

REPORT TO	ON
Licensing and Public Safety Committee	12 <sup>th</sup> November 2019



TITLE	REPORT OF
Proposed Policy Amendment, Modified Vehicles.	Interim Monitoring Officer

Is this report confidential?	No.
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**PURPOSE OF THE REPORT**

1. To consider an amendment to the existing policy on modified vehicles.

**RECOMMENDATIONS**

2. To consider and approve the draft amendments to the existing policy.
3. Agree that the licensing section undertake a period of consultation with the relevant stakeholders in respect of the proposed changes.
4. Agree to receive a report on the outcome of the consultation at a future meeting.

**CORPORATE PRIORITIES**

5. The report relates to the following corporate priorities:

Excellence and Financial Sustainability	<input checked="" type="checkbox"/>
Health and Wellbeing	<input type="checkbox"/>
Place	<input type="checkbox"/>

Projects relating to People in the Corporate Plan:

People	<input type="checkbox"/>
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**BACKGROUND TO THE REPORT**

6. In April 2018 a policy on the testing of modified vehicles was approved by the General Licensing Committee. In short, the policy requires the testing of any modified vehicle on first presentation and thereafter on each renewal The report and policy is attached as **Appendix 1**.

7. The majority of modified vehicles are operated by Wallbanks who provide special needs transport to Lancashire County Council (LCC). Virtually all contracts that Wallbanks facilitate are with LCC. Before being awarded a contract with LCC the vehicle is inspected to ensure it can meet the specific needs of the contract.
8. The policy came into effect on the 1<sup>st</sup> July 2018 and discussions commenced with LCC as to how the testing would work, how drivers would book the test, the cost and how the Licensing Authority would identify which vehicles needed testing.
9. In September 2019 it was agreed that all the modified vehicles operated by Wallbanks would be tested by LCC as the process to accurately identify vehicles was not working properly.
10. During the inspections, Licensing Officers were present to understand the detail of what was actually being tested. The main area of structural change on modified vehicles is the floor and the lift. When the tracking in the floor is installed it is bolted in as per the standards contained in the policy. The lifts are installed by Wallbanks and granted a LOLER (Lifting Operations and Lifting Equipment Regulations 1998) certificate. See background **Document 1** <http://www.hse.gov.uk/pUbns/priced/loler.pdf>
11. Over 60 vehicles were inspected in September 2019 and none had issues with the structural integrity of the conversion. It also became apparent that providing the conversion had been done in line with the policy guidelines it would be highly unlikely that issues would arise.
12. The proposal therefore is to test on first application or if the vehicle is altered substantially or structurally.
13. A comparable example is when knocking out a supporting wall, an appropriate RSJ (Rigid Support Joist ) must be installed. Inspectors examine the quality of the steel, take note of its load bearing qualities and ensure the load bearing weight is correctly spread. Once satisfied a safety certificate can be issued. It would be clearly disproportionate to re-examine this structure year on year.
14. A building cannot be compared to a vehicle but the overall structural alteration made to the vehicle at the time of modification , is one that is permanent and if done correctly is not likely to deteriorate or fail
15. Certain specific areas of modification could be more likely to fail than others, for example tracking bolted into the floor in line with the guidance is robust and unlikely to fail, however passengers seats that are partially bolted into tracking and partially bolted into the vehicle skin or structure are more likely to fail over time.
16. An example that was seen during the inspections was that a small number of vehicles had passenger seats that were bolted half into the tracking and half into the wheel arch. Wheel arches are prone to corrosion over time, therefore compromising the bolts that are fixed through the wheel arch.
17. However MOT testing requirements state that if any corrosion is noted within 30cm of a structural mounting point it should fail.
18. The MOT/Roadworthiness certificate process should identify any issues as described above.

19. The current policy does not sufficiently deal with the production of LOLER certificates and simply requires *“where the vehicle is fitted with a tail lift a LOLER certificate must be obtained prior to the vehicle inspection.”*

#### **PROPOSALS (e.g. RATIONALE, DETAIL, FINANCIAL, PROCUREMENT)**

20. The proposal is to consult on the draft amendments to the existing policy, a copy of which is attached as **Appendix 2**. The rationale is based upon the unnecessary and burdensome nature of the policy taking direction from paragraphs 1.1 and 3.5 of the Regulators Code published in April 2014. Attached as **Appendix 3**.

Research has been conducted with 2 neighbouring Authorities, Lancaster and Bury. They both have a similar policy which is to ask for production of an IVA certificate on first presentation then the vehicle is simply subject to the same testing regime as every other vehicle.

Information has been received from Wallbanks that the IVA whilst onerous to organise can take 6 weeks before a slot is available and the test, whilst technically precise throws up some concerns. The concerns relate to adaptations that can be removed, for example the passenger lifts are an attachment that would not necessarily pass an IVA due to the square edges. Also our own private hire plates are reported to be unacceptable due to the square edges that would not conform to the precise requirements of the test. Therefore owners simply remove attachments such as the ones described in order to pass the test. This seems to undermine the IVA as being the panacea it is believed to be as the lift can be simply added after test and has not had the necessary scrutiny by the Inspectors.

This scenario would have little impact at South Ribble as Lancashire County Council test the vehicle before any contract award and the current policy sees an inspection every 6 months but for those Authorities who simply rely on the IVA as the only specialised test a modified vehicle undergoes then important areas could be overlooked.

These facts were put to both Lancaster and Bury who were asked some detailed questions about their process. Bury did not reply despite 2 chase up e mails and a phone call and Lancaster were unable to answer any of the questions relating to the IVA concerns. The questions put to Lancaster and their response are found at **Appendix 4**.

21. If the proposed changes are not to be considered then a more streamlined testing procedure needs to be adopted, the current position is that only LCC can test the vehicles. Our own Depot have been consulted on the proposed changes and concur that to have a specific test on the modification every 6 months is overly burdensome but have indicated that they could do a 3 part test on these types of vehicles which would include the Road Worthiness, Modification and LOLER certificate for any passenger carrying lift.

#### **CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION**

22. The initial policy was subject to consultation in 2017 and 2018, the written submissions from the earlier consultations are attached as **Appendix 5**.

23. Informal discussions have taken place with the Councils Depot at Moss Side.

#### **COMMENTS OF THE STATUTORY FINANCE OFFICER**

**24. Compliance with the requirements for vehicle testing are the responsibility of the operator and therefore there are no financial implications for the Council.**

**COMMENTS OF THE MONITORING OFFICER**

25. It is imperative that any proposed changes to the policy are consulted on with the relevant stakeholders, in order to allow them to comment.

**OTHER IMPLICATIONS:**

<p>▶ <b>Risk</b></p> <p>▶ <b>Equality &amp; Diversity</b></p>	<p>As ever with licensing public safety is paramount. Whatever we do we must ensure that we do not compromise the safety of the travelling public.</p> <p>There are no issues here</p>
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**BACKGROUND DOCUMENTS-**

**Document 1-** LOLER Regulations <http://www.hse.gov.uk/pUbns/priced/loler.pdf>

**APPENDICES**

**Appendix 1-** Report and final policy draft from April 2018

**Appendix 2 –**Proposed draft policy amendments

**Appendix 3 –** Regulators Code

**Appendix 4-** E mail response from Lancaster Council

**Appendix 5-** Historic consultation responses from 2017

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Job Title Interim Monitoring Officer

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