

Use of Minibuses

Notes for Users



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USE OF MINIBUSES

NOTES FOR USERS

This document has been prepared to give guidance on the use of Minibuses owned or hired by Warwickshire County Council (WCC) or used on WCC business. It is intended to ensure safe effective operation and compliance with relevant legislation. Users are responsible for all costs involved with usage including parking tickets and any traffic offence costs.

Users must abide by conditions as contained in this document.

DEFINITIONS/TERMINOLOGY USED IN THESE NOTES FOR USERS.

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	-	restraint devices installed at all seats for the protection of passengers
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
Vehicle manager	-	the person responsible for the maintenance and allocation of the minibus
Voluntary driver	-	A person who will drive the vehicle and who will not receive payment for it
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.

1. General Conditions of Use

- Use is granted on the understanding that the organisation using the bus is responsible for its proper use and that no costs fall on WCC.
- It is illegal to operate a minibus “for hire or reward” unless you have a permit (see Appendix A). 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 (see appendix B).
- Only the driver(s) named on the booking form may drive the vehicle (suggested form at Appendix C)
- The allocation of the 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 is not permitted in WCC vehicles.

The drinking of alcohol is not permitted in WCC vehicles.

2. 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 see separate sheet or vehicle manager for relevant contact number and further information.

3. Collection

- Vehicles may only be collected at the times specified by the vehicle manager.

4. Cleaning

- WCC vehicles are in frequent use. **In the interests of health and safety and for the benefit of other 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.

5. 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 10, Records of Journeys)

6. Planning

Someone in authority, 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 party leader must give careful thought to planning. The main factors to consider include:

- a) passenger safety
- b) the competence and training of the driver to drive the proposed vehicle. (See sections 13 and 14)
- c) the competence and ability of the driver and party leader to supervise and manage the behaviour of the group
- d) whether adequate breakdown cover is available (some County Council vehicles are covered by fleet membership of the RAC)
- e) the number of driving hours required for the journey and the length and composition of the driver's day (see Section 8 and Appendix D)
- f) the capacity, experience and ability of the driver to maintain concentration - whether more than one driver is needed to avoid driver fatigue
- g) the type of journey - will the visit take place locally or will it include long distance driving e.g. Motorways?
- h) the amount of luggage or equipment to be taken and whether a roof rack or trailer is required
- i) the loading and unloading of roof racks and trailers to ensure security of load and the safety of users.
- j) traffic conditions
- k) contingency funds and arrangements in case of breakdown/emergency
- l) appropriate insurance cover – please ensure the vehicle is adequately insured for your purpose.
- m) weather
- n) journey time and distance
- o) stopping points on long journeys for driver breaks, toilets and refreshments
- p) personal safety when collecting and returning the vehicle

7. Driver Responsibilities

WCC requires high standards. It is necessary that drivers be classified and trained as appropriate. Drivers should be skilled at their job displaying a high standard of courtesy and accident free driving.

Current legislation on the operation of vehicles is based on safety considerations and places certain obligations on the drivers.

To meet these obligations a driver is required to comply with this document, and:

- a) Ensure that the vehicle is in a fit and serviceable condition. The driver is legally responsible for the condition of the vehicle whilst it is in their custody. For this reason drivers must check the vehicle for

faults and defects before and after use. A suggested checklist is attached at Appendix E. Any problems must be reported to the vehicle manager immediately.

- b) Comply with the requirements governing driving and use of passenger carrying vehicles with respect to passenger safety and comfort.
- c) For health and safety reasons make passengers behave appropriately while travelling in the vehicle.
- d) Comply with the requirements in respect of driver hours and the keeping of driver hours of work records. These are detailed in Appendix D. If you are travelling abroad please contact the vehicle manager for a copy of the guidelines relating to European travel.
- e) Give reasonable assistance to any person having authority to inspect the vehicle and not obstruct them in any way.
- f) Provide particulars of their name, address and organisation particulars to any police officer or other person having reasonable grounds for requiring it.
- g) 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.
- h) Not allow the vehicle to remain stationary on a road longer than is necessary to pick up or set down passengers.
- i) Be in good health and be physically capable of satisfactorily carrying out the duties for which the vehicle is to be used
- j) Not attempt to drive any vehicle while under the influence of drink or drugs. If drivers are taking medication then the label should be consulted to ensure that the preparation does not affect their ability to drive. If necessary, medical advice should be obtained.
- k) Know the speed limits and not exceed them. For passenger vehicles capable of carrying more than 8 passengers the speed limits are:

Motorways	Dual Carriageways	Other Roads
70 mph	60 mph	50 mph

- l) Ensure that all passengers aged 14 years and under wear seatbelts. All passengers must be informed of the necessity to use the seat belts provided and positively encouraged to wear them.

It is the responsibility of the driver to ensure that the vehicle is displaying a valid tax disc. Under no circumstances should a vehicle be used without tax.

8. Driver Concentration/Fatigue

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

- a) Take regular breaks.
- 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) For health and safety reasons make passengers behave appropriately whilst travelling in the vehicle.
- f) If you are feeling drowsy, pull over and rest as soon as it is possible to do so.

9. Seat Belts and Safety

- a) Seat belts are installed to all seat positions. If a centre seat has only a lap belt, use this seat only when all other seats are taken. Each seat must carry only one passenger irrespective of the age of the passenger. Restraints suitable for the needs of the passenger must be available. For children aged three years or under, this will require the use of an approved child car seat.
- b) The driver is legally responsible for ensuring that all passengers aged 14 years or under wear seatbelts. All passengers must be informed of the necessity to use the seat belts provided and positively encouraged to wear them.
- c) All passengers should be made aware of the location of the exit points, the fire extinguisher and the first aid kit.
- d) 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 doors. This means that all gangways are to be kept clear at all times, large items of luggage and equipment should be carried in the luggage rack and made secure.
- e) If a user wishes to tow a trailer, permission to do so must be obtained from the vehicle manager at the time of booking the vehicle (see Section 17 Trailers and Towing).
- f) When the vehicle is being used by young people or disabled groups there must be a nominated responsible adult additional to the driver travelling with the group.
- g) For passengers with special needs only appropriate seating and restraints must be provided and used.
- h) Where the journey undertaken involves night driving or long distances a risk assessment should be undertaken to ascertain whether two drivers will be required.

Safety is paramount; this is both a moral and legal imperative and failure to observe the safety requirements given in this document can have serious consequences for both the users and the driver.

10. Records of Journey

- a) All journeys must be recorded on the log sheet provided with the vehicle (see Appendix F for example)
- b) Copies or originals of receipts in respect of purchase of fuel etc. should be handed to the vehicle manager when the keys are returned.
- 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.

11. Breakdown

Procedures following breakdowns will differ. Please see separate sheet for further information. The vehicle manager must ensure details of the necessary procedures are provided in each vehicle. (Example at Appendix G)

12. Insurance

Warwickshire County Council minibuses registered on the corporate fleet system are insured under cover of the County's Motor Vehicle Policy. For other minibuses vehicle managers 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.** Full details are available from the County Insurance and Risk Management Officer on 01926 412337.

13. Driver Requirements/Licences.

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

- a) at least 25 years of age and not over 65 years of age and has a minimum of 3 years relevant driving experience. Special dispensation *may* be provided to EMPLOYEES of the County who are over 21 years of age but not yet 25 and to experienced minibus drivers who have reached the upper age limit (contact the vehicle manager for further information).
- b) in good health and physically capable of satisfactorily carrying out the duties for which the vehicle is to be used
- c) a holder of a current WCC driving test certificate issued by the County Council's Road Safety Section (see item 14 below)
- d) a holder of a current clean UK driving licence enabling them to drive a minibus - see Appendix H. Licences will have to be produced for checking by the vehicle manager. If you hold a photocard you will also need to produce the paper counterpart. If the licence held is foreign, the Vehicle Manager must check qualification to drive with the County Transport Officer.
- e) A driver with an endorsement/penalty points will only be able to drive if both:
 - The County Council's Insurance Officer is prepared to permit this from an insurance point of view; and
 - The Vehicle Manager is prepared to allow passengers to travel in a vehicle driven by the person concerned.

If a vehicle is to be taken abroad please ensure that you meet all of the requirements specified in section 16.

14. Driver Training and Testing

Drivers of vehicles with a tail-lift must be competent at using the equipment. Training is available from County Transport. Successful attendees will be issued with a MIDAS test certificate.

Anyone who drives a minibus owned or hired by WCC or used on Council business must first pass the Council's minibus driving test or hold a relevant exemption. Training and tests are organised by the PTES

Road Safety Section. A certificate is issued to successful candidates. Information sheets and booking forms can be obtained from the Road Safety Section on 01926-418613.

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 vehicle manager should contact the Road Safety Section 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 exempt the driver from the need to take the Council's test.

Drivers must show their certificate (or documentary evidence of exemption) with their driving licence to the vehicle manager before they are permitted to drive. Vehicle managers must recheck these documents at least once a year and keep a record of the date when they did so.

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 Road Safety Section's training and test is purely directed at driving ability. Vehicle managers should be aware that drivers 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

- knowledge of this document
- familiarisation with different types of minibus
- passenger care (including supervision of children 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.)

Tests/checks

- annual driver licence checking
- police criminal record checks
- medical fitness check
- compliance with insurance requirements (age/endorsements etc.)

The Education Department's Health and Safety Officer is available to advise in unusual circumstances.

The Road Safety Section will be pleased to advise with the production of a Road Safety Policy. Contact the Senior Road Safety Officer on 01926 412449 for further information.

15. Action in the Event of an Accident

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

16. Foreign Use

Anyone driving a minibus on a voluntary basis in the UK does not require a driving licence having full PCV entitlement. The concession is available in the UK only. In the absence of full PCV entitlement, a certificate of experience is required when driving a minibus in other EU countries.

PCV entitlement

The essence of the mutual licence acceptance between countries is that the driver should continue to recognise the procedures applicable to his or her home territory. As such the PCV Entitlement needed in the UK when driving a PSV is similarly required for potential scrutiny by enforcement officers when driving abroad.

In the absence of PCV entitlement, drivers will require a certificate of experience when driving a minibus in EU countries. The certificate is obtained from traffic area offices, and certifies that the holder has had the relevant experience as the holder of a full ordinary driving licence. The current application form is INTP4, which can be obtained from the County Transport Officer; the certificate is INTP5.

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 Transport Officer, who will have to be satisfied as to the bona fide experience of the driver.

If the vehicle is to be used outside the U.K., but within the European Community (EC) ask the vehicle manager, one month before the journey, to 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 the vehicle manager 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.

17. Trailers and Towing

If the minibus is fitted with a towbar it must be of the step bar combination type so that access to the rear doors is not impeded. The total weight of the vehicle and trailer must not exceed the gross weight. The County Transport Officer will advise on this if required (01926-412885). When using the vehicle for towing, staff should do so without passengers at first, until they are able to handle and manoeuvre the vehicle correctly and confidently. A minibus may not tow a trailer unless an alternative emergency exit is available for passengers.

Any driver who passed a DVLA car driving licence test on or before 31st December 1996 automatically has sub-category D1 entitlement. This continues, but is restricted to driving small passenger carrying vehicles not used for "hire or reward". Such drivers may use a minibus equipped for towing to draw a trailer having a maximum gross weight of 750kg.

To use a minibus to tow a trailer having a gross weight exceeding 750kg, 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.

18. Maintenance/Repairs

It is the responsibility of the vehicle manager 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 vehicle manager must send a copy of all invoices relating to maintenance to the County Transport Officer, who has overall legal responsibility for vehicles operated.

19. Purchase/Sale

Anyone wishing to purchase a new vehicle or sell an existing vehicle should contact the County Transport Officer for advice.

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

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 .

PERMITS

This covers the operation of passenger vehicles by educational and other bodies under ss.18–21 of the Transport Act 1985.

INTRODUCTION

Under normal circumstances, a vehicle with 9 or more passenger seats may be used for "Hire or Reward" only under the authority of a PSV Operator's Licence.

Section 18 of the Transport Act 1985 allows such vehicles to be operated by organisations concerned with education, religion, social welfare, recreation or other activities of benefit to the community without the need to hold a PSV Operator's Licence.

In place of an Operator's Licence, the users of such vehicles must hold a Permit, issued by the Traffic Commissioner.

A large bus operated under permit must comply with full PSV maintenance and inspection standards and must further comply with full EU rules on drivers hours, including the use of tachographs.

SCOPE

Two classes of vehicle are established:

1. A small (mini) bus - is a vehicle adapted to carry nine or more passengers but not more than 16 passengers
2. A large bus - is a vehicle adapted to carry 17 or more passengers.

Such vehicles may be used to carry passengers for hire or reward provided that the vehicle:

- a) is operated by the organisation holding the permit
- b) is not being used to carry members of the public at large
- c) is being used non-commercially, ie not for profit
- d) is being used in accordance with any conditions on the permit and with the Minibus and Other Section 19 Permit Buses Regulations 1987 (SI 1987 No. 1230).

A vehicle operated under a Section 19 Permit cannot be used to provide a local service. The definition of "local service" does not rely on the vehicle being used to carry members of the public at large. If it is used "at separate fares" and journeys fall within a 15 miles threshold, the vehicle may be operated only under the authority of a PSV Operator's Licence or Section 22 Community Bus Permit.

The Minibus and Other Section 19 Permit Buses Regulations 1987 set out the following conditions:

Drivers

The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No. 1974) Schedule 3 amended s.18 of the Transport Act 1985 to the extent that from 1 January 1997, the concession which allows holders of ordinary drivers' licences to drive 'permit' buses is restricted to 'small buses' ie those adapted to carry 9 but not more than 16 passengers.

Section 18 of the Transport Act 1985 is further amended with effect from 1 January 1997 in that:

- a) The holder of a licence issued under Part III of the Road Traffic Act 1988 granted before 1 January 1997 may drive any 'small bus' operated under Section 19 Permit without the need to hold PCV Category D or revised D1 entitlement.
- b) The holder of a licence issued under Part III of the Road Traffic Act 1988 granted on or after 1 January 1997, or a Community Licence issued under Schedule 99A(1) of the Road Traffic Act 1988 may drive a 'small bus' operated under a Section 19 Permit so long as with the heaviest load it is constructed to carry, it weighs:
 - not more than 3.5 tonnes (excluding specialised equipment for dealing with disabled passengers)
 - not more than 4.25 tonnes otherwise

without the need to hold PCV category D or revised D1 entitlement.

Further provisions are contained in The Minibus and Other Section 19 Permit Buses (Amendment) Regulations 1996 (SI 1996 No. 3088) and are summarised below:

Where the driver of a Section 19 small permit bus does not hold appropriate PCV entitlement:

- a) the holder of a licence first granted on or before 31 December 1996 under Part III of the Road Traffic Act 1988 and who holds category B plus sub-category D1 (not for "hire or reward") may drive a Section 19 small bus provided he or she is 21 years of age or over
- b) the holder of a full licence granted on or after 1 January 1997 and who holds full category B entitlement may drive a Section 19 small bus provided:
 - a full licence has been held for at least two years
 - the driver is aged 21 years or over
 - the driver receives no payment (or any other consideration) other than out of pocket expenses.

Holders of licences with category B entitlement gained before 1 January 1997 must, on reaching the age of 70, comply with medical standards required for category D1 entitlement if they wish to continue to be able to drive Section 19 small buses as unpaid volunteers.

Form of Permit

Each permit must specify:

- the date of issue
- the holder
- the permit number
- whether it relates to a small or a large bus.

A permit must also detail any conditions of compliance and also the passenger classes which may be carried. Passenger classes are:

- Class A - members of the permit holding body
- Class B - those who benefit from the existence of the permit holder and anyone who assists
- Class C - the physically or mentally handicapped or those who are seriously ill and anyone who assists
- Class D - pupils or students belonging to any educational establishment and staff or others who accompany them
- Class E - any others as specified in the permit.

Permit Discs

Any vehicle used under permit must display a permit disc which must be fitted to the inside of the vehicle and which does not obscure the driver's view. It must be easily readable from the outside. A permit disc for a small bus is coloured purple and that for a large bus is red. The heading on the permit is "small bus disc" or "large bus disc".

The disc has on it the words "Transport Act 1985: Section 19 permit vehicle" and includes a letter code relating to the classes of passengers which may be carried. The permit disc must specify:

- the permit holder's name
- the permit number
- date issued
- issuing body.

Duplicate Permits or Discs

If a permit or disc is lost or becomes defaced or illegible, the issuing body may issue a duplicate. If a "lost" permit or disc is found and a duplicate has been issued, the original must be returned to the issuing body.

Return of Permits or Discs

If revoked the permit and disc must be returned to the issuing body. If the issuing body ceases to be designated they must be returned to the Traffic Commissioner.

Conditions of Fitness

A small bus operated under permit must comply with either:

- a) regulations 5 to 28 of the Minibus (Conditions of Fitness, Equipment and Use) Regulations 1977 (SI 1977 No. 2103) (before 1 April 1988) or
- b) regulations 41 to 43 of the Road Vehicles (Construction and Use) Regulations 1986 (SI 1986 No. 1078) (from 1 April 1988) which includes the requirements for a fire extinguisher and first aid kit to be carried.

A large bus operated under permit must comply with PSV fitness regulations

Any permits issued under s.42 of the Public Passenger Vehicles Act 1981 will be treated as issued under s.19 of the Transport Act 1985 and therefore will remain valid. It should be noted, however, that only one vehicle may be used with any one permit. Minibuses are subject to the same controls and roadworthiness conditions as public service vehicles.

ISSUE OF PERMITS

The Traffic Commissioner may issue permits to bodies carrying on the following activities:

- a) education
- b) religion
- c) social welfare
- d) recreation
- e) other activities beneficial to the community (including community transport projects).

The Traffic Commissioner will only issue a permit if he is satisfied that there are adequate arrangements for maintaining the vehicle. Only one bus may be used in connection with each permit, although an eligible body may hold more than one permit.

FEES

A fee is payable upon application. Applications to be made to

The Traffic Commissioner
Cumberland House
200 Broad Street
BIRMINGHAM

REGULATIONS AND CONDITIONS

A permit shall remain in force until the Traffic Commissioner revokes it

A permit may be varied by the Traffic Commissioner but may not be varied:

- a) to substitute another body to whom it was granted
- b) to substitute another vehicle to which it relates.

SPORTING EVENTS - ALCOHOL

Where a Section 19 or Section 22 permit vehicle is a "hired" vehicle, the hirer and his or her servants or agents, as well as the passengers, are subject to the Sporting Events (Control of Alcohol) Act 1985.

Use of Vehicle Application Form - example

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 Vehicle Manager

FOR OFFICE USE ONLY:

Application received on: _____

Application Accepted Refused

Date reply sent : _____

ID Cards presented: Signature: _____

Date : _____

Key collection arrangements confirmed _____

Appendix D

Driver's Hours Rules

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 E**Suggested Vehicle Check List**

Vehicle Registration Number _____

Date _____

This checklist **must** be completed before first use on each day that the vehicle is to be driven either by the vehicle manager or the driver and the vehicle log completed.

Pre-Drive Safety Check: Do this before every journey. Walk around the vehicle, including the trailer, if applicable, to check for visible defects.

Exterior Check	OK	Not OK
• Oil level	ρ	ρ
• Coolant level	ρ	ρ
• Windscreen washer fluid level	ρ	ρ
• Brake fluid level	ρ	ρ
• Windscreen and windows clean and undamaged	ρ	ρ
• Lights including brake lights and indicators are clean and working	ρ	ρ
• Tyre pressures, including spares (and inner tyres and tyres on trailer if applicable)	ρ	ρ
• Tyre treads, including spares (and inner tyres as above). At least 2.5mm tread depth and free from any cuts and bulges?	ρ	ρ
• Doors open and close properly	ρ	ρ
• Trailer brake lights and indicators work, if applicable	ρ	ρ
• Roof rack or trailer is properly fitted, and all luggage securely held	ρ	ρ
• Where possible, i.e. where the battery is in an accessible place, check that it is secure, that it is not corroded and that the terminals are tight	ρ	ρ
• Number plates must be clean and secure and not obstructed.	ρ	ρ
• Reflectors are required by law and must be kept clean, secure and undamaged.	ρ	ρ
• Exterior body work free from damage.	ρ	ρ
 Brake Checks	 OK	 Not OK
• Check brakes before loading passengers. With engine running, check handbrake is working properly and brake pedal is firm when pushed	ρ	ρ
• Conduct a moving brake test, off the road, if possible. Reach a speed of not more than 15mph check mirrors		

and, if safe, apply brakes firmly. Brakes should work effectively; vehicle should not pull to one side; luggage should remain secure.

ρ

ρ

Interior Check	OK	Not OK
• Mirrors correctly adjusted, clean and unobstructed	ρ	ρ
• Function of all dashboard controls	ρ	ρ
• Position of driving seat so all pedals can be operated properly	ρ	ρ
• Lights and indicators are working	ρ	ρ
• Wipers and washers working properly	ρ	ρ
• Fuel level (and type of fuel)	ρ	ρ
• Seat belts are undamaged and working properly	ρ	ρ
• Location and contents of first aid kit. The first aid kit must contain the following;		
ten foil wrapped antiseptic wipes	ρ	ρ
one conforming disposable bandage at least 7.5 cm wide	ρ	ρ
two triangular bandages	ρ	ρ
one packet of 24 assorted adhesive dressings	ρ	ρ
three large sterile un-medicated ambulance dressings at least 5 x 20 cm	ρ	ρ
two sterile eye pads with attachments	ρ	ρ
twelve assorted safety pins	ρ	ρ
one pair of rustless and blunt edged scissors	ρ	ρ
If any first aid item is used or missing, or, if a non-approved item is present, please notify the vehicle manager.	ρ	ρ
• A fully charged fire extinguisher conforming to BS 5423 must be carried. If this is used or defective please notify the vehicle manager.	ρ	ρ
• Location of relevant paperwork (permit, MoT etc)	ρ	ρ
• Change for parking or telephone (mobile/phonecard)	ρ	ρ
• Luggage securely stowed; aisles and exits clear	ρ	ρ
• The speedometer must work. A malfunction must be reported.	ρ	ρ
• Where a tachograph is fitted it must be set to show the correct time (note that it must be set a.m. or p.m.). If the tachograph is not to be used the plastic protection disc must be in place. An explanation of the function of a tachograph is available with each vehicle as appropriate.	ρ	ρ
• The horn must operate properly, any malfunction must be reported.	ρ	ρ
• Heating and ventilation system in working order	ρ	ρ

If faults that might affect the vehicle's or passengers' safety are found, the vehicle must not be used until they are remedied.
--

I certify that I have carried out all of the checks listed consider the vehicle to be roadworthy.

Vehicle Manager/ Driver's Signature _____
Vehicle Manager/Driver's Name _____ (Block capitals)

Completed form to be retained in the vehicle.

Appendix F

Log Sheet - example

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					

Breakdown and Accident Procedures

COMMUNITY EDUCATION SERVICE - SUPPLEMENTARY NOTES FOR USERS

Minibuses are only made available for approved educational activities to groups affiliated to the Community Education Service.

Breakdown procedures

- Community Education Service Minibuses are in fleet membership with the RAC. Details of how to use this service are to be found in the vehicle.
- If a major malfunction occurs the services of the RAC should be sought as the vehicle is covered for 'recovery'. Fleet membership of the RAC (RAC Assist) provides for the continuance of the journey for the driver and passengers in circumstances where the vehicle is immobilised as a consequence of breakdown.
- Drivers have authority to incur up to £100 for roadside assistance and 'get you home' repairs but must ensure the repairer notifies the County Transport Officer (Tel: 01926 412885) as soon as possible to ensure that an official WCC order is issued. Alternatively the cost incurred up to £100 could be paid to the repairer and reclaimed through the Area Community Education Office.
- The County Council does not accept responsibility for extra costs involved in alternative travel, accommodation, etc. for drivers and passengers incurred as the result of the breakdown. Users are advised to take out an insurance to cover these factors.

Action in the Event of an Accident

Complete an accident claim form (copies of which should be kept in the vehicle) and submit it immediately to the Area Community Education Office on the same date as the accident. If for any reason it is not possible to submit the form on the same day, it must be submitted as soon as possible, at the latest 72 hours after the accident. The following should be noted:-

- The driver of a County Council vehicle which is involved in an accident and causes damage or injury to any other person, or other vehicle, or animal (horse, ass, mule, sheep, pig, goat or dog) should give the following information to any person having reasonable grounds for asking for such details i.e. a police officer or a third party,:

Name and address of driver

The name of Warwickshire County Council, Shire Hall as the owner

The registration number of the vehicle

- If the vehicle is involved in an accident, the driver must not admit liability, nor discuss with anyone the question of blame nor express an opinion as to how the accident was caused.
- If a police officer is present obtain his or her name, number and force.
- If a copy of the insurance certificate needs to be presented to the police you should contact the County Transport Officer.

- If, for any reason, e.g. the absence of the third party or police officer, the driver is unable to give the above details, report the accident to the nearest police station as soon as is practicable and certainly within 24 hours.
- Whilst assistance must be given to police officers making enquiries regarding an accident, drivers are reminded that they are not bound to answer questions that may tend to incriminate themselves. A copy of the statement made to the police should be obtained and forwarded to the Area Community Education Office, with the blue accident claim form (copies of which should be kept on the vehicle), as soon as possible thereafter, if possible on the day of the accident.
- Forward immediately all subsequent correspondence received in connection with an accident to the Area Community Education Office, and do not enter into correspondence.
- If another vehicle is involved, obtain the name and address of the driver (and the owner if different), the vehicle registration number and the insurance company. Obtain, as soon as possible, statements, together with names and addresses from as many independent witnesses as possible. Take a careful note of any statement or remark made by a third party.
- Obtain measurements of the road and skid marks (if any) if possible and details of vehicles involved in the accident, and other relevant measurements, e.g. distance of vehicles or persons from the nearest kerb, width of other vehicles involved, etc. Do not take unnecessary risks in obtaining information, particularly since the police will usually be involved in these circumstances.
- In the case of serious accidents, do not move the vehicle until measurements have been taken, unless ordered to do so by a police officer.

If the accident does not involve injury or damage to another vehicle, person, animal or property, the driver should still complete a blue accident form. (Copies of which should be kept on the vehicle). It should then be submitted immediately to the Area Community Education Office on the same date as the accident. If for any reason it is not possible to submit the form on the same day, it must be submitted as soon as possible, at the latest 72 hours after the accident.

Repairs To Accident Damage of the Vehicle -IMPORTANT

If the vehicle is damaged in an accident, submit an insurance claim form immediately. It is anticipated that in most cases damage to vehicles will be minor and repairs will not be necessary to enable a return journey. If repairs are necessary see below.

Drivers will be given the authority to incur up to £100 for roadside accident assistance for "get home" repairs. If the garage is prepared to undertake the necessary repairs on account, then the work should be undertaken and an order number subsequently obtained from the Insurance Section, Clerks Department, at the earliest opportunity. If the garage require payment at the time, this should be provided by the driver, a receipt obtained and the Area Community Education Office notified accordingly.

Accidents Occurring Outside Normal Office Hours

The first priority is to secure the safety and well being of passengers: the second priority is to have the vehicle recovered by the RAC or removed to a place of safety. If possible it should

be taken to the nearest dealership, but if this is not possible it should be taken to the nearest RAC/AA approved garage. The garage should be asked to contact the County Transport Officer, telephone Warwick (01926-412885) for further instructions.

Driving a Minibus - Your Licensing Position

Licences will have to be produced for checking by the vehicle manager. If you hold a photocard you will also need to produce the paper counterpart. If a driver has an endorsement/penalty points for any motoring offence, the vehicle manager must be notified. The County Council's Insurance Officer will then ascertain whether the proposed driver can continue to drive County Council vehicles.

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 the section below covering Minibus Permits.

New rules from 1 January 1998

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 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 Abroad?

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 test** for category D1 or D.

2. Drivers who do not have minibus entitlement (Category D1)

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 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;
- 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 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 this country.

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.

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 are met.

NOTE

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

Appendix I

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	V.M.	County Insurance and Risk Management Officer	01926-412337
Driver Training and Testing (except minibuses with tail lifts)		Road Safety Section	01926-418613
MIDAS Training and Tests (minibuses with tail lifts)		County Transport Officer	01926-412885
Driving Test Licences from 1/1/1997		County Transport Officer	01926-412885
Exemptions to Minibus Test		Health and Safety Officer	01926-412901
Driving Licences		County Transport Officer	01926-412885
Foreign Travel	V.M.	County Transport Officer	01926-412885
Permits		County Transport Officer	01926-412885
Trailers and Towing	V.M.	County Transport Officer	01926-412885
Maintenance/Repairs	V.M.	County Transport Officer	Copy to: Department of Planning, Transport & Economic Strategy, PO Box 43, Shire Hall, Warwick, CV34 4SX
Breakdown Cover		County Transport Officer	01926-412885
Booking a Minibus	V.M.		
Risk Assessment		Health and Safety Officer	01926-412901
Supervision	V.M.		
Purchase/Sale		County Transport Officer	01926-412885

V.M. – Vehicle Manager

Vehicle Manager Contacts	