

Introduction

Driving Excellence
in Derbyshire





Beverley Bell

Traffic Commissioner
North West Traffic Area

Foreword

I'm delighted to endorse this new local authority guide to transport operation prepared by Derbyshire County Council.

There has never been a better time to:

- Promote and share best practice among transport operators across the region and country
- Work in partnership with other operators promoting the Gershon principles of efficiency
- Illustrate how the Local Government White Paper 'Strong and Prosperous Communities' can actually work in practice

Since my appointment as Traffic Commissioner I have been passionate about the promotion of the two foundation stones of operator licensing, namely road safety and fair competition.

As we start the 21st century the time is right for a new approach marrying the best that new technology has to offer and the tremendous experience available from those who have worked in the industry for many years. These are exciting times.

It is my belief that effective systems dealing with

matters such as vehicle maintenance, weighing of loads and drivers' hours compliance go hand-in-hand with more efficient operations resulting in better levels of customer service, reduced 'down time' and fewer journeys, thereby reducing the adverse impact on our environment. When these systems and resources are shared with others the benefits are even greater.

The publication of this guide shows a real determination and commitment on the part of all the Derbyshire authorities involved to put the above words into action. That has been no mean feat and I know that all those who worked on it have done so while still doing the 'day job'. They are to be commended for their dedication.

I also know this guide will not just be kept in every garage and traffic office but will also be used regularly as a practical working document that will soon become indispensable to every busy transport operator.

I am delighted to endorse it.

Beverley Bell

Introduction

We're all in the same business – so doesn't it make sense we all work together?

That's the feeling among local authorities in Derbyshire and one of the reasons we already have a good reputation for partnership working.

We're working hard at it with our transport operations because we've found it's an area with many potential benefits from sharing what we already do well and where we could do better.

One of the results of our partnership is this guide bringing together a wealth of knowledge, skills and experience from across the county.

Putting it together has highlighted to us just how many advantages there are from working together – the chance to share expertise and ideas, opportunities to develop new ways of reducing risk and improving safety, sharing and using our resources more efficiently to save money and joining forces to protect the environment.

Benefits like these are particularly important with increasing pressures on all of us to provide high quality services while still meeting tough efficiency targets and we were keen to share some areas of

good practice we've found helpful in this guide.

Inside you'll find five sections covering the key areas faced by any large organisation to ensure its vehicle fleet runs safely and efficiently:

- The 'O' Licence
- Drivers' duties
- Maintenance
- Duty of care
- Hired in vehicles

They're all big responsibilities, but we're committed to working well together in Derbyshire to be the best providers of public services and the best employers we can.

This guide, compiled by Derbyshire authorities, is already helping us achieve that – we hope it will help you do it too.

Amber Valley Borough Council
Bolsover District Council
Chesterfield Borough Council
Derby City Council
Derbyshire Constabulary
Derbyshire County Council
Derbyshire Dales District Council
Erewash Borough Council
High Peak Borough Council
North East Derbyshire District Council
Peak District National Park Authority
South Derbyshire District Council

Useful reference sources

Statutory Instruments

Various

The Highway Code

Commercially Available Publications

David Lowe – Transport Managers and Operators' Handbook – ISBN 0-7494-4337-5

Freight Transport Association (FTA)

Driver's Handbook

Guide to Managing Drivers

Compliance Guide (various)

Yearbook of Road Transport Law

Overloading of Refuse Vehicles

Vehicle and Operator Services Agency (VOSA)

The Safe Operators' Guide

Guide to Maintaining Roadworthiness

Vehicle Safety – The Dangers of Overloading

LGV, PCV and Motor Vehicle class IV, V and VII

Inspection Manuals

Speed Limiters – New Regulations

Working Time – The Facts

Society of Operational Engineers and The Institute of Road Transport Engineers

Industry Guide to Maintaining Roadworthiness

CRONER

Management of Occupational Road Risk

Road Transport Operations

Coach and Bus Operations

Carriage of Dangerous Goods

Royal Society for the Prevention of Accidents (RoSPA)

The Practical Aspects of Managing Occupational Road Risk

Local Government Library

Encyclopedia of Road Traffic Law

Useful websites

Freight Transport Association
www.fta.co.uk

Vehicle and Operator Services Agency
www.vosa.gov.uk

Society of Operational Engineers and
The Institute of Road Transport Engineers
www.soe.org.uk

Royal Society for the Prevention of Accidents
www.rospa.com

Driver and Vehicle Licensing Agency
www.dvla.gov.uk

Transport Office
www.transportoffice.gov.uk

Department for Transport
www.dft.gov.uk

The '0' Licence



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The 'O' Licence

Any local authority using vehicles to carry goods on a public road must hold an 'O' Licence (Operator's Licence).

Different categories of licence are available but the one most commonly used by authorities is the standard licence which allows the movement of goods in Great Britain.

To obtain and retain an 'O' Licence the applicant must fulfil the conditions specified in national regulations. These conditions apply equally to local authorities and haulage companies.

Applicants must be:

- Of good repute
- Of appropriate financial standing
- Professionally competent – or must employ a person who is professionally competent
 - in national transport operations (international if operating vehicles abroad)

Licence applicants and holders must also meet legal requirement relating to:

- Suitability and environmental acceptability of their vehicle operating centres
- Suitability of their vehicle maintenance facilities or arrangements

- Willingness to comply with the law in regard to vehicle operating particularly:
 - Observing drivers' hours regulations
 - Preventing vehicles from operating while overloaded

Management

Code of practice

The authority should produce a code of practice for transport operations that meets its individual needs. The document should be readily available to anyone controlling or using 'O' Licence vehicles.

Operators of non 'O' Licence vehicles within the fleet should also be aware of the requirements as non-compliance of other vehicles can have a detrimental affect on the 'O' Licence. All the areas identified within this best practice guide should be represented in the code of practice.

Management structure

The authority should have a clearly defined management structure which identifies the individual responsible for transport operations. This position should be of sufficient standing to allow the post-

holder to influence decisions relating to transport operations and financial planning.

Competent person

Local authorities should employ a professionally competent person who holds a Certificate of Professional Competence (CPC) in national (and international) transport operations. Where significant fleets of vehicles are operated by departments (eg refuse collection and highways maintenance) these departments should also employ CPC holder(s) who have day-to-day control of the vehicle fleet and its drivers. These CPC holders should be named on the 'O' Licence.

Financial standing

A clearly defined budget should be available to the transport management which is sufficient to allow the organisation to maintain and operate vehicles to the standards of fitness and safety required by law. The EU's Council Directive 98/76/EC requires road haulage operators must have capital reserves of at least £5,400 available for the first vehicle and £3,000 for remaining vehicles.

Operating centres

'O' Licence vehicles must be parked at certified operating bases which must be declared on the 'O'

Licence application form. If authorities allow drivers to take 'O' Licence vehicles home with them at nights and weekends, the location must be suitable and become an operating centre itself to be applied for and declared on the 'O' Licence application form.

Working time directive

The Horizontal Amending Directive (HAD) took effect on 1 August 2003. This brought all employed road transport personnel into line with the Working Time Directive. Most authorities' working hours fall well within HAD regulations, but this should not be taken for granted and any changes to working practices should be considered in conjunction with these regulations.

Reporting offences

Any offence involving an 'O' Licence vehicle must be reported to the organisation's transport management and the Traffic Commissioner must be informed. The Traffic Commissioner will ask to see evidence of an improvement in processes to reduce the risk of the offence being committed again.

Monitoring

Good practice should include monitoring procedures and systems. The main items to be monitored include those listed in the table opposite.

Items to be monitored	Action/information needed
Tachographs	When installed and when last checked or calibrated, check for malfunction or repairs needed
Speed limiters	When fitted or repaired, check for malfunction
Record keeping	Issue, return, check/analyse, store/file tachograph charts or manual record books and/or duty rosters and timetables
Drivers	Check driving licence, training, scheduling of duties and rotas, hours of work, record keeping and control measures around non-compliance
Plating and testing	Check dates and details of MOTs, accuracy of ministry/type approval plate, storage of certificates and testing and certification of specialist equipment
Insurance	Check extent and relevance of cover and check dates of expiry for each vehicle
Vehicle excise duty	Check correct duty paid and vehicle excise licence clearly displayed on each vehicle. Check reduced pollution certificates
Loads	Check details of consignment (quantity, weight, details of consignor(s) and/or delivery points). Always stick to weight limits on plating certificate and manufacturer's plate
Operator licensing (authorisation and discs)	Update authorisation and specification of current vehicles. Monitor licence discs on vehicles in service and keep records of expiry dates. Check that all sub-contracted operators hold an 'O' Licence
Legislation	Monitor changes and updates and action accordingly to ensure compliance
Hired in vehicles	Ensure these are added to the 'O' Licence when received

Training

Many transport professionals obtained their CPC through exams taken many years ago. Staff involved in transport operations should have regular updates on legislation through regular training and briefing sessions provided by industry advisors such as the Freight Transport Association (FTA).

Legal responsibilities

Health and safety

Every local authority's health and safety policy should include the management of occupational road risk. This should include the use of authority-owned vehicles and employee-owned vehicles being used for work. For employees' own vehicles, particular attention should be paid to the insurance, maintenance, MOT testing and fitness for purpose. Employees should be advised where information can be found about penalty points and medical conditions reportable to the DVLA. They should also be advised of the authority's policy on drink and drugs, reporting incidents while using the vehicle for work and guidelines covering use of mobile phones.

Risk assessments must form part of any transport policy. Details can be found in the 'Duty of care' section of this guide.

Drivers' hours

It is possible an authority could be operating under two sets of drivers' hours regulations; EU Driving Hours Rules and the British Domestic Rules.

British Domestic Rules apply to goods vehicle drivers whose activities fall outside the scope of EU Driving Hours Rules.

The FTA Compliance Guide sets out the exemptions to the EU Driving Hours Rules. Authorities are advised to seek legal advice on the use of British Domestic Rules either from their own legal department or from a specialist organisation such as the FTA.

Whichever set of rules apply it is still a requirement to maintain drivers' hours records. In the case of British Domestic Rules this can be through a simplified British record book. When using EU Driving Hours Rules the mandatory tachograph must be used. It is important that drivers are trained in the correct use of the tachograph and the completion of the centre fields of the chart. Operators should be aware of the

new regulations concerning digital tachographs.

Records should be kept of the issue and return of tachograph charts or record books. Tachograph charts and record books should be examined by a competent person and any infringements dealt with through further training. Documents should be stored in a secure location for a minimum of 12 months for enforcement staff to check.

Speed limiters

All vehicles over 7.5 tonnes permissible maximum weight, manufactured on or after 1 August 1992 and capable of exceeding 60mph on the flat, have been fitted with speed limiters. Changes to 'construction and use regulations' effective from 1 January 2005 require light goods vehicles over 3.5 tonnes gross vehicle weight to be fitted with speed limiters restricting their speed to 56mph. Implementation dates vary and should be checked with VOSA.

Authorities should have a system of checking the operation and compliance of the speed limiter in place. The system should check:

- The installation date
- Position of the speed limiter plate and the accuracy of the details

- Any speed limiter malfunction and a record that any checks have been carried out
- Evidence from tachograph records that the vehicle has exceeded the regulated speed limit
- Records of all submitted driver defect reports concerning a malfunctioning speed limiter and action taken to solve the problem (this should form part of the maintenance records for the vehicle).

Vehicle maintenance

Vehicle maintenance best practice is set out in the 'Maintenance' section of this guide.

Overloading

As part of the submission for an 'O' Licence the Traffic Commissioner will want assurance that satisfactory arrangements are in place to prevent vehicle overloading and that vehicle weight limits are observed.

The current policy adopted by VOSA is that if a vehicle is overloaded by 5% up to the maximum of one tonne it will be prohibited from proceeding on its journey until the weight is reduced. If the vehicle is overloaded by 10% up to the maximum of one tonne, a prosecution

will follow with heavier penalties imposed on prosecution. It is recommended that overloading should be prohibited in any policies you have.

To reduce the risk of overloading offences, vehicles should be fitted with some form of onboard weighing mechanism and drivers provided with advice on the weight of materials likely to be carried. More details can be found in the 'Drivers' duties' section of this guide.

Drivers

Driving can often be a secondary duty for local authority employees in relation to their other tasks. However, it can carry the most risk and have significant consequences for the authority if things go wrong. More details can be found in the 'Duty of care' section of this guide.

Driver's handbook and daily checks

A comprehensive driver's handbook should be issued to each driver. Ideally this should be notebook size so the driver can carry it with them at all times. The handbook should include information about:

- **The vehicle:** daily inspection and general use of

the vehicle, use of vehicle documents and advice on reporting defects

- **Tachograph:** use of the instrument, keeping records and returning record sheets
- **The driver:** championing the authority, maintaining customer satisfaction and advising how the driver is expected to act in various situations (eg at a roadside enforcement or during roadworthiness check)
- **Driving:** instructions on safe and reliable driving techniques, driving hours and breaks, advice on complying with maximum speed limits relevant to the type of vehicle and driving at low speeds in adverse weather or on poor roads
- **Management:** procedures to follow when specific incidents (eg an accident) occur, form-filling, record book completion and general administration (eg reporting illness).

The driver's daily check book should not only form a document to record compliance but should also contain specific vehicle details and some of the information listed above. Daily check books should be serial numbered and records kept of the date of issue, serial number and date of expiry. An audit trail

must be in place to follow any defect reported by the driver to the point of rectification and clearance. Books should be issued for a maximum period of twelve months.

A nil defect reporting system should also be in place.

More details can be found in the 'Duty of care' section of this guide.

Road traffic law

National Road Traffic Regulations are covered under several pieces of legislation. Advice on regulations should be taken from the authority's own legal team or from a specialist organisation such as the FTA.

Practical steps should be taken to ensure drivers are aware of the legal requirements relating to the use of a vehicle on the road. Most of the requirements are set out in the Highway Code which should be issued to the driver as part of their induction package and ongoing training plan.

Key performance indicators

In managing the 'O' Licence it is essential the authority sets performance indicators to assess the competence of the transport function. This applies equally to authorities which outsource fleet services, as the customer will tend to associate problems with the authority and not the contractor if services are not delivered.

Some key performance indicators are identified below. These are considered to be the three essential indicators and should be included in any performance monitoring that transport provides.

VOSA test results

Authorities should use this information to assess the preparation of vehicles being submitted for test at VOSA test stations. It is usually a good indication on the quality of the work being carried out by the maintenance provider. If a high first time failure rate exists, authorities should consider using an external organisation to carry out audit checks on the maintenance provider as it is likely the general standard of work is below VOSA standards.

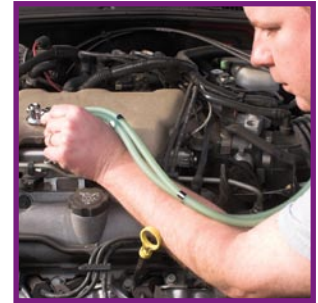
Encounters with VOSA

As with test results, analysing the results of encounters with VOSA or roadside checks will establish the quality of vehicle maintenance and also indicate if drivers are conducting daily checks.

Fleet rating

VOSA produce fleet ratings for all UK-based operators and as an operator it is essential you know your rating. This rating will affect the number of encounters you experience.

Maintenance



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Vehicle maintenance

Responsibilities for vehicle roadworthiness

An authority's operational needs must not override vehicle safety considerations. Authorities must ensure a qualified person is available to advise and/or remove a defective vehicle from service.

That person must also be available to decide whether a vehicle can be allowed back into service following repair. This responsibility may be delegated providing it is clear where it lies.

Everyone involved in vehicle maintenance should have their duties and responsibilities clearly defined in writing. Emphasis should be placed on the importance of maintaining roadworthiness and the role the employee plays in ensuring compliance. An authority cannot sub-contract its responsibilities.

It is good practice for an authority to implement a service level agreement (SLA) with its vehicle maintenance provider whether it is internal or external (including for tyres, safety glass etc).

This should be reviewed annually and access all Key

Performance Indicators such as:

- MOT test pass rate including first time failures
- Prohibitions received
- Number of vehicle breakdowns
- Vehicle availability (downtime)
- Adherence to service schedules
- Maintenance costs
- Any quality accreditation or systems of work

Planning a safety inspection programme

Vehicle safety inspections must be planned and scheduled in advance. Year planners, flow charts or computer programmes are all acceptable planning methods. Best practice is that any programme should be kept in its simplest form and be readily available to anyone who needs to see it.

The planner should show scheduled safety inspection dates for at least six months in advance and MOT test due dates.

It must be updated regularly to indicate maintenance programme progress. Any vehicle movements or changes must be recorded on the planner.

Paper planners or computer-based records may also record other vehicle maintenance activities for example repairs to ancillary equipment. A clear system of coding should be used to identify each activity. The planner should be used to compile a notification pro-forma of a scheduled maintenance appointment. This notification will serve as a record of the agreed maintenance required.

Roadworthiness inspections

Regular safety inspections must be carried out on all equipment in accordance with the authority's 'O' Licence undertaking. The frequency of inspections must be planned and regularly reviewed in line with the vehicle's operation.

The safety inspection must include items covered by the statutory annual test and, for health and safety purposes, include any ancillary equipment fitted to the vehicle.

The minimum requirements of a safety inspection report are clearly defined in VOSA's 'Guide to Maintaining Roadworthiness'. Non 'O' Licence vehicles should be inspected and maintained to the same standard as 'O' Licence vehicles.

Any repair work must be recorded in writing, ideally as an integral part of the inspection report. Ensure inspection sheets are thoroughly examined to assess any defects found and repair work completed. Action must be stated against each defect recorded. A full brake test should be carried out and results recorded. All inspection sheets must be dated and signed off.

Examples of a safety inspection sheet for LGVs, PCVs, motor vehicles and motor cycles relating to MOT classes I, II, IV, V and VII and trailers can be requested from Call Derbyshire on [08 456 058 058](tel:08456058058).

In order to comply with health and safety legislation completed inspection reports must be kept for at least 15 months. Safety inspections must be completed for all ancillary equipment in line with manufacturer's recommendations and separate records must be retained. It is good practice to retain all vehicle maintenance records for the life of the vehicle.

Defect reports and repairs

All vehicle defects must be recorded in a report which states the defect(s) found and any repair work carried out. The repairs section of the defect report

must be completed by a competent person. An audit trail of all defects must be kept in the vehicle's history file to confirm the correct repairs have been carried out. It is compulsory that defect reports are kept for at least 15 months.

It is good practice to analyse defects found on either a defect report or as a result of a safety inspection. It is also good practice to review all vehicle breakdowns as mechanical failures may be an indication of poor vehicle maintenance standards. VOSA's 'Categorisation of Defects' guide is a useful reference document.

Contractor and sub-contractor requirements

Regardless of any contractual agreements in place the condition of the vehicle, the authorisation of any repair work undertaken and the retention of vehicle maintenance records remains the authority's responsibility. Sub-contracting the vehicle's maintenance does not remove the authority's legal obligation relating to these issues.

Responsibility also rests with the authority to establish the most appropriate vehicle maintenance system with its supplier. Any vehicle maintenance provider

must have appropriate facilities, be competent and fully briefed on current vehicle technology and legislation.

Various trade associations and professional bodies such as VOSA, FTA, RHA and SOE can provide help to meet these requirements.

A formal maintenance agreement is needed for all contracted-out vehicle maintenance arrangements. A copy is set out in VOSA's 'Guide to Maintaining Roadworthiness'. This document is required to support any application for an 'O' Licence and is required to specify the maximum vehicle safety inspection period. All changes to a vehicle maintenance agreement or the actual provision of maintenance must be communicated to VOSA's Traffic Area Office.

Monitoring

As LGV and PCV operators are monitored by VOSA it is essential an audit procedure is in place to ensure compliance with the authority's 'O' Licence. This must be carried out by competent staff or alternatively sub-contracted to a suitable trade association such as the FTA.

All areas of non-compliance, ie MOT test failures

or prohibition notices, must be investigated and corrective action taken to prevent any recurrence.

Regular annual test performance reports should be obtained from VOSA. It is essential the authority is made aware of all MOT test failures and action taken to improve maintenance standards and prevent recurrence. This is particularly important when maintenance is carried out externally.

Training for technicians

Local authorities need to have a skilled workforce capable of maintaining its full fleet range including heavy vehicles, light vehicles, motorcycles, specialist vehicles and light/heavy plant. As recruiting staff with the necessary skills from within the motor trade is becoming increasingly difficult, setting up apprenticeship schemes has been considered as a solution. However, this suggestion has received little support from the accreditation bodies. It is therefore suggested that an apprentice training programme, similar to the one set out here, should be considered by authorities which need to consider developing technicians for the future. Use of Vocational Related Qualifications (VRQs) with 'bolt on' units would give a rounded apprenticeship.

A typical structure could be:



Duty of care



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Duty of Care

All employers, including local authorities, have a duty of care to their employees and customers. Vehicles and their drivers act as ambassadors for the authority and the responsibility the driver has in this role cannot be understated.

This section deals with duty of care and sets out the key responsibilities drivers have to ensure they deliver the service and represent their authority in the appropriate manner.

For many employees driving is a secondary task to their usual duties but it is important that any recruitment focuses equally on the driving aspects of the job as it does on other functions.

Key to this role is road safety and potential employees should be tested by a competent person before a position is offered to them. Driving licence checks should be made at least once a year and only the original document, not a photocopy, should be accepted. Where the licence is in two parts, both parts are required.

Checks can be carried out directly with the DVLA – if the holder gives consent – to provide an up-to-date review of the licence.

Where someone has a significant number of points on their licence it is best practice to check with the DVLA to ensure the authenticity of the document – if in doubt check.

Good practice is to have a driving permit system, preferably one incorporating a photo card, to give a clear indication of the authenticity of any permit produced for inspection.

Health questionnaires issued by the occupational health or HR team should contain specific questions about health requirements for driving.

All new drivers should receive induction training as soon as they are appointed. This should cover:

- Handling specific vehicles used by the operator
- Drivers' hours and record-keeping (including relevant legislation)
- Following vehicle maintenance procedures and systems
- Carrying out all safety precautions (before, during and after driving) such as walk-round checks
- The correct control of speed
- Safe, secure and legal loading

- Safe and secure parking (both at the authority's base and away from it)
- Re-fuelling safely
- Driver behaviour
- Authority procedures and administration
- Route knowledge

Driving licences and permits

Managers should ensure that drivers are correctly licenced and/or have a correct permit for the type of vehicle they have been allocated to drive. If in doubt, you should check with your organisation's transport guidelines.

Drivers should produce their driving licence and driving permits for examination before driving and at any other time upon request.

Drivers also need to disclose full details of previous or ongoing driving offences, convictions, medical conditions and disqualifications. As mentioned earlier, driving licence checks should be carried out at least once a year. Drivers should also be subject to an ongoing training and familiarisation programme which should be developed to meet the requirements of the Drivers' CPC introduced in 2008 and 2009.

Driving standards

Managers must instil in drivers that they must drive with due care and attention and show consideration to other road users at all times. Members of the public will judge the authority by the actions of its employees.

A driver's handbook should be produced which covers in detail the driving standards required by the authority. Some elements to be considered in this document are:

- Road transport legislation
- Highway Code
- Speeding
- Drivers' hours
- Overloading
- Accidents
- Daily and weekly checks
- Reporting defects
- Drink and drugs policy
- Mobile phone policy
- Authorised use of the vehicle
- Smoking policy

More details of these are identified in the 'Drivers' duties' section of this guide.

Managers should do all they can to minimise risk. One area that is often overlooked is the potential problem caused by the authority operating such a wide range of vehicles in terms of height, length, width and capacity. Drivers should be aware of the dimensions of their vehicle and if necessary seek help when manoeuvring in tight situations.

Legislation

Drivers of authority vehicles are not exempt from any road transport legislation and must always observe the Highway Code. Drivers must never exceed the speed limit and must always park correctly. It should be made clear drivers are responsible for paying the fine for any offence they have committed or any duty they have failed to carry out correctly.

Drivers of commercial vehicles above 3.5 tonnes gross vehicle weight must follow regulations regarding drivers' hours and keeping records (drivers' hours logbooks and tachographs). Drivers of authority vehicles must not under any circumstances drink alcohol during the working day, including any unpaid breaks, or use illegal drugs or any prescription or non-prescription drugs which will affect their ability to drive and work safely.

Drivers must not report for work while they are under the influence of alcohol, prescription or non-prescription drugs to the extent that their driving ability is impaired.

The policy on the use of mobile telephones and smoking should be made clear to the employee and regularly monitored for compliance.

The safe use of vehicles should be covered by each department's risk assessment and safety policies.

Record keeping

Under Section 172 of the Road Traffic Act 1988 owners, keepers, hirers or drivers of a vehicle are required to supply the full name and address of the driver at the time an offence was committed. Failure to do so can result in the owner, keeper or hirer being reported under Section 2 of the Road Traffic Offenders Act 1988.

Best practice is to adopt a log book system that requires the driver to provide details of the registration number, date, time and odometer reading at the start of the journey. The names of passengers, the route, nature of the journey, date, time and odometer reading at the end of the journey should also be recorded. The driver should sign each entry to confirm it is a true and proper record.

Supervisors should examine log book entries on a regular basis (weekly or monthly) and sign the records accordingly.

Occupational road risk

The authority should develop an occupational road risk policy which reflects the way transport is used within

the authority. For example, it should cover the use of fleet vehicles as set out above and where private vehicles are used it should address the use of these.

Legal responsibilities

Under the Management of Health and Safety at Work Act 1999 all local authorities have a legal responsibility to manage health and safety effectively. A health and safety risk assessment for all employees at work is therefore a key requirement and driving at work plays a crucial part in any such assessment.

Most authorities will have comprehensive risk assessments, policies and procedures on driving company vehicles already in place. Where further advice may be necessary is in the assessment and control of drivers who use their own personal vehicles for work purposes. The ability to assess risk and put in place policies and procedures for employees driving under essential or casual car user allowances is therefore central to this part of the guide. The following section details the key areas where work related road safety needs to be addressed.

Policy

You should ensure your health and safety policy covers work-related safety and that senior

management has been involved in its introduction and adoption. A cross section of expertise from numerous departments within your organisation may need to be brought together to compile this policy. Some internal systems and procedures will also need to be changed to comply with the requirements of your new policy and a degree of monitoring will need to be introduced to ensure its application and effectiveness.

A risk assessment approach should be adopted when compiling your work-related road safety policy.

Evaluating the risks - areas that should be covered

When using private vehicles on authority business (essential/casual car user allowance) the following areas of risk must be checked:

- The driver holds an appropriate and valid driving licence. This needs to be checked at least annually
- The vehicle has a current MOT certificate, excise licence and adequate breakdown cover
- The vehicle is insured, including for business use
- The vehicle is in a roadworthy condition
- The driver has been assessed for his/her competency and experience to drive, including an eyesight test
- Any medication taken by the driver does not affect

their ability to drive

- The driver been briefed on personal safety on the road
- The driver been made aware of the legal requirements of your mileage claim form
- The driver has been made aware of the contents of any policy on work-related road safety – including this guide

A further assessment of the driver's duties or job the driver has been requested to undertake must be made. In this respect the following areas should be looked at.

- Is the vehicle suitable to undertake the task and journey?
- Has the driver been set a realistic work schedule and have possible delays been included?
- Has the driver been trained in manual handling if he/she has been asked to transport heavy objects?

Other considerations that drivers need to be aware of and included in your policy are:

- The need to drive with courtesy and consideration for their passengers and other road users
- Not to use a hand-held mobile phone while driving
- Wearing a seat belt at all times is compulsory

- All equipment should be stored in the boot of the vehicle where possible
- Nothing which could distract the driver or cause injury while braking or in the event of an accident must be left unrestrained in the passenger area
- A requirement to be familiar with and comply with the latest edition of the Highway Code
- Any accident or incident which occurs on authority business must be immediately reported to managers/supervisors
- Drivers need to report changes in their usual work travel arrangements that may significantly affect the way their duties are carried out to their manager
- Drivers should take adverse weather conditions into account before setting off
- All driving offences and disqualifications must be reported immediately

Monitoring the policy

To ensure your policy is working effectively it will be necessary to undertake regular reviews of its systems, processes and outcomes. It is good practice to audit the policy at least annually and feed back any findings to employees through the normal management structures.

Drivers' duties



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Drivers' Duties

All drivers should be made aware of the authority's requirements to ensure they comply with:

- Road traffic regulations
- 'O' Licence regulations as applicable
- The authority's policy on the use of vehicles and plant
- Any standing orders relating to the claiming for the use of a private vehicle on authority business

Licence responsibilities

It is compulsory for drivers to maintain an appropriate licence at all times and to report any entitlement changes to their employer.

Drivers should be made aware it is compulsory to report any pending prosecutions or fixed penalties to their employer so any necessary action can be considered.

Employers should check licences – original documents and not copies – at least once a year. If the original licence can not be provided

a satisfactory reason must be given. Clear rules should be established and published indicating what action will be taken if an employee fails to maintain an appropriate licence.

Drivers' hours

Drivers' hours are usually associated with 'O' Licence operations, but evidence shows driver fatigue is a contributory factor in some non-passenger car accidents. Statistics show the critical time for sleep-related accidents is between 1am and 3am, 4am and 6am and 1pm and 3pm. These statistics show care needs to be taken when considering duty times for all staff who drive as part of their job.

Drivers of large goods vehicles are subject to EU Drivers' Hours or UK Domestic Hours Regulations – and in some cases a combination of both. The 'O' Licence' section of this guide advises it is best practice to work to one regulation only. An update of the current drivers' hours regulations can be obtained from the FTA.

It is essential drivers' hours are recorded correctly. Driving hours regulations training should be given to all drivers regardless of their experience. If the driver is subject to drivers' hours the method of recording must be an approved method eg tachograph or W20 book. It is also essential to record driving hours for drivers such as those who may take long business trips. Typical examples of this are social service employees and school teachers who take part in out-of-hours activities. This training should be noted on the employee's training record.

Daily and weekly checks

It is the legal responsibility of the driver to carry out a daily check or assessment of his/her vehicles' safety and legality before driving. To enable drivers to carry out a daily assessment of their vehicle a daily/weekly check sheet is provided.

Training should be provided so drivers know how to use the check sheet correctly and how to carry out the check procedure correctly. It is essential the employer provides the information and equipment necessary to allow checks to be

conducted correctly. One area often overlooked is tyre tread depth policy and providing tyre tread depth gauges. The provision of training for daily and weekly checks should include information about the liabilities if these checks are not carried out or not carried out correctly (VOSA has a number of videos available to illustrate this). This training should be noted on the employee's training record.

Other employment

Anyone who drives a vehicle subject to a vocational licence is subject to drivers' hours regulations. These regulations are broken down into duty time and driving. People who have additional driving jobs with other employers are eroding the duty time and possibly the driving hours of the principal employer. This could affect rostering time for the principal employer but more significantly could result in the employee exceeding drivers' hours regulations. It is therefore essential the principal employer is made aware of any other job their employee may have.

Use of vehicles

The authority should have an established and well publicised policy on the use of vehicles. It could contain some of the following statements:

- Vehicles must only be used for the purpose for which they were designed
- Drivers should be aware that authority vehicles are to be used only for the authority's official business. Employees are therefore not allowed to use their vehicle for any private purpose or to carry private passengers or goods without their manager's permission. Some drivers may be required to take a work vehicle home as part of their job description and if so it should be locked and parked in their driveway, in a well-lit car park or on a well-lit road. Employees who are allowed to take vehicles home are not permitted to use the vehicle for any purpose other than travelling between their home and work site.
- Drivers should only use ancillary vehicle equipment they have been trained to use. Under no circumstances should cranes, winches, tail-lifts, bin hoists, gully emptier

booms/jettors or wheelchair access lifts be used by untrained staff. Sweepers, gully emptier, skip lorries, fork lift trucks, telescopic handlers or any other kind of specialist plant should also only be driven by qualified personnel.

- All vehicle safety warning devices should be checked as part of the daily 'first use check' routine before driving. These systems include emergency stops on refuse vehicles, raised body warning devices on tipping vehicles and height warning buzzers and handbrake interlocks on craned vehicles.
- Drivers using trailers should ensure they have received adequate training on their use and hold the correct licence for the combinations driven.

Reversing

All authority vehicles should be fitted with reversing aids where practical (cameras, reversing sensors and reversing beepers). Drivers should ensure that when these are fitted their operation is checked daily.

Before reversing, all drivers should make a visual

check behind their vehicle. When there are two people in the vehicle, the non-driver must act as banksman or guide to help with any reversing manoeuvre.

In all reversing manoeuvres reversing sensors or rear view cameras must be used in addition to any guidance given by a banksman. This is particularly important for large commercial vehicles (refuse freighters etc) or smaller vehicles where vision has been obscured or impaired by full doors, bulkheads or bulky cargo items behind the driver.

Care of vehicles

An authority's public image is publicised through its vehicle fleet so it is vital the fleet upholds the authority's good reputation. To enhance this reputation drivers need to be made aware how important it is they follow correct procedures with any vehicle they are using.

Driving standards should be carefully monitored and advantage taken wherever possible of techniques designed to reduce wear and tear and fuel consumption. Drivers should comply with

traffic regulations while driving, ensure their vehicle is clean and tidy inside and out, undertake safety checks and have defects rectified immediately. Managers should develop a procedure for carrying out condition checks on vehicles and making drivers aware of their responsibilities.

Overloading

General

Authorities should have a policy to avoid vehicle overloading. This policy should set out the parameters for loading vehicles and identify actions that should be taken if a vehicle is found to be or suspected to be overloaded. Overloading of a goods vehicle, PCV or car is illegal. It is the responsibility of the driver to ensure it is not overloaded. If the vehicle is found to be overloaded both the driver and operator could be prosecuted. Fines of up to £5,000 can be imposed for each offence. Authorities should adopt a zero tolerance approach to this problem.

Communication

Drivers should be aware of:

- The weight limits of the vehicle
- The weight of the vehicle (the weight limit less the weight of the vehicle will give a guide to the load that can be carried)
- How to distribute a typical load carried by a specific vehicle. Local authorities usually have vehicles allocated to specific jobs – one option is to give an indicative weight of a given material, eg a pallet of bricks or kerbs, so the driver has an indication of what weight he/she is carrying
- Check the load before setting off. Ensure the driver is aware of what action to take if they are not confident the vehicle is within its legal weight limits
- The location and availability of local weighbridges

Training

Training should be given to managers and staff involved in activities that are critical to overloading

eg door-to-door waste collection, where the quantity of material collected can vary each day.

Processes and procedures

A process should be developed for managers and supervisors to monitor overloading through weight tickets and tip reports. Clear direction should be given on the action to be taken in the event of a recorded overloading. Two critical factors to be captured are the frequency of overloading and the quantity. Processes should include the analysis of the data collected in order to implement changes in vehicles, rounds, routes and tips etc.

The authority should introduce a procedure to be carried out at the time of an overloading event ie phoning to request a re-calibration of the on-board weighing device at the tip before the load is ejected.

The vehicle load or contents should be secured from moving and endangering the driver, vehicle or other road users. Open-backed vehicles should use ropes or sheets to prevent load loss. Drivers should be aware that it is an offence under the Road Traffic Act to have an unsafe load or to be overloaded.

Drivers should only climb onto and off the cargo area of open-backed vehicles using the appropriate ladders and fitted grab handles. If these are not available drivers should not climb into the cargo area.

Specialist tasks such as refuse collection, street cleaning and gully emptying will require specific actions and authorities should take advice from reference documents on how to avoid overloading.

Accidents

Accident reporting

Any driver involved in a road traffic accident has a legal responsibility to exchange details with the driver of any other vehicle(s) involved. This responsibility also applies to the emergency services, pedestrians or property owners who have had any involvement with the accident.

The details to be exchanged are:

- Name and address
- Contact telephone numbers
- Vehicle registration number, make and model

- Name of insurance company
- Employer's name, address and telephone number
- For LGVs the police will require driver log book/tachograph information and vehicle plating details

If anyone is injured or the accident is serious the emergency services must be called.

The driver must report any accident immediately through the authority's chosen reporting system. Training about the system will form part of the induction process.

The driver should complete an accident claim form and submit it through the reporting system within 24 hours of the incident where possible. The authority's insurance company should be notified as soon as possible.

Drivers must not sign any documents or verbally admit blame or liability.

Recovery, storage and repair procedure

In the event of minor damage the vehicle should be brought in to an authority depot for tests to check it is in a roadworthy condition.

It is good practice for authorities to sign up with accredited recovery operators to recover seriously damaged vehicles in line with health and safety guidelines. Vehicles should be recovered and stored carefully to preserve any evidence which may be needed in a subsequent investigation. Police accident investigation procedures are likely to be used in the event of a serious incident. In these cases the police will dictate the process to be followed.

All procedures for pre-repair inspection by the insurance company and repair quotations from the insurers or authority-preferred repair companies should be cleared with and be acceptable to the authority's insurers.

Following repair the vehicle should undergo a full workshop safety inspection and accident repair inspection before being allowed back into service.

Drivers

If the driver of the authority's vehicle is found to be to blame but is allowed to retain their driving licence, consideration should be given to re-training and assessment before they return to operational duties.

Accident records

A database of all vehicle accidents should be kept to monitor driver performance and pick up trends in incident types. Close analysis of accidents will highlight areas where improvements can be made. This maybe driver training, vehicle design or route planning.

Vehicle security

When a vehicle is left unattended – even for a few minutes – drivers should ensure it is locked and windows closed. Any items of value should be covered or removed from sight and security devices must be activated. Tools should be locked in the cargo hold and never left in the driving area.

Ignition keys and fuel cards or keys should be kept safe and never left in the vehicle. Keys should be returned to the office at the end of each day.

Maintenance and breakdowns

Drivers should be familiar with the specific breakdown details of the vehicle they are driving and know which maintenance agent normally carries out servicing or repairs. The driver should

also be given details of tyre or windscreen companies used.

Drivers should read their instruction pack/handbook and vehicle manual and should be familiar with their nominated workshop and breakdown arrangements.

Fuel

Drivers should check what type of fuel their vehicle uses and any specific fuelling arrangements.

Drivers must not let their vehicle reach empty or nearly empty.

Hired in vehicles



Driving Excellence

in Derbyshire



Hired in vehicles

Is there a need to hire?

Short-term hiring is the best way of meeting a temporary demand for additional vehicles. The spot hire market can supply almost any kind of vehicle very quickly but there will be a cost and environmental implication. Before turning to the spot hire market it is advisable to consider alternatives. For business trips or seminars the train is a good way to travel, particularly when visiting places with traffic and parking problems.

The use of departmental pool or spare vehicles can often fill a short-term requirement on an ad hoc basis. Tele-conferencing and the use of modern media connections can also reduce the need to travel.

But in many cases, either due to cost or practicality, short-term hiring is still the most sensible solution.

When turning to the spot hire market it always pays to do your homework. The following guide, although not comprehensive, details some of the main areas that need to be addressed.

Who do I hire from?

Depending on the type of vehicle required there will be numerous hire companies to choose from, although specialist vehicles such as street lighting towers and sweepers will limit the market.

It is essential these companies are vetted to ensure they are reputable, reliable and provide value for money. The best way to do this is by undertaking a tender exercise or by tapping into an existing tender negotiated by a neighbouring authority or purchasing consortium.

If short-term hire vehicles are not used regularly and no contract is in place, some kind of evaluation process is needed to ensure the company used meets the minimum standards required and complies with any regulations your authority may have.

Your procurement team should be able to help with this process. If procuring 'off tender', a simple questionnaire should be sent to the hire company asking them to verify their credentials. When this is done, at least two quotes should be obtained. These should ideally be from hirers on your reputable company list.

What should I look for in a hire company?

Choosing the right hire company is critical to securing safe, reliable and economical short-term hire vehicles. Your tender document – or your selection criteria – should include the following elements:

- The companies approached should provide a wide range of vehicles (there will be some exceptions to this when seeking specialised vehicles) and adequate back-up in terms of replacement vehicles, maintenance and breakdown cover.
- A request for a price matrix based on different vehicle types and different hire periods. This should be based on your anticipated demand over a given period. It is recommended that you request your chosen hire companies hold these prices for at least a year.
- Ensure all prices quoted include collection and delivery charges to a number of specified locations within your authority. You may wish to negotiate a different set of rates to provide you with the option of collecting vehicles from the hiring company's premises.
- All vehicles hired should be in an agreed condition. This should be specified in your tender

or questionnaire. Standard vehicles should be less than three years old, in a fit and serviceable condition, taxed and MOT tested (if applicable). The hire company should ensure all vehicles are valeted and safety checked before delivery. Where specialised vehicles are required, older vehicles may have to be accepted. It is recommended that vehicles hired for long periods and likely to go on your 'O' Licence are checked by your maintenance provider before they enter service. Hire companies should be reminded of your 'O' Licence obligations and maintain vehicles in line with your prescribed maintenance programme.

- Most authorities have insurance cover for all vehicles in their fleet, therefore prices quoted by hiring companies should be stated exclusive of insurance.
- Hire companies must provide at least £5m public liability insurance.
- Your authority may insist on the company having ISO9001/14001 accreditation as well as undergoing a financial check. It is advisable to check with your procurement department what pre-conditions exist.
- It is recommended any hire company you deal with

is a member of the BVRLA (British Vehicle Rental and Leasing Association).

- Recommendations from other organisations hiring from the proposed company should be sought, particularly local authorities or Government agencies, so performance can be gauged.
- An arbitration process. The authority and the hire company should agree on an independent body which will arbitrate in the event of any disagreements.

Processes and procedures

The following procedures are recommended good practice:

Taking the booking

If the vehicle hiring process is undertaken centrally it is essential that a time, date and delivery location is agreed. Hirers should also specify the type of vehicle required and the nature of the journey to be undertaken. On the basis of the information given a price should be quoted and an order number taken to confirm the booking. Internal hirers should be made aware of any conditions relating to the hire – both from the external hire company and ‘in house’ providers.

It is advisable that a ‘conditions of hire’ document is compiled and issued to all internal customers before hiring .

Making the hire booking

On the basis of the information received from the in house customer a formal hire should be made with one of your approved hire companies. Your order should detail the vehicle specification, time, date and location of delivery and collection. The price on your order should correspond with those negotiated in your tender or quotation.

Your driver

The driver of a hired vehicle should be treated in exactly the same as any other fleet driver. An appropriate licence for the class of vehicle to be driven should be presented on collection and any prior assessment completed in line with authority’s policy on driving. The driver must also be certificated on any ancillary equipment to be used on the vehicle.

The driver must undertake a ‘first use check’ of the vehicle before driving and familiarise themselves with the controls and equipment.

Checking in the hired vehicle with the supplier

When the hired vehicle is delivered to the address specified on the vehicle hire booking, the checking in process must be completed by an authorised person at the authority.

Checking in processes should be carried out by transport managers or transport officers and agreed with the supplier on delivery of the hired vehicle.

The checking in processes are to confirm the condition of the hired vehicle and general hire agreement information.

The following checking in processes are recommended and must be carried out and agreed by marking on the signing in/out sheet provided by the supplier:

Check for external condition/damage – walk around the hired vehicle and agree any obvious damage.

Agree with supplier and mark on sheet:

- ALL rust marks, dents, and scratches to the body
- ALL cracks to and missing mirrors/mirror glass
- ALL cracks to and missing light lenses

- ALL cracks and chips to windscreen

Check for internal damage/condition – visual check inside the hired vehicle and agree any obvious damage.

Agree with supplier and mark on sheet:

- ALL marks, fabric tears and burn holes to the seat
- ALL marks, holes and scratches to the dashboard
- ALL internal functions to be operational such as indicators, wipers and headlights

Check hired vehicle details

Agree with supplier and mark on sheet:

- Date/time in
- Odometer reading
- Fuel level – must be same level on return of vehicle
- Spare wheel – visual check
- Jack/tools – visual check

After carrying out the checking in process and agreeing the condition of the vehicle, the authority's authorised person must sign the hire agreement provided by the supplier and a copy of the hire agreement to be provided to the authority.

If the hired vehicle is of an unacceptable standard the hire agreement **must not** be signed. The vehicle

should be returned to the supplier until a suitable replacement is provided.

Under no circumstances should the authority accept a hired vehicle if it is proved to be not fit for purpose and in an unroadworthy condition.

Hired vehicle handover to user

Following the checking in process the vehicle is handed over to the user.

As soon as checks are made that the driver has the authorised driving licence for the hire vehicle, the hand over processes must be completed.

The authority's transport team or departmental transport officer must ensure the following:

- That the user is recognised as being a competent driver and has previous experience of driving commercial vehicles that fall under their authorised driving licence category.
- If the user has not driven the type of vehicle hired by the authority a driver assessment must be completed. The driver should also familiarise themselves with the operation and functions of the vehicle (this could include any agency or seasonal drivers that are employed).

- Once the user has been authorised to drive the hired vehicle a vehicle daily check sheet must be completed to confirm the agreed damage/condition of the vehicle from the checking in process with the supplier. The driver must sign and date this check sheet.
- The vehicle daily check sheet will identify current mileage for the hired vehicle.
- The user will be told about re-fuelling arrangements for the hired vehicle as this may be different to contract hire vehicles. Depending on the length of hire, the hired vehicle could be issued with a fuel key or card to access supplies contained on authority premises or local fuel supplies at garages.
- The user will be informed of the scheduled return date for the hired vehicle and told if any changes are made.
- The user will be informed about the specific breakdown details for the hired vehicle (normally on the reverse side of the road fund licence holder).

Checking in the hired vehicle returned by the user

When the hired vehicle is returned by the user, the first stage of the checking out process must be completed.

The transport team or the departmental transport officer must ensure the following:

- Once the user has returned the hired vehicle, the authority's vehicle daily check sheet must be completed to confirm its condition or any damage caused. The user will sign and date the vehicle daily check sheet agreeing any new damage or fault.
- The vehicle daily check sheet will identify the return mileage for the hired vehicle.
- The user must make sure the hired vehicle has the fuel level agreed during the initial checking in process. If fuel level is lower than the agreement the supplier may add a surcharge.
- The user must inform the authority's transport team of any operational defects not previously reported that may affect the checking out process.

Checking out the hired vehicle with the supplier

When the hired vehicle is returned to the agreed collection address the checking out processes must be completed by an authorised person.

The checking out processes must be agreed with the supplier when the hired vehicle is collected and only carried out by nominated persons for the authority.

The checking out processes between the authority and supplier are to confirm the condition of the hired vehicle and general hire agreement information once the hire period is complete.

The following checking out processes are recommended and must be carried out and agreed by marking on the signing in/out sheet provided by the supplier:

Check for external damage/condition – walk around the hired vehicle and agree any damage.

Agree with supplier and mark on sheet:

- ALL rust marks, dents, and scratches to the body
- ALL cracks to and missing mirrors/mirror glass
- ALL cracks to and missing light lenses
- ALL cracks and chips to windscreen

Check for internal damage/condition – visual check inside the hired vehicle and agree any obvious damage.

Agree with supplier and mark on sheet:

- ALL marks, fabric tears and burn holes to the seat
- ALL marks, holes and scratches to the dashboard
- ALL internal functions to be operational such as, indicators wipers and headlights

Check hired vehicle details

Agree with supplier and mark on sheet:

- Date/time out
- Odometer reading
- Fuel level – must be same level on return of vehicle
- Spare wheel – visual check
- Jack/tools – visual check

After carrying out the checking out process and agreeing any damage and the condition of the vehicle the authority's authorised person must sign the hire agreement provided by the supplier and a copy of the hire agreement to be provided to the authority.

If the authority and the supplier cannot agree on any damage or the condition of the hired vehicle the authority's authorised person should under no circumstances sign the hire agreement.

Damage to the hire vehicle

With the hired vehicle return damage and condition agreed, the authority should decide how any necessary repairs will be carried out.

If the authority decides to carry out repairs in-house the hired vehicle may have to stay on the hire agreement until they are complete (this will be at the discretion of the supplier).

If the authority asks the supplier to carry out repairs, quotations will be required until the total re-instatement works costs are agreed by both parties. (If the hired vehicle is shown to have 'loss of use' charges the supplier may charge for the hire of the vehicle until repairs are complete).

If tyres are damaged a betterment price will have to be agreed before repairs are carried out or replacements fitted.

Arbitration

In general terms FTA or BVRLA members adhere to their own respective codes of conduct, hence the recommendation that BVRLA accredited companies should be used for spot hiring. Any arbitration can be conducted through this organisation. When disagreements arise which cannot be resolved – particularly concerning damage to vehicles – it is recommended that a clause specifying an arbitration procedure through the IRTE be included in any contract. Disputes should be referred to:

Chairman, IRTE Technical Committee
The society of Operations Engineers,
22 Greencoat Place, London SW1 1PR
Phone: 020 7630 1111

Vehicles hired in with driver

Vehicles and plant hired in with a driver can still present an operating risk as the driver will be working with the authority's own staff and in some cases transporting staff and members of the public. It is therefore essential that certain checks are carried out before accepting the vehicle and driver.

- Only hire from reputable companies that have been previously vetted
- Check the driver has a current licence for the specific class of vehicle
- Check the vehicle is comprehensively insured
- Check the vehicle displays a valid road fund licence
- Check the vehicle displays a valid 'O' Licence (where applicable)
- Check if the driver has a means of inspecting and recording defects on a daily basis
- If special equipment is fitted (eg cranes, tail lifts etc) ensure the driver has been trained in their use and is qualified to use them

- Walk around the vehicle and check it looks in a good and roadworthy condition. If not, arrange a full inspection
- If any doubts exists ask to see current test certificates and maintenance records
- Carry out random safety inspections on vehicles
- Share information with other authorities where serious problems exist with any particular company.

If any doubts exist regarding the above checks, the vehicle and driver should not be accepted and alternative arrangements made. In the event of an incident involving a hired vehicle and driver, particularly where fundamental checks were not carried out, the authority could be prosecuted if it has failed in its duty of care to ensure adequate safeguards had been carried out. The authority's good repute regarding 'O' Licensing could also be called into question.



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