

# Agenda Item 5



## **MINUTES OF GENERAL LICENSING SUB-COMMITTEE PANEL**

**MEETING DATE** Monday, 16 September 2019

**MEMBERS PRESENT:** Councillors Renee Blow (Vice-Chair, in the Chair), Jacky Alty, Jane Bell, Peter Mullineaux and Jacqui Mort

**OFFICERS:** Mark Marshall (Head of Licensing), Stephanie Fairbrother (Licensing Officer), Tasneem Safdar (Senior Solicitor) and Charlotte Lynch (Democratic and Member Services Officer)

**OTHER MEMBERS AND OFFICERS:** Justin Abbotts (Licensing Officer)

### **22 Apologies for absence**

None.

### **23 Declarations of Any Interest**

None.

### **24 Exclusion of the Press and Public**

RESOLVED: (Unanimously)

That the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12a to the Local Government Act 1972.

By Virtue of Paragraph 1: Information relating to any individual.

### **25 Renewal of a Private Hire Drivers Licence**

The application was brought before the Panel as the Applicant had provided a Disclosure and Barring Service (DBS) certificate which showed a conviction that had not been disclosed to the Council.

The Chair referred those present to the circulated established procedure for hearings and the process that would be followed.

The Applicant was present at the hearing and made representations, explaining to the Panel the reasons as to why he had not informed the Council of the offence.

Representations were also received from the Council's Head of Licensing who explained the process for applying for a licence and declaring any criminal convictions.

General Licensing Sub-Committee Panel Monday 16 September 2019

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The panel were of the view that given the conviction and the fact that the Applicant had failed to disclose this information, this was not a situation which merited no further action. Members were, however, mindful of the Applicant's unblemished record with no previous convictions or complaints and the fact that he had shown genuine remorse for his actions.

RESOLVED: (Unanimously)

That the Applicant's Private Hire Drivers Licence be suspended for a period of five weeks.

## **26 Application for a Hackney Carriage Drivers Licence**

The Panel received a report which detailed an application for a new Hackney Carriage Licence. The application was brought before the Panel as the applicant had provided a Disclosure and Barring Service (DBS) certificate showing convictions that warranted further investigation.

The Chair referred those present to the circulated established procedure for hearings and the process that would be followed.

The Applicant was present at the hearing and made representations, explaining to the Panel the details of the incident.

Representations were also received from the Council's Licensing Officer who informed the Panel that the Applicant had willingly supplied all supporting documentation, including police interview transcripts.

The Panel were of the view that the Applicant had not dealt with the circumstances appropriately. This raised concerns in respect of the character of the applicant. The Panel were also of the view that no exceptional circumstances had been shown by the Applicant which would allow them to depart from their policy.

RESOLVED: (Unanimously)

That the Panel refuse to grant the licence on the basis that they were not of the view that, on the balance of probabilities, the applicant is a fit and proper person.

Chair

Date



# Agenda Item 6

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	x
Health and Wellbeing	
Place	

Projects relating to People in the Corporate Plan:

People	
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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**.

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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.

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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

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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>► Risk</p> <p>► Equality &amp; Diversity</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

Dave Whelan

Job Title Interim Monitoring Officer

Report Author:	Telephone:	Date:
Mark Marshall, Head of Licensing	01772 625401	1 <sup>st</sup> October 2019

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# Appendix 1

REPORT TO	ON
GENERAL LICENSING COMMITTEE	10 APRIL 2018

September 2017



TITLE	REPORT OF
DRAFT POLICY / TESTING REQUIREMENTS TO ENSURE THE SAFETY OF LICENSED VEHICLES WHICH HAVE BEEN SUBJECT TO MODIFICATION	INTERIM DEPUTY CHIEF EXECUTIVE (RESOURCES & TRANSFORMATION)

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 in light of (i) the outcome of the second period of consultation (set out in section 6 below) and (ii) the revised Equalities Impact Assessment (attached as Appendix 1), consider whether to forward the final version of the draft testing specification for modified vehicles (Appendix 2) to the meeting of full Council on 23 May 2018 with a recommendation for its formal adoption; and
- 2.2 given the previous decision made in principle by the General Licensing Committee on 17 October 2017 (that any tests to ensure the safety of modified vehicles against a specification adopted in section 2.1 above should be carried out solely by the Lancashire County Council facility at Bamber Bridge), make a recommendation to this effect to full Council when it sits on 23 May 2018.

## 3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Excellence and Financial Sustainability	x
Health and Wellbeing	
Place	

Projects relating to People in the Corporate Plan:

People	
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## 4. BACKGROUND TO THE REPORT

4.1 Members are familiar with the issue of safety tests for modified vehicles, having received reports on several occasions over the past 12 months. For ease of reference, a summary of the previous reports is set out in the table below:

Date	Purpose of report	Outcome
21.3.17	Initial report on safety of licensed vehicles which had been subject to modification	A more detailed report was to be brought back to a future meeting after further work had been carried out
13.6.17	An updated report containing a draft policy and testing specification was presented to the Committee, including alternative options for the carrying out of safety tests (either solely by Lancashire County Council or by any approved local testing station)	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
17.10.17	Members received a further report which updated them on the outcome of the consultation exercise	Members resolved to proceed with the in principle agreement to require testing to be carried out by the County Council, but required further post-consultation dialogue with the trade on the content of the testing specification
20.2.18	Members were updated on the meeting held with the trade on 12 January 2018 to discuss the draft testing specification	Members agreed that – in light of the further changes to the specification discussed at the meeting with the trade – a further 2 week consultation period should be undertaken

4.2 The purpose of this latest report in April 2018 is to advise members of the outcome of the second consultation exercise, this having been agreed by the General Licensing Committee at its meeting on 20 February 2018.

4.3 The minutes of the meeting on 20 February record the following rationale for the second consultation exercise being carried out:

".....[The situation]...had proved to be more complex and sensitive than initially anticipated. Following further discussions with partners and the trade, the current amended draft policy included aspects that had not been included in the original consultation. It was therefore suggested that a further short consultation exercise be carried out."

4.3 In addition, members are asked to note that an updated version of the Equalities Impact assessment (originally presented to members in June 2017) is attached as Appendix 1.

## 5. METHODOLOGY OF THE CONSULTATION EXERCISE

5.1 The latest consultation exercise followed the following format:

- a) details of the consultation exercise were placed on the Council's website;
- b) as agreed by Committee on 20 February 2018, the period of consultation was restricted to 2 weeks (from 1 March to 14 March 2018); and
- c) the main stakeholders (Lancashire County Council and Andrew Wallbank Ltd) were emailed directly on 2 March 2018 at the start of the consultation exercise and advised of the opportunity to submit any further comments.

## 6. OUTCOME OF THE CONSULTATION EXERCISE

6.1 No responses to the second consultation exercise were received.

## 7. FINAL VERSION OF DRAFT TESTING SPECIFICATION

7.1 In light of the two periods of consultation held to date, and the ad hoc meeting held with key stakeholders on 12 January 2018, a final version of the draft testing specification for modified vehicles is attached as Appendix 2.

## 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.

<b>Other implications:</b>	
► Risk	See Legal comments above.
► Equality & Diversity	The proposed safety test seeks to ensure the safe transport of passengers with physical disabilities, many of whom will be wheelchair users and require modified transport.
► HR & Organisational Development	None
► Property & Asset Management	None
► ICT / Technology	None

# Appendix 1

## 9. BACKGROUND DOCUMENTS

Appendix 1 – revised Equalities Impact Assessment

Appendix 2 – final version of draft specification following input from meeting on 12 January 2018

ELT Member's Name: Lisa Kitto

Job Title: Interim Deputy Chief Executive (Resources & Transformation)

Report Author:	Telephone:	Date:
Interim Licensing Manager	01772 625401	19 March 2018



## GENERAL LICENSING COMMITTEE

### PROCEDURE FOR ENSURING ROADWORTHINESS OF LICENSED VEHICLES

#### WHICH HAVE BEEN SUBJECT TO MODIFICATION

##### Procedure Number:

##### 1) Introduction

South Ribble Borough Council has a responsibility to ensure that all vehicles operating as hackney carriage and private hire vehicles are fit for purpose. This is particularly important for vehicles which have been adapted, converted or modified to carry passengers who use wheelchairs or who have specialised needs.

South Ribble is home to one of the largest number of vehicles which have been self-converted from vans to carry wheelchair passengers. Whilst the current roadworthiness checks ensure that a vehicle is mechanically sound, they do not extend to checking that the modifications have been carried out to the required standard.

Typically the types of vehicles adapted or modified are:

- small vans (N1 vehicles); and
- minibus type vehicles (M2 vehicles) – although these could be classified as a standard M1 vehicle.

Further details on the relevant classifications are given below:

- M1** vehicles designed and constructed for the carriage of passengers comprising no more than eight seats in addition to the driver's seat
- M2** vehicles designed and constructed for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes
- N1** Vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes

This policy will apply to all vehicles that have been converted, modified or adapted from the original manufacturer's specification since first registration and is intended to provide additional safeguards to ensure that the conversion, modification or adaptation has been completed to the required standard and remains in such state for the period that the vehicle is licensed by this Authority.

This policy will not apply to any vehicle including wheelchair accessible vehicles that are produced for licensing that have not been converted, modified or adapted since its initial registration.

## 2) Standards for modified minibuses/PSV's

Vehicles which are described other than M1 on the V5 registration document must enable passengers seated behind the driver to have access to at least 2 doors (side or rear opening) without having to climb over or fold down any seats. Such vehicles must also satisfy the following:

- all retro-fitted seatbelts must meet MOT installation and condition standards;
- the passenger interior floor area must be of a flat, non-slip, non-trip surface. Where wheelchair tracking is fitted, the Council recommends the fitting of blanking strips;
- partitioned rear passenger compartments must be heated and capable of variable control. Such heaters must be linked accordingly to the main vehicle heating system and be capable of variable control. All exposed piping and wiring must be secure and adequately insulated. Water leaks are unacceptable;
- no interior surface within the passenger compartment shall contain sharp edges likely to cause injury;
- all interior trim must match and be fitted to a professional standard. Evidence of obvious work or modification should not be on view;
- all seating in the vehicle must be intact, in a safe condition and M1 compliant;
- all vehicles must be fitted with safety glass containing an approved marking to this effect. Any partition fitted with safety glazing (plastic) must be of a suitable material (e.g. shatter-proof);
- rear compartments entrance/exit areas must be adequately illuminated at floor and at higher levels. Such lighting must operate automatically when each rear passenger door is opened;
- all passenger doors must be capable of being restrained in the open position;
- each rear passenger door aperture must contain at least one grab handle to assist passengers while entering/exiting the vehicle. Each handle must be securely fixed using a substantial mounting such as machine screws that are capable of holding a reasonable force;
- each rear passenger compartment must contain at least two opening windows that can be opened from the interior for ventilation purposes; and
- the maximum height from the road surface to the passenger floor should be 250mm for the first step and 300mm for any subsequent step. Vehicles exceeding this figure must have some form of step incorporated into the bodywork (this may be of a retracting or folding type).

Additional requirements for wheelchair accessible vehicles:

- where the vehicle is fitted with a tail lift, a "LOLER" certificate must be obtained prior to the vehicle inspection;
- the rear compartment entrance/exit doors must be of a suitable size to allow access for a wheelchair;
- where passengers or the seating arrangement for passengers are rear-facing, an adequate turning circle within the vehicle is needed;
- the vehicle must be capable of adequately securing a wheelchair to the vehicle floor using a suitable type of restraint;
- appropriate wheelchair restraint(s) must accompany the vehicle when it is presented for test;
- wheelchair ramps must be capable of being securely fixed to the vehicle during use. They must be of a type and length allowing safe and easy use by the person loading the wheelchair;
- wheelchair ramps must be safely and securely stored in a suitable area of the vehicle when they are not in use; and



- seatbelts must be fitted to restrain wheelchair occupants. A single seatbelt must not be used to restrain both the wheelchair and occupant.

### **3) Vehicle Certification**

Within Europe two systems of type approval have been in existence for over 20 years. The first is based on European Regulations and Directives providing approval for whole vehicles, vehicle systems and components. The second is based on United Nations Regulations dealing with systems and components but not whole vehicles. "Type approval" is the process of ensuring that production of new vehicles, their systems and components have been designed and constructed to meet agreed standards of safety, security and environmental protection.

There are a number of vehicle certifications:

1. European Community Whole Vehicle Type Approval (ECWVTA)
2. European Small Series Type Approval for cars (ECSSTA)
3. National Small Series Type Approval (NSSTA)
4. Individual Vehicle Approval (IVA)

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

With effect from 1 July 2018, the owners of vehicles of categories M1, M2 or N1 which have been converted, adapted or modified from the original manufacturer's 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 present appropriate vehicle certification (as defined in section 3 above, including IVA) at the time of first application for a licence.

To clarify, no extended roadworthiness test will be required on initial application for a modified vehicle which has an IVA (or other vehicle certification in section 3) as the IVA will demonstrate adequate compliance.

### **5) Requirements for renewal applications**

From 1 July 2018, all vehicles (whether in possession of an IVA or other vehicle certification or not) which have been modified, converted or adapted after the date of first registration must pass the extended roadworthiness (detailed in Appendix 1) at the time of their next and subsequent renewal. This requirement applies irrespective of the date when the vehicle was first licensed as a hackney carriage or private hire vehicle with SRBC.

For the avoidance of doubt, should South Ribble Borough Council have any reservations about the safety of vehicles submitted to the approved testing station for initial inspection, the Council reserves the right to require the owner to submit the vehicle for IVA testing prior to any licence being issued by the Council.

This procedure was adopted by General Licensing Committee on 10.04.2018

# Appendix 1

Signed:

A handwritten signature in black ink, appearing to read "A. Glover". The signature is written in a cursive, flowing style.

Interim Licensing Manager

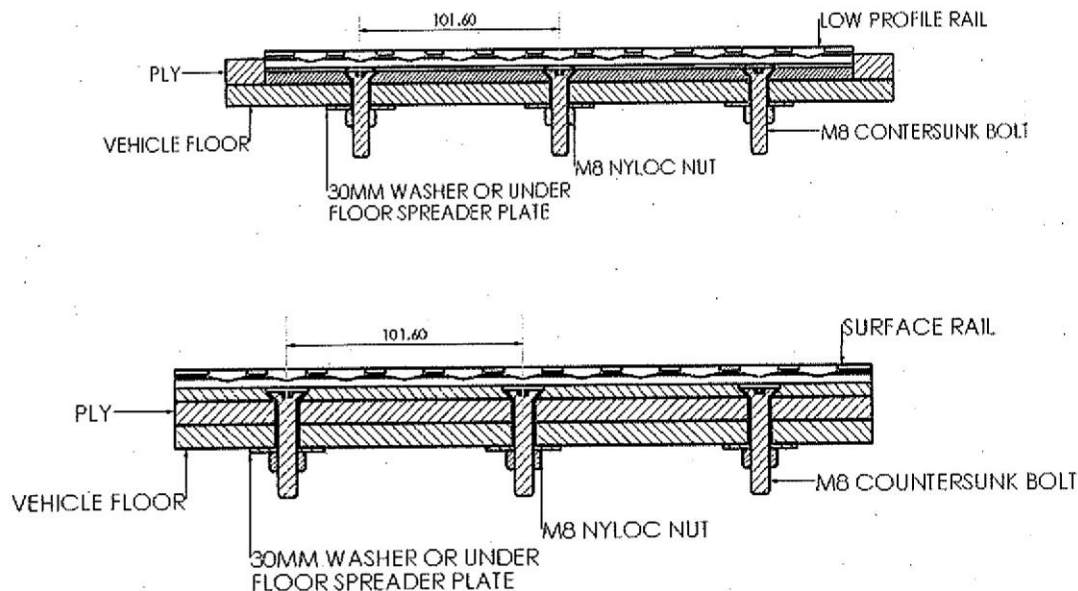
30.03.2018

Appendix 1 – details to tests to be undertaken on modified vehicles

## Lancashire County Council Test for vehicles supplied with wheelchair Accessible fittings

### Tracking

1. Floor rails correctly fitted and secured with M8 fasteners, are capable of meeting the strength requirements of M1 load.
2. "Cant rail" for third point occupant restraint fitment or can be use as location for equipment stowage correctly fitted and secured with M8 fasteners, are capable of meeting the strength requirements of M1 load.
3. Correct 30mm washer or underfloor spreader plate fitted
  - Where the 30mm washer or underfloor spreader plate cannot be used, in such instances it is acceptable to use steel plate of equivalent strength and cross sectional area.



### **Note 1**

1. The minimum acceptable length of rail that can safely be installed in a vehicle is 1300 mm. This will accommodate one wheelchair positioned centrally.
2. The rail must be fitted ensuring fasteners are fitted to the extreme end hole positions.

### **Note 2**

1. For details of the space required within a vehicle for a wheelchair installation, reference should be made to the guidelines within the British or International standard ISO 10542-1 part 2, "Technical systems and aids for disabled or handicapped persons - Wheelchair Tiedown and Occupant Restraint Systems".



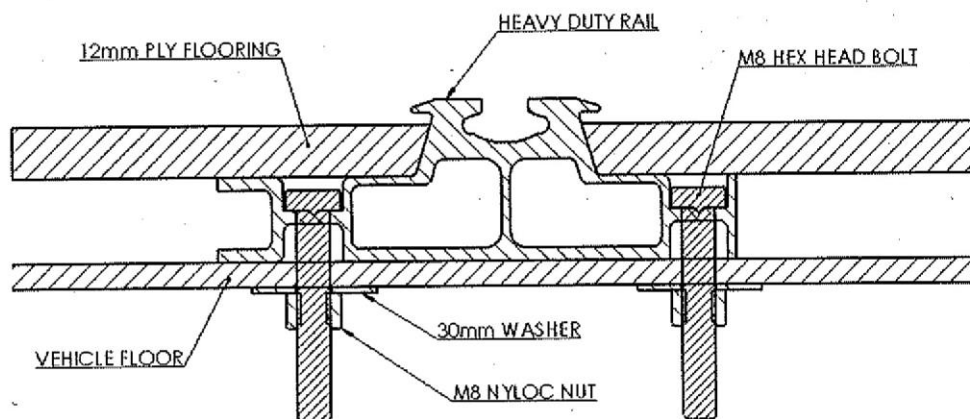
## Note 3

1. Some vehicle layouts may have problems using Low Profile rail with pre-drilled countersunk holes due to under floor obstructions, such as box sections or angle brackets. In these situations where a hole is "missed", it is required to generate two new holes, one on either side of the original, with the maximum distance between them being 101 mm.
2. The original unused hole must finally be filled with a short self-tapping screw with a matching head.

## Note 4

1. It is critical that the installed rail is flat along its length and correctly positioned relative to any other rail lengths fitted in the vehicle floor. Elements within a pattern of rails must also be parallel to one another. This is particularly important if fitting Unwin "Fixed Base Equipment" or manufacturing removable seats, to ensure they will fit universally along the rails.

## Heavy Duty Rail



Available in 3.95 and 4.50 metre lengths, this rail profile can be installed with a maximum unsupported span of 600 mm under normal conditions.

Additional fasteners must be fitted at the ends of the rail, in particular at the rear end.

Fasteners to be used on installation

Bolts:- M8 steel, hexagon headed grade 8.8, plated, guide length 40 - 50 mm.

Nuts:- M8 steel, nyloc, grade 8, plated.

Washers:- M8 steel, plain, plated.

Torque settings:- 20 nm (15 lbs/ft).

Under Floor Reinforcement on Heavy Duty Rail.

Contact manufacturer for specific recommendations.

## Seats

Where the intention is seats are easily moved within or removed from the vehicle the following will apply;

1. If seatbelts are attached to the seat and the vehicle is to be sold within the EU, the vehicle builder will invariably require evidence that the assembly meets the appropriate Directives.
2. The removable seat fixture must have been successfully tested and VCA witnessed to M1 loads applied to a single seat up to 33kg with three fixing bolts. Evidence that seats are M1 compliant must be provided by the operator.
3. Removable seat fixtures should **ONLY** be fitted and used in accordance to the manufacturer's instructions.

## Check specific to Wheelchair Tie down Restraints & Wheelchair Passenger Restraints

1. International standard ISO 10542-1, "Technical systems and aids for disabled or handicapped persons - Wheelchair Tie-down and Occupant Restraint Systems" must be complied with.
2. Evidence of equipment being International standard ISO 10542-1 compliant must be visible on equipment. This is usually via a label woven into the equipment. If the operator is unable to supply this evidence the equipment will be rejected.  
N.B. The use of only a pelvic belt as an occupant restraint is unlikely to provide adequate safety to a wheelchair user in the event of a frontal impact.

## **Inspection List**

**Tracking/Wheelchair securing fittings (Floor)** (Minimum wheelchair space of 1200mm long by 700mm wide with an internal saloon head room height of 1400mm available for each wheelchair to be carried)

- i. Check for ISO 10542-1 or equivalent
- ii. Check correct fittings are being used
- iii. Check spacing for securing bolts
- iv. Check correct washers are being used
- v. Minimum wheelchair space of 1200mm long by 700mm wide
- vi. Check maximum distance between securing cups or length of tracing.  
(minimum 1200mm)
- vii. If tracking being used,
  - check rails are parallel.
  - Check minimum width between rails (minimum acceptable 300mm)
  - Check track for cleanliness and usability

**Solo Anchorage Systems** or similar (Minimum wheelchair space of 1200mm long by 700mm wide with an internal saloon head room height of 1400mm available for each wheelchair to be carried)

- i. Complies with ISO10542 standard requirements
- ii. Correct bolts and spreader washers used
- iii. Minimum wheelchair space of 1200mm long by 700mm wide

## **Wheelchair Tie-down Restraints & Wheelchair Passenger Restraints**

- i. Check for ISO 10542-1 or equivalent markings
- ii. Check for maximum capacity markings on Wheelchair Tie-down Restraints
- iii. ISO 10542-1 or equivalent markings only present, assume maximum capacity 85kg
- iv. If ISO 10542-1 or equivalent markings present and additional maximum capacity shown on official labelling make note of capacity, e.g. 120kg.
- v. Check the retractors by pulling out the webbing to ensure they are locking properly
- vi. Ensure the webbing is not cut, frayed, damaged or contaminated by polishes, oils or chemicals
- vii. Check that metal parts are not worn, broken or cracked
- viii. Check connector parts to ensure they are not cracked, broken or missing
- ix. Check that mounting hardware, such as bolts, nuts, etc. are secure
- x. Check floor anchorages for proper securement and operation
- xi. Check lap and shoulder belt webbing is not cut, frayed or damaged
- xii. Check buckles/carabiners for damage

## **Seating**

- i. M1 Compliant seating being used in vehicles of 8 passenger seats or less
- ii. Seat back secure
- iii. Seat cushion secure
- iv. Seat legs attached to the vehicle in such a way that the load path will be transferred back into the vehicle
- v. Seat belt stalks operating correctly
- vi. Compliant bolts and spreaders used

## **Cant Rail (if used)**

- i. Attached to a secure part of the bodywork
- ii. Correct bolts and spreaders used

## **Secure storage arrangements**

Any equipment should be safely stowed when not in use. In particular it should:

- i. be removed from any tracking (if fitted); and
- ii. be secured so as to pose neither danger nor nuisance is likely to be caused to any person or property (in accordance with Construction and Use Regulation 100).

## CONCLUSION

The above testing regime is intended to provide reassurance to elected members, drivers, vehicle users and residents of the Borough that all wheelchair accessible vehicles are subject to adequate and appropriate roadworthiness tests.

A. Glover

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## LICENSING AND PUBLIC SAFETY COMMITTEE

### PROCEDURE FOR ENSURING ROADWORTHINESS OF LICENSED VEHICLES

#### WHICH HAVE BEEN SUBJECT TO MODIFICATION

##### 1) Introduction

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Further details on the relevant classifications are given below:

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- M2** vehicles designed and constructed for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes
- N1** Vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes

This policy will apply to **all** vehicles that have been converted, modified or adapted from the original manufacturer's specification since first registration and is intended to provide additional safeguards to ensure that the conversion, modification or adaptation has been completed to the required standard and remains in such state for the period that the vehicle is licensed by this Authority.

This policy will not apply to any vehicle including wheelchair accessible vehicles that are produced for licensing that have not been converted, modified or adapted since its initial registration.

## Appendix 2

### 2) Standards for modified minibuses/PSV's

Vehicles which are described other than M1 on the V5 registration document must enable passengers seated behind the driver to have access to at least 2 doors (side or rear opening) without having to climb over or fold down any seats. Such vehicles must also satisfy the following:

- all retro-fitted seatbelts must meet MOT installation and condition standards;
- the passenger interior floor area must be of a flat, non-slip, non-trip surface. Where wheelchair tracking is fitted, the Council recommends the fitting of blanking strips;
- partitioned rear passenger compartments must be heated and capable of variable control. Such heaters must be linked accordingly to the main vehicle heating system and be capable of variable control. All exposed piping and wiring must be secure and adequately insulated. Water leaks are unacceptable;
- no interior surface within the passenger compartment shall contain sharp edges likely to cause injury;
- all interior trim must match and be fitted to a professional standard. Evidence of obvious work or modification should not be on view;
- all seating in the vehicle must be intact, in a safe condition and M1 compliant;
- all vehicles must be fitted with safety glass containing an approved marking to this effect. Any partition fitted with safety glazing (plastic) must be of a suitable material (e.g. shatterproof);
- rear compartments entrance/exit areas must be adequately illuminated at floor and at higher levels. Such lighting must operate automatically when each rear passenger door is opened;
- all passenger doors must be capable of being restrained in the open position;
- each rear passenger door aperture must contain at least one grab handle to assist passengers while entering/exiting the vehicle. Each handle must be securely fixed using a substantial mounting such as machine screws that are capable of holding a reasonable force;
- each rear passenger compartment must contain at least two opening windows that can be opened from the interior for ventilation purposes; and
- the maximum height from the road surface to the passenger floor should be 250mm for the first step and 300mm for any subsequent step. Vehicles exceeding this figure must have some form of step incorporated into the bodywork (this may be of a retracting or folding type).

Additional requirements for wheelchair accessible vehicles:

- where the vehicle is fitted with a tail lift, a "LOLER" certificate must be obtained prior to the vehicle inspection;
- the rear compartment entrance/exit doors must be of a suitable size to allow access for a wheelchair;
- where passengers or the seating arrangement for passengers are rear-facing, an adequate turning circle within the vehicle is needed;
- the vehicle must be capable of adequately securing a wheelchair to the vehicle floor using a suitable type of restraint;
- appropriate wheelchair restraint(s) must accompany the vehicle when it is presented for test;
- wheelchair ramps must be capable of being securely fixed to the vehicle during use. They must be of a type and length allowing safe and easy use by the person loading the wheelchair;

## Appendix 2

- wheelchair ramps must be safely and securely stored in a suitable area of the vehicle when they are not in use; and
- seatbelts must be fitted to restrain wheelchair occupants. A single seatbelt must not be used to restrain both the wheelchair and occupant.

### **3) Vehicle Certification**

Within Europe two systems of type approval have been in existence for over 20 years. The first is based on European Regulations and Directives providing approval for whole vehicles, vehicle systems and components. The second is based on United Nations Regulations dealing with systems and components but not whole vehicles. "Type approval" is the process of ensuring that production of new vehicles, their systems and components have been designed and constructed to meet agreed standards of safety, security and environmental protection.

There are a number of vehicle certifications:

1. European Community Whole Vehicle Type Approval (ECWVTA)
2. European Small Series Type Approval for cars (ECSSTA)
3. National Small Series Type Approval (NSSTA)
4. Individual Vehicle Approval (IVA)

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

With effect from xxxx2019 , 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.



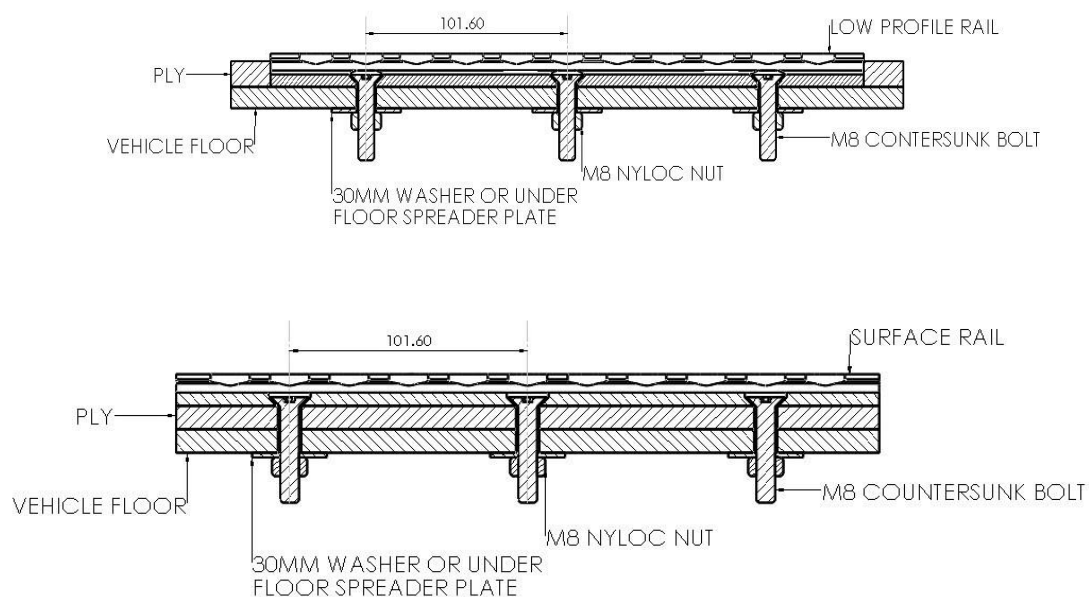
## Appendix 2

– details to tests to be undertaken on modified vehicles

### **Lancashire County Council/South Ribble Borough Council Test for vehicles supplied with wheelchair Accessible fittings**

#### **Tracking**

1. Floor rails correctly fitted and secured with M8 fasteners, are capable of meeting the strength requirements of M1 load.
2. “Cant rail” for third point occupant restraint fitment or can be use as location for equipment stowage correctly fitted and secured with M8 fasteners, are capable of meeting the strength requirements of M1 load.
3. Correct 30mm washer or underfloor spreader plate fitted
  - Where the 30mm washer or underfloor spreader plate cannot be used, in such instances it is acceptable to use steel plate of equivalent strength and cross sectional area.



#### **Note 1**

1. The minimum acceptable length of rail that can safely be installed in a vehicle is 1300 mm. This will accommodate one wheelchair positioned centrally.
2. The rail must be fitted ensuring fasteners are fitted to the extreme end hole positions.

#### **Note 2**

1. For details of the space required within a vehicle for a wheelchair installation, reference should be made to the guidelines within the British or International standard ISO 10542-1

## Appendix 2

part 2, "Technical systems and aids for disabled or handicapped persons - Wheelchair Tiedown and Occupant Restraint Systems".

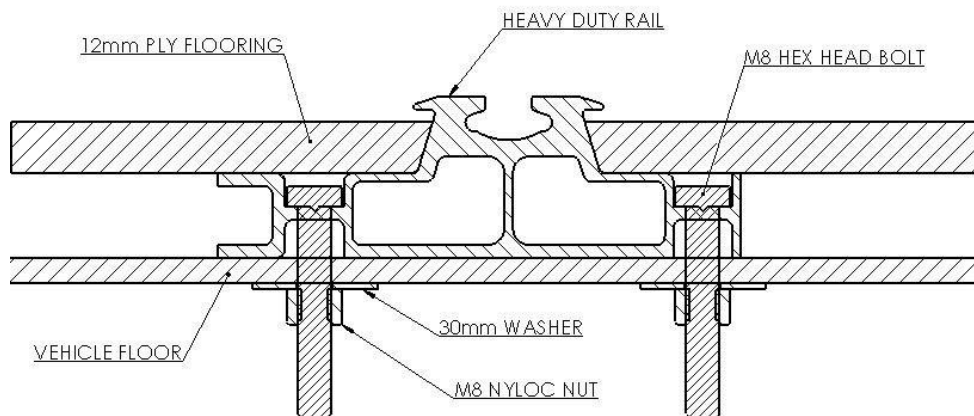
### Note 3

1. Some vehicle layouts may have problems using Low Profile rail with pre-drilled countersunk holes due to under floor obstructions, such as box sections or angle brackets. In these situations where a hole is "missed", it is required to generate two new holes, one on either side of the original, with the maximum distance between them being 101 mm.
2. The original unused hole must finally be filled with a short self-tapping screw with a matching head.

### Note 4

1. It is critical that the installed rail is flat along its length and correctly positioned relative to any other rail lengths fitted in the vehicle floor. Elements within a pattern of rails must also be parallel to one another. This is particularly important if fitting Unwin "Fixed Base Equipment" or manufacturing removable seats, to ensure they will fit universally along the rails.

### Heavy Duty Rail



Available in 3.95 and 4.50 metre lengths, this rail profile can be installed with a maximum unsupported span of 600 mm under normal conditions.

Additional fasteners must be fitted at the ends of the rail, in particular at the rear end.

Fasteners to be used on installation

Bolts:- M8 steel, hexagon headed grade 8.8, plated, guide length 40 - 50 mm.

Nuts:- M8 steel, nyloc, grade 8, plated.

Washers:- M8 steel, plain, plated.

Torque settings:- 20 nm (15 lbs/ft).

## Appendix 2

### Under Floor Reinforcement on Heavy Duty Rail.

Contact manufacturer for specific recommendations.

### **Seats**

Where the intention is seats are easily moved within or removed from the vehicle the following will apply;

1. If seatbelts are attached to the seat and the vehicle is to be sold within the EU, the vehicle builder will invariably require evidence that the assembly meets the appropriate Directives.
2. The removable seat fixture must have been successfully tested and VCA witnessed to M1 loads applied to a single seat up to 33kg with three fixing bolts. Evidence that seats are M1 compliant must be provided by the operator.
3. Removable seat fixtures should **ONLY** be fitted and used in accordance to the manufacturer's instructions.

### **Check specific to Wheelchair Tie down Restraints & Wheelchair Passenger Restraints**

1. International standard ISO 10542-1, "Technical systems and aids for disabled or handicapped persons - Wheelchair Tie-down and Occupant Restraint Systems" must be complied with.
2. Evidence of equipment being International standard ISO 10542-1 compliant must be visible on equipment. This is usually via a label woven into the equipment. If the operator is unable to supply this evidence the equipment will be rejected.  
N.B. The use of only a pelvic belt as an occupant restraint is unlikely to provide adequate safety to a wheelchair user in the event of a frontal impact.

## Inspection List

**Tracking/Wheelchair securing fittings** (Floor) (Minimum wheelchair space of 1200mm long by 700mm wide with an internal saloon head room height of 1400mm available for each wheelchair to be carried)

- i. Check for ISO 10542-1 or equivalent
- ii. Check correct fittings are being used
- iii. Check spacing for securing bolts
- iv. Check correct washers are being used
- v. Minimum wheelchair space of 1200mm long by 700mm wide
- vi. Check maximum distance between securing cups or length of tracing. (minimum 1200mm)
- vii. If tracking being used,
  - check rails are parallel.

## Appendix 2

- Check minimum width between rails (minimum acceptable 300mm)
- Check track for cleanliness and usability

**Solo Anchorage Systems** or similar (Minimum wheelchair space of 1200mm long by 700mm wide with an internal saloon head room height of 1400mm available for each wheelchair to be carried)

- Complies with ISO10542 standard requirements
- Correct bolts and spreader washers used
- Minimum wheelchair space of 1200mm long by 700mm wide

### **Wheelchair Tie-down Restraints & Wheelchair Passenger Restraints**

- Check for ISO 10542-1 or equivalent markings
- Check for maximum capacity markings on Wheelchair Tie-down Restraints
- ISO 10542-1 or equivalent markings only present, assume maximum capacity 85kg
- If ISO 10542-1 or equivalent markings present and additional maximum capacity shown on official labelling make note of capacity, e.g. 120kg.
- Check the retractors by pulling out the webbing to ensure they are locking properly
- Ensure the webbing is not cut, frayed, damaged or contaminated by polishes, oils or chemicals
- Check that metal parts are not worn, broken or cracked
- Check connector parts to ensure they are not cracked, broken or missing
- Check that mounting hardware, such as bolts, nuts, etc. are secure
- Check floor anchorages for proper securement and operation
- Check lap and shoulder belt webbing is not cut, frayed or damaged
- Check buckles/carabiners for damage

### **Seating**

- M1 Compliant seating being used in vehicles of 8 passenger seats or less
- Seat back secure
- Seat cushion secure
- Seat legs attached to the vehicle in such a way that the load path will be transferred back into the vehicle
- Seat belt stalks operating correctly
- Compliant bolts and spreaders used

### **Cant Rail (if used)**

- Attached to a secure part of the bodywork
- Correct bolts and spreaders used

### **Secure storage arrangements**

Any equipment should be safely stowed when not in use. In particular it should:

- be removed from any tracking (if fitted); and
- be secured so as to pose neither danger nor nuisance is likely to be caused to any person or property (in accordance with Construction and Use Regulation 100).

## Appendix 2

### CONCLUSION

The above testing regime is intended to provide reassurance to elected members, drivers, vehicle users and residents of the Borough that all wheelchair accessible vehicles are subject to adequate and appropriate roadworthiness tests.

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**Department  
for Business  
Innovation & Skills**

**Better  
Regulation  
Delivery Office**

## **Regulators' Code**

**April 2014**

## Regulators' Code

### Foreword



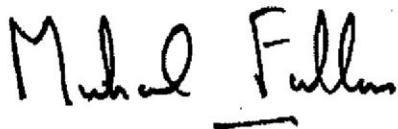
In the Autumn Statement 2012 Government announced that it would introduce a package of measures to improve the way regulation is delivered at the frontline such as the Focus on Enforcement review of appeals, the proposed Growth Duty for non-economic regulators and the Accountability for Regulator Impact measure.

This Government is committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulate. The Regulators' Code provides a flexible, principles based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.

Our expectation is that by clarifying the provisions contained in the previous Regulators' Compliance Code, in a shorter and accessible format, regulators and those they regulate will have a clear understanding of the services that can be expected and will feel able to challenge if these are not being fulfilled.

Regulators within scope of the Regulators' Code are diverse but they share a common primary purpose – to regulate for the protection of the vulnerable, the environment, social or other objective. This Code does not detract from these core purposes but seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

I believe the Regulators' Code will support a positive shift in how regulation is delivered by setting clear expectations and promising open dialogue. Ultimately this will give businesses greater confidence to invest and grow.

A handwritten signature in black ink that reads "Michael Fallon".

Michael Fallon  
Minister of State for Business and Enterprise  
Department for Business, Innovation and Skills



### Regulators' Code

This Code was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act"). Regulators whose functions are specified by order under section 24(2) of the Act **must** have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators. If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.

- 1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow**
  - 1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities<sup>1</sup> and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.
  - 1.2 When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities<sup>2</sup>, for example, by considering how they can best:
    - understand and minimise negative economic impacts of their regulatory activities;
    - minimising the costs of compliance for those they regulate;
    - improve confidence in compliance for those they regulate, by providing greater certainty; and
    - encourage and promote compliance.
  - 1.3 Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.
  - 1.4 Regulators should ensure that their officers understand the statutory principles of good regulation<sup>3</sup> and of this Code, and how the regulator delivers its activities in accordance with them.
- 2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views**
  - 2.1 Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.

---

<sup>1</sup> The term 'regulatory activities' refers to the whole range of regulatory options and interventions available to regulators.

<sup>2</sup> The terms 'business or businesses' is used throughout this document to refer to businesses and other regulated entities.

<sup>3</sup> The statutory principles of good regulation can be viewed in Part 2 (21) on page 12: [http://www.legislation.gov.uk/ukpga/2006/51/pdfs/ukpga\\_20060051\\_en.pdf](http://www.legislation.gov.uk/ukpga/2006/51/pdfs/ukpga_20060051_en.pdf).

## Regulators' Code

- 2.2 In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent.

This paragraph does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.

- 2.3 Regulators should provide an impartial and clearly explained route to appeal against a regulatory decision or a failure to act in accordance with this Code. Individual officers of the regulator who took the decision or action against which the appeal is being made should not be involved in considering the appeal. This route to appeal should be publicised to those who are regulated.
- 2.4 Regulators should provide a timely explanation in writing of any right to representation or right to appeal. This explanation should be in plain language and include practical information on the process involved.
- 2.5 Regulators should make available to those they regulate, clearly explained complaints procedures, allowing them to easily make a complaint about the conduct of the regulator.
- 2.6 Regulators should have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those they regulate<sup>4</sup>.

### **3. Regulators should base their regulatory activities on risk**

- 3.1 Regulators should take an evidence based approach to determining the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks.
- 3.2 Regulators should consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action.
- 3.3 Regulators designing a risk assessment framework<sup>5</sup>, for their own use or for use by others, should have mechanisms in place to consult on the design with those affected, and to review it regularly.
- 3.4 Regulators, in making their assessment of risk, should recognise the compliance record of those they regulate, including using earned recognition approaches and should consider all available and relevant data on compliance, including evidence of relevant external verification.
- 3.5 Regulators should review the effectiveness of their chosen regulatory activities in delivering the desired outcomes and make any necessary adjustments accordingly.

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<sup>4</sup> The Government will discuss with national regulators a common approach to surveys to support benchmarking of their performance.

<sup>5</sup> The term 'risk assessment framework' encompasses any model, scheme, methodology or risk rating approach that is used to inform risk-based targeting of regulatory activities in relation to individual businesses or other regulated entities.

# Appendix 3

## Regulators' Code

- 4. Regulators should share information about compliance and risk**
  - 4.1 Regulators should collectively follow the principle of "collect once, use many times" when requesting information from those they regulate.
  - 4.2 When the law allows, regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.
- 5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply**
  - 5.1 Regulators should provide advice and guidance that is focused on assisting those they regulate to understand and meet their responsibilities. When providing advice and guidance, legal requirements should be distinguished from suggested good practice and the impact of the advice or guidance should be considered so that it does not impose unnecessary burdens in itself.
  - 5.2 Regulators should publish guidance, and information in a clear, accessible, concise format, using media appropriate to the target audience and written in plain language for the audience.
  - 5.3 Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce to ensure that it meets their needs.
  - 5.4 Regulators should seek to create an environment in which those they regulate have confidence in the advice they receive and feel able to seek advice without fear of triggering enforcement action.
  - 5.5 In responding to requests for advice, a regulator's primary concerns should be to provide the advice necessary to support compliance, and to ensure that the advice can be relied on.
  - 5.6 Regulators should have mechanisms to work collaboratively to assist those regulated by more than one regulator. Regulators should consider advice provided by other regulators and, where there is disagreement about the advice provided, this should be discussed with the other regulator to reach agreement.
- 6. Regulators should ensure that their approach to their regulatory activities is transparent**
  - 6.1 Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.
  - 6.2 Regulators' published service standards should include clear information on:
    - a) how they communicate with those they regulate and how they can be contacted;
    - b) their approach to providing information, guidance and advice;
    - c) their approach to checks on compliance<sup>6</sup>, including details of the risk assessment framework used to target those checks as well as protocols for their conduct, clearly setting out what those they regulate should expect;

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<sup>6</sup> Including inspections, audit, monitoring and sampling visits, and test purchases.

## Regulators' Code

- d) their enforcement policy, explaining how they respond to non-compliance;
  - e) their fees and charges, if any. This information should clearly explain the basis on which these are calculated, and should include an explanation of whether compliance will affect fees and charges; and
  - f) how to comment or complain about the service provided and routes to appeal.
- 6.3 Information published to meet the provisions of this Code should be easily accessible, including being available at a single point<sup>7</sup> on the regulator's website that is clearly signposted, and it should be kept up to date.
- 6.4 Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.
- 6.5 Regulators should publish, on a regular basis, details of their performance against their service standards, including feedback received from those they regulate, such as customer satisfaction surveys, and data relating to complaints about them and appeals against their decisions.

---

<sup>7</sup> This requirement may be satisfied by providing a single web page that includes links to information published elsewhere.



## Regulators' Code

### **Monitoring the effectiveness of the Regulators' Code**

The Government is committed to making sure the Regulators' Code is effective. To make sure that the Code is being used effectively, we want businesses, regulated bodies and citizens to challenge regulators who they believe are not acting in accordance with their published policies and standards. It is in the wider public interest that regulators are transparent and proportionate in their approaches to regulation.

The Government will monitor published policies and standards of regulators subject to the Regulators' Code, and will challenge regulators where there is evidence that policies and standards are not in line with the Code or are not followed.

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Department for Business, Innovation and Skills  
Lower Ground Floor  
Victoria Square House  
Victoria Square  
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Tel: 0121 345 1200

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**URN: BRDO/14/705**

## Appendix 3

**Marshall, Mark**

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**From:** Abbotts, Justin  
**Sent:** 29 October 2019 08:59  
**To:** Marshall, Mark  
**Subject:** FW: Modified Vehicles

**Justin Abbotts**

Licensing Officer

**South Ribble Borough Council**

**T:** 01772 625460

**A:** Civic Centre, West Paddock, Leyland, PR25 1DH

**W:** [www.southribble.gov.uk](http://www.southribble.gov.uk)



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**From:** Eglin, David [mailto:DEglin@lancaster.gov.uk]  
**Sent:** 11 October 2019 12:44  
**To:** Abbotts, Justin <jabbotts@southribble.gov.uk>  
**Subject:** RE: Modified Vehicles

Hello Justin

We do not have information regarding which licensed vehicles have been awarded school contracts by the County Council who presumably have their own specific criteria.

The DVSA may be able to offer advice with regard to the issue of wheelchair lifts negating an IVA approval.

Thanks

David Eglin  
Licensing & Enforcement Officer

---

**From:** Abbotts, Justin <jabbotts@southribble.gov.uk>  
**Sent:** 11 October 2019 11:41  
**To:** Eglin, David <DEglin@lancaster.gov.uk>  
**Subject:** RE: Modified Vehicles

Dear David,

We spoke earlier this week regarding modified vehicle testing, as part of the ongoing policy review some deficiencies have been highlighted with the IVA system in that certain apparatus such as mechanical lifts ( wheel chair lifts ) cannot be tested as it would fail due to sharp edges, however if the lift is removed the vehicle can be tested and issued with an IVA. This for me somehow defeats the object of the exercise as the vehicle should be tested with all fixtures and equipment that the driver intends to use once operational.

# Appendix 4

Have you come across this issue before ?

How many modified vehicles do you have on the fleet ?

Are they engaged in school contract work ?

If so how many ?

Does the awarding body for school contracts have their own testing/inspection criteria before issuing the contract.

Many thanks in advance.

Regards,

**Justin Abbotts**

Licensing Officer

**South Ribble Borough Council**

**T:** 01772 625460

**A:** Civic Centre, West Paddock, Leyland, PR25 1DH

**W:** [www.southribble.gov.uk](http://www.southribble.gov.uk)



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**From:** Eglin, David [<mailto:DEglin@lancaster.gov.uk>]

**Sent:** 07 October 2019 09:32

**To:** Abbotts, Justin <[jabbotts@southribble.gov.uk](mailto:jabbotts@southribble.gov.uk)>

**Subject:** RE: Modified Vehicles

Good Morning Justin

Yes, we have requested individual Vehicle Approval certificates following modifications.

Vehicles are then subject to the regular annual, 6 month or 4 month tests at the Council's Vehicle Maintenance Unit dependent upon their age.

Many Thanks

David Eglin

Licensing & Enforcement Officer

---

**From:** Abbotts, Justin <[jabbotts@southribble.gov.uk](mailto:jabbotts@southribble.gov.uk)>

**Sent:** 04 October 2019 15:33

**To:** Eglin, David <[DEglin@lancaster.gov.uk](mailto:DEglin@lancaster.gov.uk)>

**Subject:** Modified Vehicles

Hi Dave,



# Appendix 4

Would you please be able to let us know how you deal modified vehicle's at Lancaster, do you request IVA's.

Do you have a year on year assessment for these type of vehicles or are they tested the same any other vehicle.

Kind regards,

Justin.

**Justin Abbotts**

Licensing Officer

**South Ribble Borough Council**

**T:** 01772 625460

**A:** Civic Centre, West Paddock, Leyland, PR25 1DH

**W:** [www.southribble.gov.uk](http://www.southribble.gov.uk)



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[DISCLAIMER:](#)

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## Appendix 4

## Appendix 5

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

Source:	Date:	Issue:	Council response
Driver 1	17.8.17	Not like the thought of just 1 testing station for this it creates an unfair competition which forces prices up.	Noted
Driver 2	24.8.17	Would prefer testing at SRBC approved garage rather than by LCC – would keep cost down and employment local	Noted
LCC	25.8.17	Draft suggests that maximum height of step should be 420mm for first step and 300 mm for subsequent ones, whereas LCC criteria for school work are 250mm for first step and 300mm for subsequent ones	Noted
Manufacturer 1	30.8.17	<p><b><u>Inspections to ensure converted vehicles have been correctly and safety modified:</u></b></p> <p>Feels that further consultation is required with all interested parties before a meaningful revision to a policy for wheelchair accessible vehicles can be adopted</p> <p>Current testing regime by LCC ensures vehicles are inspected to VOSA standards and include ensuring tracking and seats are correctly fitted</p> <p>Current testing undertaken by the appointed testing stations also ensure correct fitting and use of seats and seatbelt during a class 5 test</p>	All noted

		<p>Seating compliance is impossible to demonstrate for older vehicles already licensed as many seat certificates are unavailable from manufacturers due to age</p> <p><b><u>Standards for minibuses/psv's</u></b></p> <p>All drivers have been trained in wheelchair use by LCC compliance officer</p> <p>Passenger seats have the same trim wherever possible but due to operational needs matching seats are not always possible. This is not a safety issue and these type of vehicles aren't front line taxis that service the general public directly</p> <p>Floor height at 420mm incorrect</p> <p>Minimum rail length incorrect or wrongly worded</p> <p>Turning circle of a wheelchair within the vehicle doesn't seem to have any relevance.</p> <p><b><u>Testing going forward</u></b></p> <p>IVA's booking are not easily available in the local area. I understand that FMU may have capacity issues if they were to undertake all of the ongoing road worthiness testing.</p>	<b><u>modified</u></b>
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## Appendix 5

We propose FMU  
undertake a 1<sup>st</sup> use inspection  
instead of an

	<p>IVA using the amended Appendix one details to tests to be undertaken on modified vehicles. The current appendix has some errors that would need to be amended before it is to be used</p> <p>Opposed to testing solely by LCC - ongoing testing to be undertaken by authorised garages using established taxi test regime along with an amended appendix one.</p> <p>This is only a brief response due to current time constraints and I feel a great deal more of further consultation is required before things can move forward. I am happy to work with SRBC to this end.</p>	
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