

## Welcome

Dear Member,

I welcome you all to the latest edition of the Batched on Site Association's Newsletter, and sadly my last as Chairman. I have enjoyed the role over the last 5 years or so, and look forward to assisting whoever steps into the position. I believe the sector stands in a stronger position now than it did five years ago due, in a large part, to the hard work of my fellow committee members and the Association as a whole.

For the second year running, we have had a stand at the UK Concrete Show in Coventry. This was again ably manned by our Committee and we met with, and spoke to, a number of our members. The show gave us the opportunity to get our message out to the wider public with the aim of bolstering both our profile and membership numbers.

We had our recent committee meeting to discuss, amongst other things, the recent prosecutions being brought against Volumetric operators (more information on this to follow). The Association's principal objective is still to ensure the status of batched on-site machines as 'mobile plant' which will help preserve the sector in these uncertain economic times.

Our AGM will take place at the Holiday Inn in Corby, on the 20th November 2012 at 2pm and I urge you to come along and, perhaps, stand for a position. How the association progresses is up to you as members.

The AGM also signifies the start of the new membership year so I encourage you to join again, as we are a much stronger force to be reckoned with when we stand united.

Tom Baker  
Chairman

## Legal Update

Although things appeared to have settled down with VOSA over the operating weight of Volumetrics, matters are developing with the Metropolitan Police challenging the legal operating weights through the Courts.

To the knowledge of the Association, there are three separate cases which have been going through the courts relating to the operating weight of a Volumetric.

In one instance, the Association was unaware of who the company was until after the trial had concluded and the company was convicted. That should be of a concern to our members as a company could take their case to the higher courts, setting binding precedent, without having the knowledge and/or assistance of the Association. If that case went badly, it would have potentially disastrous consequences for all operators. The Association has now spoken with this particular company and has offered them support.

If, as it appears, the authorities wish to test the issues through the Courts again, then the association needs to be ready to consider supporting those issues.

More information will be provided at the AGM on the ongoing brushes with the authorities.

## Tell us About it!!!

Let us know any time you have a dealing over your Volumetric with the authorities, whether that be the Police, VOSA, DVLA etc. If the Association is kept updated on all issues, when they happen, it is in a far better position to generally assist members.

Please get in touch with us to get clarification on any problems you may have and to keep us informed of any prosecutions you may have coming up. We, as an association, can't fight the case for you but with our wealth of knowledge we can advise and tell you who we think the best people are to fight it for you.

## Dates to Remember

**BSA ANNUAL GENERAL MEETING**  
Tuesday 20th November 2012 at 2pm

Location: Corby Holiday Inn  
Geddington Road, Corby, Northants. NN18 8ET

### London Low Emission Zone (LEZ)

Having initially accepted our representations about Volumetrics qualifying for an exemption to the LEZ, we understand that Transport for London (TfL) has now come to the conclusion that these machines do not come within the exemption. It appears TfL's case is that these are not 'non-road going vehicles'.

We understand that TfL has written to some operators to advise them that they no longer qualify for the exemption. We would be interested to hear the outcome of any discussions or communications that members have had regarding this issue.

### New laws on clamping vehicles

From 1st October 2012, it became an offence to clamp, tow, block-in or immobilise a vehicle without lawful authority on private land. These changes will end abuses by rogue clamping firms who prey on motorists by charging excessive release fees. If clampers break the law, they could be liable to an unlimited fine in the Crown Court or up to £5,000 in a Magistrates Court.

The Department for Transport is also strengthening laws around ticketing, so that unpaid charges can be claimed from the keeper of the vehicle, as well as the driver. The government has also agreed that an Independent Appeals Service funded by the British Parking Association should be established. This will allow motorists to appeal a parking charge issued on private land by a company that is a member of the BPA's Approved Operator Scheme.

### Government Proposal to Introduce Fixed Penalties for Careless Driving

Careless driving is an offence related to general poor driving and includes a variety of behaviours, such as injudicious overtaking, 'tailgating', turning into too small a gap in traffic, inappropriate speed, being in the wrong lane on a roundabout, attempting to pass a vehicle on the nearside, failing to look properly and sudden braking.

It is defined as driving that "falls below what is expected of a competent and careful driver" and "driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving".

There is a current Government proposal to make careless driving a fixed penalty notice offence (£90 and 3 penalty points) or, as with speeding, open to the offer of remedial training. However, the option of going to court would still be retained should the driver wish to contest the offence.

### Website



The Association's website is now live and can be found at [www.batchedonsite.org](http://www.batchedonsite.org) - it is intended for this to be a simple vehicle for the association to provide information to members going forward. It is intended that newsletters, updates and meeting minutes will be available on the site.

### Disclaimer:

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