

Driving at Work

Use of Minibuses on WCC Business Guide

Version 2.0

Purpose

This guidance document has been developed to support the implementation of the WCC Driving at Work Policy.

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1.0 Introduction

This document has been prepared to give guidance on the use of minibuses leased, owned or hired by Warwickshire County Council (WCC) and also to the various organisations that operate under the auspice of WCC such as educational establishments. It is intended to ensure the safe effective operation and compliance with relevant legislation.

This guidance sets the WCC standards which we expect to be both referred and adhered to.

1.1 Transport Co-ordinator

It is recommended that each establishment identifies a senior manager / Education Visits Coordinator (EVC) to act in the capacity of a Transport Coordinator. This person will have the responsibility for ensuring that all arrangements for the use of the minibuses are implemented in compliance with this document.

1.2 Definitions & key terms

| | |
|-------------------------------------|--|
| Driver | - the person who will drive and be responsible for the minibus |
| Maintenance | - Servicing and upkeep of the minibus in accordance with manufacturers instructions and good practice |
| Minibus | - a motor vehicle constructed or adapted to carry between 9 and 16 seated passengers in addition to the driver. |
| Party leader | - the person in charge and responsible for the leadership and safe conduct of groups of people using the minibus |
| PCV | - Passenger Carrying Vehicle |
| PSV | - Public Service Vehicle |
| Seat belts / Child restraints | - Appropriate restraint devices installed at all seats for the protection of passengers (e.g. the seat belt must be appropriate for the user). |
| Tail lift | - a device fitted to the minibus for the purpose of loading and unloading wheelchairs, passengers with walking difficulties and heavy objects |
| User | - The group who books or hires the vehicle |
| Voluntary driver | - A person who will drive the vehicle and who will not receive payment for it (see Hire & Reward at Appendix 1) |
| WCC | - Warwickshire County Council |
| Young People or person | - For the purposes of this document a young person is defined as someone under the age of 18 years <u>or</u> attending an educational establishment. |

2.0 Roles and Responsibilities for driving minibuses on WCC Business

2.1 General Conditions of Use

- Each organisation that owns or has access to a minibus must ensure that they have effective provision of a Transport Coordinator to carry out the outlined arrangements within this guidance, in relation to the day to day functions of minibus use, and the planning and organisation of such use.
- When hiring a minibus use is granted on the understanding that the organisation leasing or hiring the bus is responsible for its proper use and that no costs fall on WCC or the hire company.
- If you operate your own minibus “for hire or reward” this may be illegal, unless you have a permit (see Appendix 1). Users must note that no profit may be made and that the driver must not be paid. If it is intended to cover costs through a charge to the passengers, the groups must hold a Small Bus Permit Information can be located on the Community Transport Association Web Site. (See Appendix 2).
- When hiring a minibus, **Only** the driver(s) named on the booking form may drive the vehicle (‘Use of vehicle application form’ at Appendix 3 can be used to document named drivers)
- When under hire from WCC the allocation of a vehicle is dependent on it being available on the date required. WCC cannot accept responsibility for the non-availability of a vehicle through breakdown, emergency repairs, etc.
- Smoking and the drinking of alcohol is not permitted in WCC vehicles.

2.2 Driving a Minibus - Your Licensing Position

Licences must be shared and accessible for checking by the Transport Coordinator. If vehicles are being hired through a rental company they will also require to view the drivers licence. To share your driving licence you must use and follow the information on this link <https://www.gov.uk/view-driving-licence>. If a driver has an endorsement/penalty points for any motoring offence, the Transport Coordinator must be notified. For County Council owned/leased vehicles the Transport Coordinator must contact the Council’s Insurance Officer who will then ascertain whether the proposed driver can drive County Council vehicles. For externally Insured vehicles the Transport Coordinator should directly contact their own Insurers.

2.2.1 Driving licences held before 1 January 1997

Where a driver had entitlement to drive cars prior to 1 January 1997 - shown as group A (B for automatics) on an old style green or pink licence or as category B and D1 **not for hire or reward** on a pink and green or photocard licence – he or she can drive a minibus provided:

- He or she is aged 21 or over, the minibus has a maximum of 17 seats including the driver's seat and it is not being used for hire or reward.

To drive a minibus which has 9 or more passenger seats for **hire or reward** the driver will normally need passenger carrying vehicle entitlement [**PCV**] (category D1 or D). To obtain this the driver must meet higher medical standards and take a further driving test.

Hire or reward encompasses any payment in cash or kind by (or on behalf of) passengers, which gives them a right to be carried.

However, when driving a minibus for an organisation under the Minibus Permit Scheme, the driver will **NOT** need a category D1 or D licence even if a charge is made to passengers. See section 2.2.3 below covering Minibus Permits.

Rules from 1 January 1997

A driver's minibus entitlement will remain valid in the UK and on temporary visits abroad until his or her licence is next **renewed**. When the driver renews his or her licence minibus entitlement (D1 and D1+E not for hire or reward) can only be issued if he or she makes a special application that will involve meeting higher medical standards.

If minibus entitlement is renewed the driver will normally be granted a D1 and D1+E licence for 3 years which will allow him or her to drive minibuses, not for hire or reward, in the UK and on temporary visits to other EC/EEA countries.

If minibus entitlement is not renewed, categories D1 and D1+E will no longer appear on the driver's licence. **However if the driver is aged less than 70 years, he or she may still be able to drive minibuses in certain circumstances. These rules are explained in Section 2.2.2 below.** Drivers whose licences are due for renewal will receive advice about these new procedures with their renewal reminder letter.

Medically Restricted Licences

In general, car licences have to be renewed when drivers reach the age of 70 but younger drivers with restricted medical licences will also be affected by the new rules when their licences are renewed after 1 January 1998. If the driver has a medically restricted licence the entitlement to drive non-commercial minibuses on a voluntary basis will **NOT** be subject to the higher standards until he or she reaches the age of 70. The rules applicable in these circumstances are the same as those that apply to drivers who passed their car test after 1 January 1997.

Will Licences Be Accepted Overseas?

All entitlements on British licences will continue to be accepted at face value during temporary visits to other EC/EEA countries. Note though, that permit minibuses used for hire or reward **cannot** be driven outside the United Kingdom unless the driver has **passed a PCV test or holds** category D1 or D.

2.2.2 Drivers who do not have pre 1997 minibus entitlement (Category D1)

Anyone who passed a car-driving test on or after 1st January 1997 will not have category D1 on his or her licence. This is the category required to legally drive a minibus on the public highway.

However, if the driver's licence does not allow him or her to drive minibuses, there are certain circumstances where he or she still may be able to do so.

The driver may drive a minibus with up to 16 passenger seats (17 including the driver) if:

- i) he or she drives on behalf of a non-commercial body for social purposes but not for hire or reward, unless operating under a permit;
- ii) he or she is aged 21 or over 23 years WCC Insurance;
- iii) he or she has held a car (category B) licence for at least 2 years;
- iv) he or she is driving on a voluntary basis; **and**
- v) the minibus maximum laden weight is not more than **3.5 tonnes** excluding any specialist equipment necessary for the carriage of disabled passengers. Minibuses up to **4.25 tonnes** will be permitted to allow for such specialist equipment.

When driving a minibus under these conditions the driver may not receive any payment or consideration for doing so other than out of pocket expenses or tow any size trailer; **the driver may only drive minibuses in the UK.**

Adding D1 to your licence – the process

To add the provision D1 to your driving licence, the application form D2 (available from the DVLA) will need to be completed. Medical clearance is also required, to do this, you will need to obtain the form D4 available from the Post Office.

Once the application and medical clearance has been approved, you will receive your licence containing the provisional D1 entitlement. This means you are entitled to drive the minibus provided:

- Your minibus displays regulation L plates at the front and rear
- You accompanied by another driver who holds a licence with category D1 entitlement.

To obtain the full category D1 licence entitlement, a theory and practical test must be successfully achieved. Upon passing the practical test, you will be issued with a certificate which contains instructions on how to upgrade your provisional D1 to 'full' entitlement.

See also Section 3.8.

2.2.3 Minibus Permits

Minibus Permits are issued to organisations concerned with education, religion, social welfare, recreation or other activities of benefit to the community.

Minibus Permits allow certain organisations to make a charge without having to comply with the full public service vehicle operator licensing requirements and without the need for their drivers to have PCV (category D1 or D) entitlement. The service must be provided for their own members or for groups of people whom the organisation serves. The service

must not be provided to members of the general public and the charges made must be on a non-profit basis (charges can offset running costs).

If the driver had entitlement to drive cars prior to 1 January 1997 he or she will continue to be able to drive minibuses under the Permit Scheme, provided his or her entitlement to drive minibuses (Category D1, not for hire or reward) remains in force. New drivers who passed their car test (category B) on or after 1 January 1997 may also drive a permit minibus provided the driver licensing conditions in Section 2.1 above are met.

**NOTE: THE PERMIT ARRANGEMENTS APPLY ONLY IN THE UK
A PERMIT MINIBUS CANNOT BE TAKEN OVERSEAS IF IT IS USED FOR HIRE OR
REWARD UNLESS THE DRIVER HOLDS EITHER A PCV CATEGORY D1 OR D
ENTITLEMENT.**

2.3 Planning

The Transport Coordinator, not travelling with the party, should be left with details of the intended route, the estimated time of return and any other relevant vehicle, journey or contact details. In addition, the Transport Coordinator should ensure the party leader has given careful thought to planning. The main factors to consider include:

- a) Generic risk assessments for the transportation of clients (such as, young people).
- b) Passenger safety
- c) passengers are adequately supervised (supervision levels should be identified as part of the risk assessment process (for example school pupils should be adequately supervised by a competent adult to maintain appropriate behaviour)
- d) Age and height of young person (if transporting young people) – please note booster seats are only required in minibuses for front seat passengers (if appropriate).
- e) The competence and training of the driver for the proposed vehicle. (See sections 3.7 and 3.8)
- f) Whether adequate breakdown cover is available and how it is accessed (some County Council vehicles are covered by fleet membership to breakdown recovery)
- g) The number of driving hours required for the journey and the length and composition of the driver's day (see Section 3.3 and Appendix 4)
- h) The capacity, experience and ability of the driver to maintain concentration - whether more than one driver is needed to avoid driver fatigue
- i) The journey, time and distance - will the visit take place locally or will it include long distance driving (for example, Motorways)
- j) The authorised gross vehicle weight and pay load in relation to the amount of luggage or equipment to be taken and whether a roof rack or trailer is required

- k) The loading and unloading of roof racks and trailers to ensure security of load and the safety of users.
- l) Traffic and weather conditions
- m) Contingency funds and arrangements in case of breakdown/emergency. Access to mobile phones
- n) Appropriate insurance cover – please ensure the vehicle is adequately insured for your purpose.
- o) Stopping points on long journeys for driver breaks, toilets and refreshments
- p) Personal safety when collecting and returning the vehicle

2.4 Driver Responsibilities

Drivers are required to:

- a) Ensure they have received the appropriate training, have the correct driving licence and have received authorisation to drive such a vehicle (see sections 3.7 and 3.8)
- b) Ensure that the vehicle is in a fit and serviceable condition when it is in their custody. The driver is legally responsible for the vehicle and its load whilst it is in their custody. All checks should be recorded with any defects using the “Daily Vehicle Check Defect Report Passenger Vehicles”. Any problems must be reported to the Transport Coordinator immediately. Defect books are available from County Fleet Management (01926 412884)
- c) Comply with the requirements governing driving and use of passenger carrying vehicles with respect to passenger safety and comfort.
- d) make passengers behave appropriately while travelling in the vehicle.
- e) Comply with the requirements in respect of driver hours and the keeping of driver hours of work records. These are detailed in Appendix 4. If you are travelling overseas Information can be located on the Community Transport Association Web Site. Minibus to Europe (see Appendix 2).
- f) Give reasonable assistance to any person having authority to inspect the vehicle and not obstruct them in anyway.
- g) Provide particulars – name, address and organisation to any police officer or other person having reasonable grounds for requiring it.
- h) Stop as close as possible to the left or nearside when picking up or setting down passengers. Where offside doors are fitted these are designed for **emergency use** only.

- i) Not allow the vehicle to remain stationary on a public road longer than is necessary to pick up or set down passengers.
- j) Be in good health and be physically capable of satisfactorily carrying out the duties for which the vehicle is to be used.
- k) Not use mobile phones whilst driving. (Refer to WCC Driving at Work Policy and Travel Code of Conduct).
- l) Ensure any driving aids are serviceable and used correctly in line with manufacturers instructions.
- m) Not attempt to drive any vehicle while under the influence of drink or drugs. If drivers are taking medication then the label should be checked to ensure that the preparation does not affect their ability to drive. If necessary, medical advice should be obtained.
- n) Know the speed limits and not exceed them. Post 1st January 2008 all minibuses are fitted with speed limiters set at 100 kph (62mph). Pre 1st January 2008 vehicles that fall within the scope of EC **Directive 2002/85/EC** must have been retro fitted with speed limiters set at 100 kph (62mph). Ensure that the vehicle is travelling at the correct speed for the road in accordance with the Highway Code.
- o) Ensure that all passengers wear seatbelts.
- p) Ensure that the vehicle is taxed and holds/displays a Section 19 Permit where applicable.
- q) It is the driver's responsibility to know the height and width of the vehicle including any trailer that may be used
- h) Where flammable materials are to be transported they should be stored external to the minibus i.e. trailer or roof rack and should be placed in suitable containers. It is recommended that no more than 5 litres of petrol or 20 litres of meths/paraffin is carried. Vehicles/trailers should carry the small diamond 'flammable liquid' sign on the rear of the vehicle. If LGP is being carried a 'compressed gas' sign should be used.

3.0 Arrangements

The vehicle must be driven in accordance with the Highway Code.

3.1 Driver Concentration/Fatigue

To minimise the risk of fatigue and lack of concentration, a driver should observe the following:

- a) Take regular breaks (a 15 minute break for every 2 hours of continuous driving is recommended).
- b) Adjust heating/ventilation controls to provide a good supply of fresh air.

- c) Not drive if unwell.
- d) Be aware that duties throughout the day may affect fatigue
- e) make passengers behave appropriately whilst travelling in the vehicle.
- f) If you are feeling drowsy, pull over and rest as soon as safe to do so.

Note: Where the journey undertaken involves night driving or long distances a risk assessment should be undertaken to ascertain whether two drivers will be required.

3.2 Seat Belts and Passenger Safety

- a) Seat belts are installed to all seat positions. Ensure that all seat belts are adjusted appropriately for the passenger. Each seat must carry only one passenger irrespective of the age of the passenger. Seat restraints suitable for the needs of the passenger must be available.
- b) The driver is legally responsible for ensuring that all passengers wear seatbelts.
- c) Minibus or coach drivers and companies don't have to provide child car seats. You must provide your own if you want to make sure a child has one.
All children must travel in rear seats (any seats behind the driver) if a child car seat or an adult seat belt isn't fitted.
Children aged 3 and older must:
 - use a child car seat if there's one available in a minibus
 - use an adult seat belt if child seats are not fitted or are unsuitable
(<https://www.gov.uk/child-car-seats-the-rules/when-a-child-can-travel-without-a-car-seat>).
- d) All passengers should be made aware of the location of the exit points, the fire extinguisher and the First Aid kit.
- e) The driver should ensure that passengers are aware of the need to stow luggage safely. The vehicle must be loaded in such a way to ensure there is unobstructed access from every passenger seat to at least two exit points. This means that all gangways are to be kept clear at all times, large items of luggage and equipment should be carried on the luggage rack or trailer and made secure.
- f) If a user wishes to tow a trailer, permission to do so must be obtained from the Transport Coordinator at the time of booking the vehicle (see Section 3.12 Trailers and Towing).
- g) For passengers with special needs, only appropriate seating and restraints must be provided and used.

- h) For passengers being transported in wheelchairs, all straps/restraints/and seat belts must be secure and fixed in place in accordance with the risk assessment, care plan (if required) and safe system of work for that vehicle/ type of restraints be used.

3.3 Records of Journey

- a) All journeys should be recorded on a log sheet provided with the vehicle (see Appendix 5 for example)
- b) Copies or originals of receipts in respect of purchase of fuel etc. should be handed to the Transport Coordinator when the keys are returned (if applicable).
- c) If a vehicle is being used outside the UK it is a legal requirement for a tachograph to be fitted and used in compliance with relevant legislation along with waybills.

3.4 Fuel Usage

Users are advised that typical fuel consumption for minibuses is at best 6km to the litre when laden. This should be taken into account when planning journeys (see also section 3.3 - Records of Journeys)

3.5 Breakdown

Procedures following breakdowns will differ (see Appendix 6).

The Transport Coordinator must ensure details of the necessary procedures are provided in each vehicle.

Breakdowns on motorways – There are only three instances where stopping on the hard shoulder is allowed:

- 1) In the event of a breakdown;
- 2) In an emergency; or
- 3) If told to stop by the police/traffic agency.

In the event of a breakdown on the hard shoulder you should adopt the following six step procedure: 1) Switch on your emergency warning lights parking carefully as far away from the traffic lane as possible, 2) If you have a safety high visibility vest put it on, 3) Leave the vehicle via the passenger door and make sure all passengers exit the vehicle away from the traffic lane, 4) Get everyone to safety, behind the safety barrier, 5) Alert the emergency services, 6) wait for the emergency services in a safe location. All vehicle occupants should remain together behind the safety barrier. It is not recommended that staff try to repair the vehicle.

Do not attempt to undertake repairs yourself.

3.6 Insurance

WCC minibuses registered on the corporate fleet system are insured under cover of the County's Motor Vehicle Policy. For other minibuses the Transport Coordinator must arrange appropriate insurance.

The County's insurance for the vehicles covers briefly, accidental loss or damage to the vehicle and liability for injury to third parties, including passengers and for damage to the property of third parties. **The user of the vehicle will be responsible for the payment of any excess in the event of a claim being made (see Section 1.2 for the definition of a 'user').**

3.7 Driver Requirements/Licences.

NB these requirements are those recommended by WCC and may be over and above those safeguards outlined in Transport Law

WCC requires that **everyone** who drives its minibuses is:

- a) Normally at least 23 years of age and not over 65 years of age and has a minimum of 2 years relevant driving experience (ideally 3 years). Special dispensation **may** be provided to EMPLOYEES of WCC who are experienced minibus drivers and have reached the upper age limit (contact the Transport Coordinator/County Insurance Officer for further information).
- b) a holder of a current WCC driving test certificate issued by one of the County Council's approved trainers
- c) a holder of a current clean UK driving licence enabling them to drive a minibus. Licences will have to be produced for checking by the Transport Coordinator. If you hold a photocard you will also need to produce the paper counterpart. If the licence held is non UK, the Transport Coordinator must check the driving qualification with the County Fleet Manager.
- d) A driver with an endorsement/penalty points will only be able to drive if both:
 - WCC's Insurance Officer is prepared to permit this from an insurance point of view; and
 - The manager or Head of the organisation/department/school or bursar/business manager are prepared to allow passengers to travel in a vehicle driven by the person concerned.

For this instance refer to and comply with Appendix 10.

If a vehicle is to be taken overseas please ensure that you meet all of the requirements specified in section 3.10.

3.8 Driver Training and Testing

Drivers of vehicles with a tail-lift must be competent with using the equipment. Training is available from the Road Safety Section. Successful attendees will be issued with an appropriate test certificate.

Anyone who drives a minibus owned or hired by WCC or used on Council business must first pass a Council approved minibus driving test or hold a relevant exemption. A certificate is issued to successful candidates. Information sheets and booking forms can be obtained from the Road Safety Section.

The Road Safety Section contracts Government Approved Driving Instructors to carry out training and tests. The standard and content of the test is similar to the national car-driving test. Training and tests can be arranged anywhere in Warwickshire. The driver's organisation must supply a roadworthy and suitably taxed and insured minibus with sufficient fuel ready and able to be driven off at the appointed time.

Certificates are valid for three years from the day of the test. About six weeks before the certificate expires the Transport Coordinator should contact the relevant training provider for a retest appointment to ensure the certificate does not lapse.

Only the following are exempt from the test:-

- holders of a current full Passenger Carrying Vehicle licence (PCV category D)
- currently qualified police, fire and ambulance drivers
- holders of a current MIDAS test certificate.

Tests by other local authorities (other than MIDAS) do not automatically exempt the driver from the need to take the Council approved test.

Drivers must show their certificate (or documentary evidence of exemption) with their driving licence to the Transport Coordinator before they are permitted to drive. Transport Coordinators must recheck these documents at least once a year and keep a record of the date when they did so along with photocopies of licenses.

Possession of a certificate is only evidence of passing the test on the date stated. It does not guarantee that the driver is otherwise suitable to drive. (For example the driver might have recently had a drink drive conviction or become medically unfit).

The WCC minibus / MIDAS training and test is purely directed at driving ability for the vehicle type provided on that day. Resource managers / Head teachers should be aware that Transport Coordinator's, drivers and persons that may be required to drive minibuses might need training and/or testing in additional areas depending on the circumstances. It is not possible to produce a comprehensive list but the following may also be needed:-

| Training | Tests/checks |
|---|---|
| <ul style="list-style-type: none">• knowledge of this guidance document• familiarisation with different types of minibus• familiarisation with different types of | <ul style="list-style-type: none">• annual driver licence checking• police criminal record checks• medical fitness check• compliance with insurance requirements |

| | |
|---|--------------------------------|
| <p>driver licence</p> <ul style="list-style-type: none"> • record keeping • passenger care (including supervision of young people in the event of dangerous misbehaviour, fire, accident or breakdown) • towing a trailer • loading, unloading and securing wheelchairs • correct and safe use of the tail lift and any other specialist equipment fitted to the vehicle • proper use of seat belts, harnesses and other passenger safety equipment • journey planning and arrangements for special journeys (long journeys, journeys abroad, sleep disruption, driving on special types of road etc.) • safe loads on vehicles including trailers and roof-racks | <p>(age/endorsements etc.)</p> |
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3.9 Action in the Event of an Accident

Procedures following accidents will differ. Please see separate (Appendix 6) sheet for further information. It is the responsibility of the Transport Coordinator to ensure that detailed instructions are provided with each vehicle.

3.10 Travel outside the UK

PCV entitlement

- For anyone driving a Minibus on a voluntary basis outside of the UK, WCC would expect the driver to have a full D1 Licence and MIDAS Training.
- For further information and advice contact the County Fleet Manager.

Letter of Authority

- A Letter of Authority is required if the name and address of the vehicle keeper on the Vehicle Registration Document (V5) is not the same as the person driving the vehicle. Such letters are obtainable from the County Fleet Manager, who will have to be satisfied as to the bona fide experience of the driver for WCC minibuses. For non WCC mini buses a letter should be sought from the head teacher or senior manager.

If the vehicle is to be used outside the U.K., but within the European Community (EC) ask the Transport Coordinator, at least one month before the journey, to obtain and issue the following documents:

- Registration Document (copy)
- Letter of Authority

- MOT Certificate (copy)
- Certificate of Insurance (copy)
- Waybill – users must submit the names of two appointed drivers and names of the passengers, in order that the waybill can be issued.

If the proposed journey is to go outside the EC, contact County Fleet Management for further advice and guidance.

Note: Specific legislation relating to minibuses is applicable within the EC. A tachograph must be fitted to and used in any minibus used outside the U.K.

3.11 Trailers and Towing

- To use a minibus to tow a trailer the driver must hold category D1+E entitlement.
- A driver who passed a DVLA car driving licence test on or after 1st January 1997 does not automatically receive category D1 entitlement.
- The driver must hold the appropriate licence for towing in relation to the vehicle category.
- The driver should have received County Council approved training/assessment for towing trailers; information on training/assessment can be obtained from County Fleet Management.
- The trailer MAM must not exceed the authorised weight indicated on the vehicle chassis plate.
- When loaded the trailer must not exceed the unladen weight of the towing vehicle (County Fleet Management can advise on this if required).
- A minibus may not tow a trailer unless two forms of emergency exit are available for passengers. e.g. a sliding loading door and separate break glass points at either side of the vehicle passenger area.
- Luggage stored within the vehicle must not hinder evacuation

3.12 Maintenance/Repairs

It is the responsibility of the Transport Coordinator to ensure that the vehicle is properly maintained and records kept in a specified place of any maintenance work carried out for legal, insurance and safety reasons.

The Transport Coordinator must send a copy of all maintenance records and invoices relating to maintenance to the County Fleet Manager, who has overall legal responsibility for vehicles operated. (WCC vehicles only).

3.13 Purchase/Sale

Anyone wishing to purchase a new vehicle or sell an existing vehicle should consider contacting County Fleet Management for advice.

3.14 WCC Minibus Hire

3.14.1 Booking Forms

- A booking form for each vehicle must be completed and returned at least seven days prior to the actual date the vehicle is required. Please liaise with the Transport Coordinator (see Appendix 3).

3.14.2. Collection

- Vehicles may only be collected at the times specified by the Transport Coordinator.

3.14.3. Cleaning

- WCC vehicles are in frequent use. **In the interests of health, safety and welfare for the benefit of all users please ensure that the vehicle interior is swept clean and all cans, wrappers and other debris removed before the minibus is returned.**
- The outside of the vehicle should be washed down where the period of use has been five days or longer. Automatic vehicle washers must not be used if a roof rack is fitted to the vehicle.

Appendix 1 – Hire or Reward

It is illegal to operate a minibus “for hire or reward” unless you have a permit to do so. Users must note that no profit may be made and that the driver must not be paid. If it is intended to cover costs through a charge to the passengers, the groups must hold a Small Bus Permit.

HIRE OR REWARD

The term “Hire or Reward” is very wide ranging. A popular misconception is that it is linked to profit and commercial operation. However, that is not the case. Hire or reward is defined in s.1 of the Public Passenger Vehicles Act 1981 as:

- (a) including payment for any matters which involve the carrying of passengers, no matter whether such payment is made direct or via any association or agency
- (b) including payment being made in consideration of other matters additional to any journeys taken
- (c) including payment which confers a right to be carried, whether exercised or not.

The existence of "Hire or Reward" depends largely, though not exclusively, on the above points, there are however, other examples where the matter is not so clear.

Where a group of people hires a self-drive 16 seater minibus and then shares the costs amongst those using it, it can be argued that those contributions "confer a right to be carried", and as a consequence "Hire or Reward" exists. The fact that the vehicle is not being used in carrying passengers commercially makes no difference.

Similarly payment made for a holiday to a travel agent, which includes the right to travel on what may be described as a "free" airport courtesy coach would mean that "Hire or Reward" exists even if those who choose not to use the service pay no less than those using it.

There are factors other than those listed above which may also bring a vehicle within the scope of "Hire or Reward". In the case of *Rout v Swallow Hotels Ltd* ([1992] Times, 9 September 1992 [QBD, Leggatt L. J. and Pill J]) courtesy coaches were provided for the use of hotel guests. There was no separate payment for travelling on a coach and it was accepted that no payments were made which conferred a right to be carried on a vehicle. The appeal judges decided, however, that the coaches were provided as part of the hotel's amenities and, as such, "Hire or Reward" existed as inclusive parts of those payments.

The case does not change the meaning of "Hire or Reward" as defined in the Public Passenger Vehicles Act 1981. It does, however, give added meaning to the term "Hire or Reward" to cover any organisation that uses passenger carrying vehicles in association with its main activities. A further case, *DPP v Sikondar* ([1992] Times, 19 May 1992 [QBD, Watkins L. J. and May J.]) it was held that the acceptance of petrol money by the driver (a parent) of a vehicle used to take 11 children to and from school was a "systematic carrying of passengers" which exceeded social kindness and therefore "Hire or Reward" existed

Appendix 2 – Small bus permit

To Access CTA (Community Transport Association) Advice & Information go to www.ctauk.org.

1. Look along the green panel and click on Advice & Information.
2. Click on leaflets

The screenshot shows the CTA website interface. At the top, there is a navigation bar with links for Home, About CTA, Job shop, Contact us, Accessibility, and Sitemap. Below this is a green navigation panel with the following menu items: CTA Membership, Advice & Information, Training, Policies & Legislation, Events, In your area, CTA Consultancy, and The CT Directory. The 'Advice & Information' menu item is highlighted. Below the navigation panel, there is a sidebar with various categories: CTA England Regional Roadshow 2014 book now!, Advice The CTA advice file and leaflets, NDAS & PATS Information and resources, Quick links, and a Members area. The main content area features several sections: 'Advice Leaflets' (highlighted with a red arrow), 'Problem Solvers', 'Safe and Legal Education', 'The CTA Quality Mark', and 'Transport with Care'. The 'Advice Leaflets' section includes a sub-menu with 'Leaflets', 'Problem Solvers', 'Safe and Legal Education', 'Quality Mark', 'Transport with Care', 'Medical Device Alerts', and 'Volunteer Insurance'. The 'Problem Solvers' section has a red question mark icon. The 'Safe and Legal Education' section has a graduation cap icon. The 'The CTA Quality Mark' section has a green checkmark icon. The 'Transport with Care' section has a car icon. The 'Members area' on the right includes a login form and a 'membership' button. The 'News & Hot Topics' section on the right lists several news items with 'Read more' links.

3. Go to box labelled Members Area.

Type in: drivingatwork@warwickshire.gov.uk in the top box.
In the lower box type in **CT2014** and press log in



4. You will then be able to access the Registered Users Area.

You will now be able to access all of the latest information with regard to the legal and safe operation of your Mini bus.

The screenshot shows a web browser window displaying the CTA Registered Users Area. The browser's address bar shows the URL www.ctauk.org/cta-member-area/registered-users.aspx. The page header includes the CTA logo, the tagline "Delivering social change through leadership, learning & enterprise", and navigation links for Home, CTA Member Area, and Log Out. A search bar is also present. The main navigation menu includes CTA Membership, Advice & Information, Training, Policies & legislation, Events, In your area, CTA Consultancy, and The CT Directory. The main content area is titled "Registered Users Area" and contains a welcome message, a "Legal" section with a list of links to various documents (e.g., Driver Licensing - CDT and CDES Incident Driver Guidance, Driver Licensing - Permit Vehicles), a "Members Only" section with application forms, and a "Vehicle Maintenance Declaration form" link. On the right side, there are three promotional boxes: "CTA England Regional Roadshows 2014 book now!", "Advice The CTA advice line and leaflets", and "MDAS & PATS Information and resources".

Appendix 3 - Use of Vehicle Application Form

THIS FORM MUST BE COMPLETED BY THE PERSON(S) WHO WILL BE DRIVING THE VEHICLE

1. Hirer details

Name of organisation _____

First Driver's Surname _____ Other Names _____

Home address _____

Post Code _____ Telephone No. _____

Daytime Telephone No. _____

Second Driver's Surname _____ Other Names _____

Home address _____

Post Code _____ Telephone No. _____

Daytime Telephone No. _____

2. Journey Details

Inclusive date(s) vehicle required from: _____ to: _____

Vehicle to be collected date: _____ time: _____ a.m./p.m.

Vehicle to be returned date: _____ time: _____ a.m./p.m.

Purpose of journey _____

Approximate mileage _____

P.T.O

3. Hirer's Declaration

This declaration must be signed by all drivers named on this booking form

I/We declare that I/we have read the document 'Use of Minibuses'.

I/We declare that I am/we are over 25 years of age, hold a current driving licence which is free from endorsements/penalty points **, have not been involved in any accidents in the last five years and have passed (or hold a valid exemption from) the County Council's minibus driving test within the last 3 years.*.

I/We declare that I am/we are medically fit to drive.

Signed _____ Date _____

Signed _____ Date _____

* This must be presented for all drivers on presentation of this form

** If the licence is endorsed or if there are penalty points please indicate their nature. Before the booking can be confirmed we must check with the County Council's Insurance Department whether or not insurance cover can be arranged.

Please return this form to the Transport Coordinator

FOR OFFICE USE ONLY:

Application received on: _____

Application Accepted Refused

Date reply sent : _____

ID Cards presented: Signature: _____

Date: _____

Key collection arrangements confirmed _____

Appendix 4 - Driver's Hours Rules

NB. Driver hour's rules are outlined as a guide for groups/companies that operate minibuses/ large buses. These rules differ from that of UK Domestic hours for goods vehicles and must be considered in conjunction with current working time regulations.

Daily Rest

- A driver must have a period of rest of at least 10 hours between each working day. This can be reduced to 8 hours and 30 minutes, on no more than 3 occasions per week.
- There is nothing to prevent this reduction occurring on consecutive days.

Weekly Rest

- A driver must have a period of at least 24 consecutive hours of rest every 2 weeks, i.e. each fortnight.
- It can be taken at the beginning or end of a working fortnight, and can fall partly in one fortnight and partly in the next, provided it is started in the fortnight to which it applies.

(For example:- a driver who ends duty, say at 1500hrs. on Tuesday and starts duty again at 1500hrs. the next day has complied with the 24 hours rest period, thus allowing 14 consecutive calendar days to be worked.)

Maximum Total Daily Driving Time

- The maximum aggregate driving time is 10 hours in a working day.

Maximum Period of Driving and Minimum Breaks

- A driver cannot exceed a maximum continuous driving period of 5 hours 30 minutes, after which a break of at least 30 minutes must be taken.
- A through duty of 8 hours 30 minutes may be worked provided that accumulated layover time is at least 45 minutes. This can be made up of small amounts of non-driving time, but this non-driving time must be between the time of first driving a vehicle and the time of ending the driving of the vehicle. Signing on times before driving is undertaken or signing off time after driving has finished cannot count towards the 45 minutes.
- At the end of this period the driver may take either a daily rest period or a break of at least 30 minutes. In the case of the latter a further period of driving can be undertaken provided the overall total for the working day does not exceed 10 hours.

Appendix 5 – Minibus log sheet

Warwickshire County Council

Minibus Log Sheet: To be completed and remain in vehicle

Vehicle Registration Number

Month and Year

| Date | Journey Details | Mileometer Readings | | Total Mileage | User | Name of Driver | Comments/defects | Remedial action if required |
|------|-----------------|---------------------|--------|---------------|------|----------------|------------------|-----------------------------|
| | | Start | Finish | | | | | |
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Appendix 6 - Warwickshire County Council Fleet Breakdown and Accident Procedures

Mechanical Breakdowns - 08.00 hrs. to 16.30 hrs. Monday – Thursday 08.00 hrs to 16.00 hrs. Friday

Contact: Fleet Management, Tel. 01926 412898 / 412884.

Mechanical Breakdowns - Outside Normal Hours (inc. Bank Holidays)

If the vehicle is currently covered by the vehicle manufacturer's warranty and it includes a vehicle breakdown attendance / recovery service. Contact the appropriate breakdown organisation in accordance with the procedure detailed in the vehicle handbook / literature.

If the vehicle is not covered by the manufacturer's warranty, contact: Nationwide Transport Breakdown Services Ltd. Tel. 0161 336 8752. Your call will be answered by the breakdown service pager system. You should leave the name, state clearly "Warwickshire County Council" and a contact telephone number where you can be contacted when prompted by the system. Your telephone message will be answered within 15 minutes. You will be asked to provide the following information:

1. Vehicle location.
2. Registration number, make & model.
3. Nature of the breakdown.
4. Name and contact telephone number.

Fleet Management will administer the Nationwide Transport Breakdown Services Ltd account, no further action is required by the driver or operator.

Replacement Vehicle

Where a vehicle has broken down and a replacement vehicle is required, Nationwide Transport Breakdown Services Ltd., (Tel. 0161 336 8752) will, where available, deliver a replacement vehicle of the size and type required, or offer an alternative vehicle(s).

Vehicles Registered with the WCC Fleet Management Minibus Breakdown Service

The annual breakdown service fee covers attendance to all breakdowns in the U.K. The service also provides for vehicle recovery and onwards travel (replacement vehicle at additional cost) to a single destination of the customer's choice.

Items specifically excluded: The cost of replacement parts and associated labour cost only –

This does not apply to WCC Fleet Management Contract Hire Vehicles.

Tyre Maintenance & Replacement

A tyre maintenance contract is in place with A.T.S. Euromaster. The contract provides for 24 hour service throughout the UK. In the event that tyre maintenance is required contact the A.T.S. service control centre on Freephone 0800 505505. The operator who answers will deal with your request for assistance. You must tell the operator that the vehicle is owned by Warwickshire County Council and quote Account No: 939875. You will be asked for the following information:

1. Vehicle location.
2. Registration number, make & model.
3. Tyre size and wheel position.
4. Name and contact telephone number.

Fleet Management will administer the A.T.S. account, no further action is required by the driver or operator other than to sign the A.T.S. fitter's worksheet for the goods or service received.

Windscreen & Body Glass Repairs

We operate an account for windscreen and glass repair/replacement with National Mobile Windscreens. They can be contacted as follows:

National Mobile Windscreens. Tel: 0800 373171. When making a request for work to be undertaken sufficient information must be provided to enable the company to respond efficiently:

1. Quote account No: 183760
2. State – Warwickshire County Council
3. Registration number, make & model.
4. Name and contact telephone number.

National Mobile Windscreens will arrange the repair through their nearest local branch.

Fleet Management will administer the account, no further action is required by the driver or operator.

Accident Procedure

All accidents involving vehicles and trailers drawn by vehicles must be reported. This applies whether damage or injury has been caused or not. If you are involved in an accident, contact Fleet Management, Tel. 01926 412898 / 412884. We will provide an accident claim form and assist you in completing it if necessary.

IMPORTANT NOTE:

If an accident results in injury to any person or animal, or damage to any property you must stop and give your name and address, and our name and address of i.e. Warwickshire County Council, Communities Group, Shire Hall, WARWICK, CV34 4RL, together with the registration mark of the vehicle to any person having reasonable grounds for requiring them. If for any reason you cannot give this information at the time of the accident you must either report it yourself or arrange for it to be reported to the police (at any Police station) as soon as possible but in any case within 24 hours. It is an offence not to stop or to report an accident. You must not admit liability in any circumstances.

Appendix 7 - Contacts

Any initial enquiries regarding the use and operation of the vehicle should be made to the Vehicle Manager. Further advice and guidance is available from the contact person listed below:

| Type of Query | Further Advice | Telephone Number |
|--|------------------------------------|--|
| County Council Minibus Insurance | County Insurance Section | 01926-418160 |
| Driver Training and Testing | Road Safety Section | 01926-418619 |
| MIDAS Training and Tests (minibuses with tail lifts) | Road Safety Section | 01926-418619 |
| Driving Test Licences from 1/1/1997 | County Fleet Maintenance | 01926-412898 |
| Exemptions to Minibus Test | County Fleet Maintenance | 01926-412299 |
| Driving Licences | County Fleet Maintenance | 01926-412898 |
| Foreign Travel | County Fleet Maintenance | 01926-412299 |
| Permits | County Fleet Maintenance | 01926-412299 |
| Trailers and Towing | County Fleet Maintenance | 01926-412885 |
| Maintenance/Repairs | County Fleet Maintenance | Copy of reports to: County Fleet Maintenance Unit 2 Montague Road Warwick CV34 5LU Tel: 01926-412884 |
| Breakdown Cover | County Fleet Maintenance | 01926-412884 |
| Health and Safety Advice | Health, Safety & Wellbeing Service | healthandsafety@warwickshire.gov.uk or 01926 476803 |
| Purchase/Sale | County Fleet Maintenance | 01926-412299 |
| | | |
| <i>For further reading -</i> | | |
| Driving a Minibus | | www.direct.gov.uk/driving Customer Enquires – 0870 240 0009 |
| Driver Training | | www.warwickshire.gov.uk/minibustraining |

Daily Vehicle Check

Defect Report

Passenger Vehicles

Drivers' Responsibilities

Defect Reports

As the driver of a passenger carrying minibus you are responsible for its condition when you are using it and you are required, by law, to report any defects or symptoms of defects that could affect its safe operation.

You should do this by carrying out a check of the vehicle you will drive before you use it on any day. In addition to daily checks you must monitor the roadworthiness of the vehicle when you are using it and you must be alert to any indication that it is developing a fault.

You should complete a walk-around check of any vehicle you drive before you use it on any day – this applies even if someone else has used the vehicle previously that day. The check must consist of a walk-around look over the whole vehicle. You must check the external condition, ensuring in particular that the lights, tyres, wheel fixings, bodywork and ancillary equipment are serviceable. You should seek assistance where necessary, to check the lights for example.

You must provide a written report of any defect that you identify during your daily check of the vehicle or at any time whilst you are using it. WCC Fleet minibus drivers should complete the forms in the defects reporting book for this purpose. Even if no defects are present, you must complete a form for each day you drive a vehicle; in these circumstances you should write "NIL" in the defect box on the form. You must sign and date the form and hand it to your supervisor at the end of your day's work.

If you identify a defect that you consider needs immediate attention you must seek further advice from your supervisor or local workshop manager before using the vehicle. If your vehicle develops a defect whilst you are using it you must stop and report it immediately. In no circumstances should you drive any defective vehicle.

Daily Vehicle Check – Passenger Vehicle

The following is a guide to the items a driver should check as part of his or her daily vehicle or first use check. This list is not exhaustive and staff should exercise common sense when reporting defects.

SPECIFIC CHECKS TO BE CARRIED OUT ON THE FIRST WORKING DAY OF EACH WEEK:

| | ✓ | | ✓ |
|--|---|---|---|
| The vehicle is clean and tidy inside and out | | The tax disc is displayed and is up to date | |
| Permit disc is displayed | | Engine oil level (1) | |
| Engine coolant level (2) | | Screen-wash fluid – top up if necessary | |
| Clutch and brake fluid level (1) | | Hydraulic systems reservoir (1) | |
| Drain moisture from air brake tanks | | Check all tyre pressures (3) | |

- Notes:
1. Where frequent topping-up is necessary, check that there are no obvious leaks. If no obvious leaks are found note on the defect report form that frequent topping-up is necessary.
 2. Do not overfill, if frequent topping-up is necessary follow procedure for (1).
 3. Note on the defect form if significant loss is observed.

VEHICLE CHECKS TO BE CARRIED OUT EVERY DAY:

| | ✓ | | ✓ |
|--|---|--|---|
| Visually check bodywork to ensure no jagged edges or loose items | | Visually check tyres for punctures, wear and damage | |
| Visually check wheel nuts for tightness (look for rust stains around wheel nuts) | | Check drawbar (where fitted) for security and damage | |
| Check correct operation of all lights, i.e. front and rear side lamps, main and dipped headlamps, brake lamps, indicator lamps, hazard flashers, reverse lamps, rotating beacons and strobe lamps (where fitted) | | Check windscreen for damage | |
| | | Check conditions of seats | |
| | | Check operation of horn | |
| Check operation of screen wipers and washers | | Check air pressure gauges for correct pressure | |
| Check engine oil pressure lamp goes out | | Check operation of handbrake | |
| Check operation of foot brake | | Check fuel level | |
| Check operation of steering | | Check operation of emergency exit | |
| Check operation of doors | | Check all locks are secure | |

All defects affecting the road worthiness of the vehicle or trailer must be reported using the appropriate defect report form. Where no defect is found a "NIL" report is required.

Appendix 9 – Criteria for persons insured to drive vehicles insured under the WCC Fleet insurance arrangements (including hired vehicles)

A condition of the Warwickshire County Council fleet insurance arrangements is that **every driver of a council insured vehicle must be approved** by the County Council in accordance with the new Driving at Work Policy and associated guides.

Approval of drivers

Unless otherwise specified, approval will be by a line manager or, in the case of a secondary school, by at least a head of department or bursar/business manager or equivalent or, in the case of a primary school, by at least the assistant head teacher.

Level 1 standard driver criteria

Drivers may be unconditionally approved provided they comply with Level 1 outlined in the following table.

Level 2 discretionary criteria

Any drivers falling outside Level 1, but within Level 2, may be approved if required. It is expected that such approval will be given with full knowledge of the circumstances and consideration of the possible repercussions of the decision in respect of reputation and/or financial losses.

Once approved by one of the persons detailed above, details of the drivers must be immediately submitted to the Insurance Section for registering, giving the following details:

- Name of driver
- Age of driver
- Date full driver's licence obtained
- Convictions – code and number of points
- Number of fault accidents in the last 3 years
- Name and position of person approving the driver

Level 3 drivers not complying with Levels 1 or 2

Any drivers falling outside Levels 1 and 2 can only be approved by the Insurance Section. Such approval will only be considered if the request is fully supported by a senior member of the division or school concerned.

Full driver's details will be required, together with details of why the request should be considered and a recommendation supporting the request.

The request will only be considered if the risk is considered acceptable by insurers. When making their decision, the Insurance Section will take into account the potential effect on the fleet insurance's claims experience and credibility with insurers. The division or school may be asked to bear an increased excess.

Use of vehicles

Regardless of the type of vehicle, cover only applies automatically if the vehicle is being used for the business of the County Council or school, or the business of the voluntary, welfare or social organisation if hired.

There is no automatic cover in place for social, domestic and pleasure use of any vehicle (therefore employees are precluded from driving WCC vehicles for private use).

| Type of vehicle | Level 1 Standard driver criteria | | Level 2 Discretionary criteria |
|--|--|----------------------------------|--|
| Any car, light van or similar | At least 23 years | Age | At least 21 years |
| | 65 years | Age limit | 70 years |
| | Full driver's licence held for at least 2 years | Experience | Full driver's licence held for at least 2 years (1 year or over if aged 23 years) |
| | No more than 3 | Current points on licence | No more than 3 for any one offence and no more than 6 in total |
| | No more than 1 fault in last 3 years | Accidents | No more than 1 fault in last 3 years |
| Any HGV or similar | At least 23 years | Age | At least 21 years |
| | 65 years | Age limit | 70 years |
| | Holding an appropriate full driver's licence and with 2 or more years HGV driving experience | Experience | Full driver's licence held for at least 2 years (1 year or over if aged 23 years) |
| | No more than 3 | Current points on licence | No more than 3 for any one offence and no more than 6 in total |
| | No more than 1 in last 3 years | Accidents | No more than 1 fault in last 3 years |
| Minibuses or people carriers | At least 25 years | Age | At least 23 years |
| | 65 years | Age limit | 70 years |
| | Full driver's licence held for at least 3 years | Experience | Full driver's licence held for at least 2 years |
| | No more than 3 | Current points on licence | No more than 3 for any one offence and no more than 6 in total |
| | No more than 1 in last 3 years | Accidents | No more than 1 fault in last 3 years |
| Vehicles hired or loaned to welfare, voluntary or charitable groups | At least 23 years | Age | None Discretion is not allowed as any losses will affect the fleet insurance without necessarily meeting a business need |
| | 65 years | Age limit | |
| | Full driver's licence held for at least 3 years | Experience | |
| | No more than 3 | Current points on licence | |
| | No more than 1 in last 3 years | Accidents | |
| Pool cars | At least 23 years | Age | At least 21 years |
| | 65 years | Age limit | 70 years |
| | Full driver's licence held for at least 2 years | Experience | Full driver's licence held for at least 2 years (1 year if aged 23 years) |
| | No more than 3 | Current points on licence | No more than 3 for any one offence and no more than 6 in total |
| | No more than 1 fault in last 3 years | Accidents | No more than 1 fault in last 3 years |
| | <i>Approval given by County Fleet. Should prospective drivers fall outside the above, it may be discussed with Insurance Section</i> | | |

Level 3 – if a driver falls outside of level 1 and level 2 the Senior manager must consult and seek approval through the Insurance Section.

