

REPORT TO	ON
GENERAL LICENSING COMMITTEE	20 FEBRUARY 2018

September 2017



TITLE	REPORT OF
DRAFT POLICY / TESTING REQUIREMENTS TO ENSURE THE SAFETY OF LICENSED VEHICLES WHICH HAVE BEEN SUBJECT TO MODIFICATION	PETER HAYWOOD

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

This report seeks to update members on the latest position regarding the proposed adoption of a draft policy to ensure the safety of licensed vehicles which had been subject to modification.

2. RECOMMENDATIONS

Members are requested to:

- 2.1 note the outcome of the round-table discussion held with key stakeholders on 12 January 2018; and
- 2.2 in light of the amendments to the draft specification made at that meeting (identified in section 5 below), agree to submit the revised specification (Appendix 2) to a further short period of consultation with the trade in line with the methodology set out in section 7 below; and
- 2.3 agree to receive a further update report at a future meeting of the committee, with a view to then considering whether to forward the final version of the draft specification to a future meeting of full Council for formal adoption.

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	x

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. Members requested that a more detailed report was brought back to a future meeting after further work had been carried out.

- 4.2 On 13 June 2017, an updated report containing a draft policy and testing specification was presented to the General Licensing Committee. This updated report contained two alternative options relating to the testing of modified vehicles for roadworthiness; one option was that tests could continue to be carried out by a range of private sector testing stations as at present, and the other option restricted the tests to the Lancashire County Council facility at Bamber Bridge. Members agreed that the proposed policy and specification should be subject to a consultation exercise as set out in the report, with the option on restricting the location of tests to the LCC facility being stated as the preferred option.
- 4.3 On 17 October 2017, members received a further report which updated them on the outcome of the consultation exercise. A number of technical objections to the content of the draft had been raised by stakeholders which responded to the consultation exercise. Some of these objections (such as the incorrect reference to a floor height of 420mm) were relatively non-contentious and were accepted, but others were more fundamental in that they suggested at least some elements of the proposed tests will be either (a) unnecessary or (b) a duplication of tests already carried out by Lancashire County Council. A summary of the consultation responses is attached as Appendix 1.

4.4 The minutes of the October meeting record the following:

“Two options for the testing of modified vehicles had been identified, one option to allow the current independent testing stations to undertake the additional testing or the requirement of all additional testing to be carried out by Lancashire County Council at their premises in Bamber Bridge. Although three responses to the consultation had expressed their opposition to the second option, members considered that the purpose built facility of the County Council’s would give a more consistent approach to the testing regime.

RESOLVED (Unanimously):

1. To recommend to full Council to formally adopt the Draft Policy/Testing Requirements to ensure the safety of licensed vehicles which have been subject to modification.
2. **That delegated authority be given to the Revenue and Benefits Manager and Interim Licensing Officer to initiate further discussion with the trade, in a constructive manner, in order to refine the draft technical specification, prior to its referral to full Council on 22 November 2017. [my emphasis]**

RESOLVED (F6: Abstention:1):

- 3 To recommend full Council agree Option 2 (LCC facility at Bamber Bridge) for the testing of modified vehicles.”

4.5 As a result of the highlighted second resolution in section 4.4 above, officers worked hard to convene a meeting with key stakeholders at which the draft technical specification previously considered by members could be refined. Unfortunately this meeting proved difficult to arrange due to competing diary commitments and the festive period. However, with the helpful intervention of the Deputy Chair of the General Licensing Committee, a meeting was finally arranged for 12 January 2018. Further details of this meeting are provided below.

5. MEETING WITH KEY STAKEHOLDERS

5.1 On 12 January 2018, a meeting was held to consider the content of the original draft specification provisionally approved by members in October 2017. The meeting was held at the County Council testing facility at Bamber Bridge and in attendance were:

- Interim Licensing Manager (SRBC) (Chair)
- Lancashire County Council's Compliance Manager (Integrated Transport Services)
- Lancashire County Council's Fleet Compliance Officer (Fleet Services)
- Mr Andrew Wallbank of Andrew Wallbank Ltd, Leyland

5.2 The Interim Licensing Manager explained the purpose of the meeting (namely that it had been requested by members of the General Licensing Committee at their October 2017 meeting in response to comments submitted during the consultation period). The meeting lasted from 2pm to 3.30pm and was both amicable and constructive.

5.3 As a result of the discussion, a revised draft of the specification provisionally approved by the General Licensing Committee in October 2017 was compiled. A copy of this is attached as Appendix 2. The main changes proposed to the original version which had previously been considered by councillors are summarised below:

- i) Section 2 of procedure – re-wording of seating requirements to emphasise need for safety rather than aesthetic appearance;
- ii) Section 2 of procedure – correction of error regarding step height;
- iii) Section 2 of procedure – clarification of requirements for turning circles within vehicles;
- iv) Technical specification (tracking) – confirmation that minimum rail length (as stated in manufacturer's (Unwin's) official publication on User Operating Instructions / Rail Installation) is 1300mm; and
- v) Inspection list – additional requirement re secure storage.

5.4 In addition, the report seeks to clarify the relationship between Individual Vehicle Approvals (IVAs) and the extended roadworthiness test set out in Appendix 2. In essence, the draft procedure confirms that:

- an IVA will be needed where a modified vehicle (which has not previously been licensed with the Council) is submitted for initial licensing. Where the vehicle is already licensed with the authority, no IVA will be required; and
- all modified vehicles (whether in possession of an IVA or not) will be required to pass the extended roadworthiness test in Appendix 2, which will ensure that any modifications (including any made subsequent to the IVA) are safe.

5.5 Officers are aware that – due to the nature of the proposed revisions to the draft specification – it may be prudent to submit the latest version (Appendix 2) to a further round of consultation. This is because at least one of the proposed changes (relating to the safe storage of equipment) was only raised at the meeting on 12 January and did not feature in the previous consultation exercise.

6. PROPOSED LEVEL OF FEES

6.1 During the meeting on 12 January, Lancashire County Council confirmed that its proposed level of fees (previously put to members in October 2017) was still valid, namely:

- a) The County Council confirmed that, for a fee of £90 plus VAT, it still envisages being in apposition to 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) annual safety check on modified vehicles as per appendix to Appendix A (structural conversion work, tracking and seating).

6.2 Alternatively, the County Council stated that it would undertake the annual LOLER tail lift check (paragraph 7.2ii above) AND the safety check (paragraph 7.1iii above) on modified vehicles for a sum of £60 plus VAT. 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.

6.3 As stated in section 4.4 above, the General Licensing Committee has already committed its support for the sole use of the County Council facility at Bamber Bridge for the undertaking of the tests set out in sections 6.1aii and iii above.

7. CONSULTATION METHODOLOGY

7.1 It is proposed that the following process be adopted:

- a) details of the consultation exercise will appear on the Council's website;
- b) as this is the second consultation exercise, on an advanced draft and with a limited number of stakeholders, it is proposed that the period of consultation should be reduced to 2 weeks during March 2018; and
- c) the main stakeholders (Lancashire County Council and Andrew Wallbank Ltd) together with all other relevant stakeholders will be written to and advised of the repeated consultation exercise, along with the ways in which any feedback may be submitted.

7.2 On conclusion of the consultation exercise, a further report can then be presented to members updating them of the feedback / responses received. Should members still wish to proceed at that point, the report can be forwarded for consideration for adoption by the committee and confirmation by full Council.

8. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

8.1 Comments of the Statutory Finance Officer

There are no financial implications arising as a result of the recommendations in this report.

8.2 Comments of the Monitoring Officer

Road safety is of paramount importance to the licensing authority, and this report seeks to ensure the safe transport of passengers in modified vehicles, by introducing an additional testing regime on modified vehicles.

It is imperative that any additions and changes proposed to the draft specification (after the initial consultation period) are subject to consultation to enable all stakeholders to comment.

<p>Other implications:</p> <ul style="list-style-type: none"> ▶ Risk ▶ Equality & Diversity 	<p>See Legal comments above.</p> <p>The report seeks to ensure the safe transport of passengers with physical disabilities, many of whom will be wheelchair</p>
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	users and require modified transport.
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

9. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – summary of consultation responses as presented to General Licensing Committee in October 2017

Appendix 2 - latest version of draft specification following input from meeting on 12 January 2018

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 Job Title: Revenues Manager

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