http://www.fors-online.org.uk).

*Gold Accreditation* means the highest level of accreditation within the FORS Standard, the requirements of which are more particularly described at: [www.fors-online.org.uk](http://www.fors-online.org.uk).

*Large Vehicle* means a vehicle with a MAM exceeding 3,500 kilograms.

*MAM* means the maximum authorised mass of a vehicle or trailer including the maximum load that can be carried safely while used on the road. This is also known as the gross vehicle weight (GVW).

*Side guards* means guards that are fitted between the front and rear axles of a Lorry and that comply with EC Directive 89/297/EEC and the Road Vehicles (Construction and Use) Regulations 1986.

*Silver Accreditation* means the intermediate level of accreditation within the FORS Standard, the requirements of which are more particularly described at: [www.fors-online.org.uk](http://www.fors-online.org.uk).

*Transport for London Road Network* means London roads that are maintained, managed and operated by Transport for London. These are also known as 'red routes' and are separate to roads managed by the 32 London boroughs within their borough boundaries.

*Van* means a vehicle with a MAM not exceeding 3,500 kilograms.

*Vehicle Manoeuvring Warning* means an audible alert that notifies vulnerable and other road users that a manoeuvre is being undertaken, such as a left-hand turn or reversing noise.

*Vulnerable Road Users* means a pedestrian, cyclist, motorcyclist or person of reduced mobility.