

REPORT TO	ON
GENERAL LICENSING COMMITTEE	13 JUNE 2017

Jan 2017



TITLE	AUTHOR	Agenda item No.
DRAFT POLICY / TESTING REQUIREMENTS TO ENSURE THE SAFETY OF LICENSED VEHICLES WHICH HAVE BEEN SUBJECT TO MODIFICATION	PETER HAYWOOD	

1. PURPOSE OF THE REPORT

- 1.1 This report seeks to introduce a policy to ensure the appropriate testing of vehicles which have been subject to modification (typically to facilitate the transporting of wheelchair users).

2. RECOMMENDATIONS

The Committee is requested to:

- 2.1 consider the draft Policy attached as Appendix 1 to this report, which includes details of the technical standards considered necessary to ensure the continuing roadworthiness of licensed / modified vehicles;
- 2.2 consider whether testing should be carried out by private testing stations which currently carry out roadworthiness checks on behalf of this Council, or whether testing should solely be undertaken by Lancashire County Council (options 1 and 2 in section 6 below);
- 2.3 agree that the attached draft Policy should be subject to a consultation exercise as set out in section 8 below; and
- 2.4 agree to receive a report at a future meeting setting out responses to the consultation exercise referred to above.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe	x	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	

4. BACKGROUND TO THE REPORT

- 4.1 On 21 March 2017, the General Licensing Committee received an initial report on a draft policy to ensure the safety of licensed vehicles which had been subject to modification. This report confirmed that the need for such a policy had arisen from a situation discovered by Licensing staff formerly employed by the Council, when it had been discovered that vehicles licensed for use in the Borough were being modified but were not then subject to any further enhanced testing to ensure their continuing roadworthiness. These vehicles were typically larger road vehicles which had been modified to carry wheelchairs, with many service users

affected being particularly vulnerable. In these circumstances there is clearly an enhanced responsibility for the licensing authority to ensure the safety of passengers and other road users.

5. MEETING WITH LANCASHIRE COUNTY COUNCIL

5.1 At its March meeting the Committee agreed that the Interim Licensing Manager should commence discussions with Lancashire County Council as the body who (through its Education and Social Services functions) commissions a large number of licensed / modified vehicles to transport special needs children to and from school. Accordingly, on 30 March 2017 the Interim Licensing Manager met with the County Council's Compliance Manager for Integrated Transport Services. The meeting took place at the County Council's testing facility at Bamber Bridge, providing an opportunity to see first-hand a number of vehicles under inspection.

5.2 The meeting was productive, and was felt to be particularly helpful in identifying a set of standards which the County Council would consider appropriate to ensure the continuing safety of passengers in modified vehicles (and by extension other road users). These standards are technical in nature, and are set out in detail in the Appendix to the draft Policy (attached as Appendix 1 to this report). In essence they concern matters such as:

a) Tracking

- Floor rails correctly fitted and secured / capable of meeting the strength requirements;
- "Cant rail" (if fitted) correctly fitted and secured / capable of meeting the strength requirements; and
- Correct 30mm washer or underfloor spreader plate fitted.

b) Seating

- Any removable seat fixture must have been successfully tested to appropriate standards;
- Evidence that seats are M1 compliant must be provided by the operator; and
- Removable seat fixtures should only be fitted and used in accordance to the manufacturer's instructions.

c) Restraints

- Any restraints for disabled passengers will be tested for compliance with international standards; and
- Any restraining equipment must be marked as being in compliance with international standards.

6. TESTING ARRANGEMENTS

6.1 Currently, the licensing authority requires all licensed vehicles to be tested every 6 months for roadworthiness prior to renewal of the vehicle licence. However, such tests have not applied to any modifications to the vehicle and it is this omission that this report seeks to correct.

6.2 The current testing regime states that roadworthiness tests can be carried out at around 12 private / independent trade outlets across the Borough. The vehicle owner will make arrangements for a testing station to carry out the necessary test for the appropriate fee, which is paid directly to the testing station. There is no contractual arrangement between the Council and the testing stations who undertake this work.

6.3 Two options for the testing of modified vehicles are set out below for consideration:

Option 1:

One possible option is to allow the current independent testing stations to undertake the additional testing (as well as the roadworthiness tests currently undertaken) proposed under the modified vehicles policy. This would give a flexible approach and allow licence holders a choice in their preferred testing station.

Option 2:

Given the concerns which members have previously expressed about this matter, and the paramount importance of ensuring the safety of vulnerable service users, an alternative option would be to require all additional testing of modified vehicles (ie above and beyond roadworthiness tests) to be carried out by Lancashire County Council at their premises in Bamber Bridge. This is a purpose-built state of the art facility, and it is of particular relevance that it does not carry out any private repair work which may be identified as a result of the test on modified vehicles; in this way it can be said to be completely impartial in its assessment of the licensed fleet. For this reason, members are invited to consider whether additional testing should be restricted to the County Council's in-house testing station.

7. PROPOSED FEES

7.1 The County Council has confirmed that, for a fee of £90 plus VAT, it would undertake a package of 3 tests which includes the checks on modified vehicles. These tests are itemised below:

- i) regular 6 monthly SRBC roadworthiness test;
- ii) annual LOLER (Lifting Operations and Lifting Equipment Regulations) for safety of tail lifts; and
- iii) safety check on modified vehicles as per appendix to Appendix A (structural conversion work, tracking and seating).

7.2 Alternatively, the County Council has stated that it would undertake the safety check alone (as in paragraph 7.1iii) above) on modified vehicles for a sum lower than the £90 plus VAT set out above. It is hoped that the County Council will be able to provide a definitive figure by the time of the Committee meeting. This would leave the vehicle owner free to continue to have their other 6 monthly checks required by the Council carried out at the private testing stations currently utilised across the Borough.

8. CONSULTATION EXERCISE

8.1 It is suggested that the following bodies should be approached and their views on the proposed policy formally sought:

- Local licensed trade (especially Wallbank's as the major modifier of vehicles in the Borough);
- Lancashire County Council;
- Other private sector testing stations currently in use; and
- Local disability groups.

8.2 In terms of timescale, it is proposed that the consultation period should run for 28 days from 1 July 2017.

8.3 The proposed methodology to be followed is that a letter will be sent to all of the identified consultees informing them of the consultation exercise and inviting the submission of written comments.

9. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

9.1 Comments of the Statutory Finance Officer

There are no financial implications arising from this report.

9.2 Comments of the Monitoring Officer

The consultation process allows the views of stakeholders to be considered, when deliberating the policy. The policy proposed relates to an enhanced roadworthiness test for vehicles which have been modified. This in essence will assist with public safety.

<p>Other implications:</p> <ul style="list-style-type: none"> • Risk • Equality • HR 	<p>Road safety is of paramount importance to the licensing authority, and this report seeks to ensure the safe transport of passengers in modified vehicles.</p> <p>The report seeks to ensure the safe transport of passengers with physical disabilities, many of whom will be wheelchair users and require modified transport.</p> <p>None</p>
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10. BACKGROUND DOCUMENTS (or there are no background papers to this report)

- Appendix 1 – draft Policy and testing standards to be imposed
- Appendix 2 – Equalities Impact Assessment