

REPORT TO	ON
COUNCIL	27 <sup>th</sup> January 2021



TITLE	REPORT OF
Modified Vehicles Policy	Shared Services Lead – Legal and Deputy Monitoring Officer

Is this report confidential?	No
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### PURPOSE OF THE REPORT

1. Considering the outcome of the consultation exercise undertaken throughout September and October 2020 (summarised in section 23 below) and the approval by the Licensing & Public Safety Committee, this report invites members of the Council to formally adopt the changes to the Modified Vehicles Policy.

### RECOMMENDATIONS

2. Members are requested to note the contents of the report.
3. Members are requested to formally adopt the agreed proposal following the approval by the Licensing and Public Safety Committee on the 8<sup>th</sup> December 2020.

### REASONS FOR RECOMMENDATIONS

4. It is a requirement of the current policy, for all South Ribble BC licenced vehicles that have been modified since first manufacture, to have an additional test performed in addition to the road worthiness test that all licenced vehicles must have performed on it every 6 months.
5. This report outlines a proposed alternative to the current wording within the SRBC taxi licensing policy, which officers feel is currently burdensome to operators and proprietors of licenced vehicles.

### OTHER OPTIONS CONSIDERED AND REJECTED

6. Options available are to;
  - a)Keep the policy as it is and make no changes
  - b)Agree to the changes proposed

## CORPORATE OUTCOMES

7. The report relates to the following corporate priorities: *(tick all those applicable)*:

An exemplary council		Thriving communities	
A fair local economy that works for everyone	x	Good homes, green spaces, healthy places	

## BACKGROUND TO THE REPORT

8. On 12<sup>th</sup> November 2019, members of the Licensing & Public Safety Committee received a report from officers highlighting issues found with the current modified vehicle policy.
9. Members were advised that the current policy is burdensome to operators and proprietors of licenced vehicles.
10. At the meeting on the 12<sup>th</sup> November 2019 Officers proposed changes to the current policy that would only require vehicles that have been altered since first manufacture to be tested when first licenced and not upon each renewal as currently stated with in the policy. The full detailed report can be found attached to this report as background document 1.
11. Members were advised that once the vehicles had been modified to meet the needs of being a private hire/ hackney carriage vehicle, the vehicle wasn't modified again.
12. Members were advised that in September 2019, it was agreed that all the modified vehicles operated by one operator in the area, would be tested by LCC as the process to accurately identify vehicles was not working properly.
13. 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.
14. Members agreed that the changes to policy regarding modified vehicles should be subject to a consultation exercise, and results presented at a further meeting.
15. On the 10<sup>th</sup> March 2020, members of the committee were provided with an update on the modified vehicle policy. A licensing Officer explained that a consultation period had taken place throughout January and February 2020.
16. Feedback had been provided by the trade that the questions were too technical, and the internet format used was not accessible. Officers asked the committee to go out to consultation again on this matter, with the option of a paper format to increase accessibility. Members were advised that a report detailing the outcome of the consultation would be brought before committee at a future meeting. Members agreed the consultation was to be re-done.
17. On 8<sup>th</sup> December 2020, members of the Licensing and Public Safety Committee received feedback from the consultation exercise that took place between 21<sup>st</sup> September 2020 – 2<sup>nd</sup> November 2020. Details of that report can be found attached as background document 2.

18. The committee were advised that the new consultation questions had been simplified and a paper format provided as an alternative option.
19. The Licensing Officer advised that the response was overwhelmingly in support of the proposed changes. If approved vehicles would be tested when a license is first applied for and at the time of any new modification- this would remove the requirement on additional 6-monthly tests for modified vehicles.
20. Members raised concerns over the consistency of the testing that would be carried out by either LCC or SRBC to which the Licensing Officer confirmed that there would be a testing criterion that inspections would have to adhere to. In addition, the Licensing Officer noted that the test would be the same test already carried out by LCC before they approve any school contracts.

## PROPOSAL

21. The proposal is to agree to change the wording within the Modified vehicle policy. The original policy can be found in appendix 1 of the original report attached to this report as background document 1. The full proposed changes can be found within appendix 2 of the original report attached to this report as background document 1.

The new proposed wording is,

### **4) Requirements for initial licence application**

*With effect from xxxx2021 , the owners of vehicles of categories M1,M2 or N1 which have been converted, adapted or modified from the original manufactures specification (whether undertaken by the vehicle licence holder or a third party ),and which have not previously been licensed as a hackney carriage or private hire vehicle by South Ribble Borough Council will be required to undergo a test and inspection by Lancashire County Council or South Ribble Borough Councils Depot. The test shall be arranged by the Licence holder who will pay any fees levied by LCC or SRBC. Once a certificate or clearance has been made by LCC or SRBC the Licence Holder will submit a copy of the certificate with the Licence Authority.*

*If the vehicle is installed with any sort of lifting equipment the Licence Holder will ensure the equipment is serviced and certificated in accordance with the LOLER Regulations. A copy of this certificate will be lodged with the Licensing Authority at intervals specified by the testing regime relating to the relevant equipment.*

*If after first examination a vehicle is substantially varied or altered it shall be subject to an additional test by LCC.*

*Substantially altered or varied will include;*

- 1. A change or alteration to the tracking lay out (extended or reduced)*
- 2. Additional seats or seat belt mounts installed outside of existing tracking.*

22. Members of The Council are invited to consider the feedback given from the two previous Licensing and Public Safety Committee's and the consultation exercise shown below in part 23 of this report, members are asked to take the decision to formally adopt the proposed changes to the wording of the modified vehicles policy within the South Ribble Borough Council Taxi Licensing Policy.

## CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

### 23. Feedback from the consultation exercise 21<sup>st</sup> September 2020 – 2<sup>nd</sup> November 2020

- Advisory letters were sent to all drivers and operators.
- Paper feedback forms were provided to every licenced driver, vehicle proprietor and licenced operator.

The following responses summarised below have been received following the consultation exercise.

<b>Question</b>	<b>Yes</b>	<b>No</b>	<b>Unsure</b>
<p><i>Currently the taxi licensing policy requires vehicles that have been modified since it was first manufactured, to pass an additional test every 6 months.</i></p> <p><i>It is proposed to change the current policy, to require a one of test only when the vehicle is first licenced and or if modified whilst licenced. The test would be performed by either Lancashire County Council or South Ribble Borough Council.</i></p> <p><i>Do you agree to change the policy from the requirement to be tested 6 monthly to a one-off test when first licenced or modified whilst licenced ?</i></p>	<b>37</b>	<b>0</b>	<b>2</b>
<p><i>Currently the Taxi licensing policy requires modified vehicle proprietors to obtain an IVA certificate for the vehicle.</i></p> <p><i>We propose to change this requirement for an IVA in favour of a localised test by qualified engineers who will focus on all aspects of the modification.</i></p> <p><i>The test will be tailored to private hire/hackney carriage vehicles and will test various aspects of the</i></p>	<b>35</b>	<b>1</b>	<b>3</b>

<p>vehicle such as seats, tracking and passenger lifts. Do you agree to change from the IVA test to a localised test tailored to Private hire/Hackney carriage vehicles ?</p>			
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**EQUALITY AND DIVERSITY**

24. none.

**AIR QUALITY IMPLICATIONS**

25. none

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

26. There are no financial implications to this change.

**COMMENTS OF THE MONITORING OFFICER**

27. *The legal issues have been identified in the background papers. If the changes are to be made to the modified policy, approval will be required by Full Council.*

**BACKGROUND DOCUMENTS (or There are no background papers to this report)**

Background Document 1 – Report to Licensing and Public Safety Committee 12/11/2019, is accessible using the below link and can be found at agenda item 26

<https://southribble.moderngov.co.uk/ieListDocuments.aspx?CId=483&MIId=1601&Ver=4>

Background Document 2 – Report to Licensing and Public Safety Committee 08/12/2020, is accessible using the below link and can be found at agenda item 57.

<https://southribbleintranet.moderngov.co.uk/ieListDocuments.aspx?CId=483&MIId=1795&Ver=4>

**APPENDICES**

Appendix 1 - Full Consultation Document - is accessible using the below link

<https://www.southribble.gov.uk/sites/default/files/All%20Consultations.pdf>

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