

REPORT TO	ON
Full Council	17 May 2018



TITLE	REPORT OF
Policy / testing requirements to ensure the safety of licensed vehicles which have been subject to modification	Specialist Consultant

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

The report invites full Council to formally adopt the proposed specification relating to the testing of licensed vehicles which have been subject to modification, along with a requirement that such testing should be undertaken solely by the Lancashire County Council facility at Bamber Bridge.

2. RECOMMENDATIONS

2.1 Full Council is requested to:

- 2.1.1 formally adopt the final version of the draft testing specification for modified vehicles, which if adopted would come into force on the 1st July 2018 (attached as Appendix 2 to this report); and
- 2.1.2 formally endorse the decision originally made in principle by the General Licensing Committee on 17 October 2017, namely that any tests to ensure the safety of modified vehicles against a specification adopted in section 2.1.1 above should be carried out solely by the Lancashire County Council facility at Bamber Bridge.

3 CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Excellence and Financial Sustainability	
Health and Wellbeing	✓
Place	

Projects relating to People in the Corporate Plan:

People	
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4. BACKGROUND TO THE REPORT

- 4.1 Since March 2017, members of the General Licensing Committee have received a series of reports on the topic of licensed vehicles which have been subject to modification. These modifications typically enable vehicles to carry passengers in wheelchairs when those vehicles have not been specifically manufactured for this purpose. However, during 2016 the then Licensing staff became aware that such modifications were not subject to a testing regime to establish their safety / roadworthiness, with resulting safety implications for vulnerable service users.
- 4.2 To correct this position, officers have worked with the licensed trade and colleagues at Lancashire County Council (which commissions many modified vehicles for school transport purposes) to develop a testing specification which would provide members with the desired reassurance. The final version of the draft testing specification is attached as Appendix 2.
- 4.3 A summary of the history of the General Licensing Committee's involvement in this matter is set out in section 4.1 of the report attached as Appendix A; this report was presented to the General Licensing Committee on 10 April 2018, when the Committee agreed that the draft testing specification attached as Appendix 2 should be forwarded to full Council for formal adoption on 17 May 2018.
- 4.4 A report presented to the General Licensing Committee on 17 October 2017 had also invited members to consider two options on who should carry out the tests set out in the draft specification. The first option was for all safety tests on modified vehicles to be carried out solely by officers from Lancashire County Council (LCC) at its Bamber Bridge facility; the second option was for the tests to be carried out at the local testing centres recognised by the Borough Council as suitable to carry out the "regular" prescribed 6 monthly tests on licensed vehicles. Members decided in principle to adopt the former option and require all tests under the draft specification to be carried out by LCC. It was felt that the former option was preferable as the LCC unit as a specialist one which would build up intelligence links with Licensing staff to further protect vulnerable service users. The Committee endorsed its previous decision in principle when it considered the issue again on 10 April 2018.

5. PROPOSALS

5.1 Draft specification (Appendix 2)

- 5.1.1 The proposed standards are technical in nature, and are set out in detail in Appendix 2. In essence they concern matters such as:

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 washer or underfloor spreader plate fitted.

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.

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.

5.2 Fees

5.2.1 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) annual safety check on modified vehicles as per Appendix 2 (structural conversion work, tracking and seating).

5.2.2 Alternatively, the County Council has stated that it would undertake the annual LOLER tail lift check (paragraph 5.2.1ii above) and the safety check (paragraph 5.2.1ii 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.

5.2.3 These fees will be charged to and paid by vehicle owners without any involvement of the Borough Council as Licensing Authority.

6. CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION

6.1 The Council has gone to considerable lengths to consult with the trade and other partners on the proposals. Steps taken include:

- initial period of formal consultation from 1-31 August 2017 (including 2 drop in sessions at the Civic Centre on 15 and 17 August 2017);
- meeting held with key stakeholders on 12 January 2018 to further discuss the draft testing specification;
- second period of formal consultation held from 1 – 14 March 2018; and
- regular updates provided to the Taxi Trade Forum.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications. Licensed vehicle testing fees are charged to and paid directly by vehicle owners. Monitoring compliance with this policy is undertaken by the licensing team and there are no additional costs as a result of the proposed changes.

8. LEGAL IMPLICATIONS

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

9. COMMENTS OF THE STATUTORY FINANCE OFFICER

9.1 There are no financial implications associated with the proposal

10. COMMENTS OF THE MONITORING OFFICER

10.1 See legal comments at 8.1 of the report above. The legislation in this area is complex but the bottom line is –as ever with licensing – the protection of the public.

11. OTHER IMPLICATIONS:

► HR & Organisational Development	None
► ICT / Technology	None
► Property & Asset Management	None
► Risk	None
► Equality & Diversity	None

12. BACKGROUND DOCUMENTS

None

13. APPENDICES

Appendix A – report to General Licensing Committee dated 10 April 2018

Appendix 1 – Equalities Impact Assessment

Appendix 2 – draft specification for the testing of licensed vehicles which have been subject to modification

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