

Name of meeting: Licensing and Safety Committee
Date: 5th April 2017
Title of report: Individual Vehicle Approval (IVA)

Purpose of report: To review the existing policy in respect of Individual Vehicle Approval ('IVA') and the options available, for existing private hire / hackney carriage vehicle licence holders, as an alternative to obtaining an IVA.

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| Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards? | Not applicable |
| Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?) | Key Decision – No Private Report/Private Appendix – No |
| The Decision - Is it eligible for call in by Scrutiny? | Not applicable |
| Date signed off by <u>Director</u> & name | Paul Kemp – 27/03/17 |
| Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance? | Debbie Hogg – 27/03/17 |
| Is it also signed off by the Assistant Director (Legal Governance and Monitoring)? | Julie Muscroft – 28/03/17 |
| Cabinet member portfolio | Councillor Naheed Mather – Portfolio Holder for Housing & Enforcement Management |

Electoral wards affected: All
 Ward councillors consulted: N/A
 Public or private: Public

1. Summary

- 1.1 Members of the public undertaking journeys within licensed vehicles have no opportunity to assess the fitness or safety of a vehicle prior to entering those vehicles. As such, they are reliant on the Licensing Authority to have carried out all the relevant checks on a vehicle before a licence is granted or renewed.
- 1.2 Currently the Council require all vehicles to pass a compliance test, conducted by the Council's own testing stations, before a vehicle licence is granted or renewed. This 'compliance test' is a more stringent version of a normal 'M.o.T'. However, as with M.o.T's, this compliance test assesses the condition of the vehicle and not the design and construction of the vehicle or the safety of any conversions made to that vehicle.
- 1.3 Licensing authorities were made aware that converted vehicles should have the conversion assessed because this aspect is not covered by the compliance test (MoT). Each authority managed this differently with Wakefield having begun the process a number of years ago and Calderdale suspending all of their converted vehicles until such a time that they could be tested.
- 1.4 The types of vehicles affected are, vehicles converted into mini-buses, vehicles that have had seating configuration changed and vehicles converted to carry wheelchairs; and it is the quality of the workmanship and components used on these conversions that is being called into question. The Council, currently licence up to 66 vehicles that have had some form of conversion carried out on

them, whether that be a conversion from a van into a mini-bus or a mini-bus converted to carry wheelchairs.

- 1.5 As a result of these concerns the Licensing department stipulated that all vehicles that have been subject to some form of conversion, must obtain an I.V.A from VOSA. This applied to all 'New' vehicles being brought onto the fleet, and existing licensed vehicles.
- 1.6 The policy, when applied to 'New' vehicles, is working well, people wishing to licence new, converted, vehicles know the requirement to obtain an IVA and must satisfy this requirement as part of the application procedure for a 'New' vehicle. However, the policy, when applied to existing licensed vehicles, is creating some difficulties for the trade. It has come to the licensing authority's attention that VOSA is testing to today's standards. This means a conversion that was carried out in 2009 and is safe is being failed because the conversion does not meet current standard. This is proving costly to our drivers who have been informed they have to invest in new components for the vehicles. However, this is not our objective as the licensing authority only wants to be satisfied that the vehicle and its conversion is safe. Once issues with VOSA have been highlighted with the licensing authority other options have been considered. The options contained in this report looks at those issues, and examines the known alternatives to obtaining an IVA, that would still satisfy the Council's requirement that the vehicles it licenses are safe and suitable to carry the fare paying public. These options also reflect feedback from the trade about the problems they were facing at the VOSA testing stations and VOSA's requirements. These issues are details in 2.2
- 1.7 Members of the committee are asked to consider the report and information contained therein and **approve the recommendation** of the Officer below.

2. Information required to take a decision

- 2.1 Officers have researched various alternatives that would Still prove the integrity and safety of the conversion carried out and has the benefit of lower fees to our customers. It is Important to point out that once the vehicles in question have been assessed and confirmed as safe the requirement for an assessor will cease and all new vehicles will be tested by VOSA before being presented to this department for Licensing.
- 2.2 There are now two viable options for the committee to make a decision on, these being

Option 1 Mandatory IVA for existing licensed vehicles, conducted by VOSA only

This option would maintain / reaffirm the current position, in that all existing licensed vehicle that have been modified would need to have an IVA test conducted at an approved VOSA testing station.

Advantages

Keeping this position will ensure the test is conducted by an independent body and to today's national recognised standards. In addition it will ensure the public and officers can be confident the alterations made to a vehicle are safe and suitable and therefore can allow the vehicle to continue to be licensed.

Disadvantages

However, anecdotal evidence suggests there are inconsistencies between the different approved testing stations, what fails in one test station will pass in another. The test and associated ancillary cost can be expensive; in addition, an IVA is not an MOT so vehicles will still have to undertake a compliance test with the Council. There is a limited number of relatively local testing stations, and appointments are scarce, this is already proving problematic for drivers who have tried to get an IVA and have struggled to get an appointment within a reasonable timescale, some are reporting that VOSA are not responding to their applications at all. Costs to modify the vehicles following an IVA failure have been reported to be up to £3000 for vehicles that in some cases only have up to two years left to remain as a licensed vehicle

Option 2 Freight Trade Association ('FTA')

Freight Transport Association (FTA) is one of the UK's largest trade associations and represents the transport interests of companies moving goods by road, rail, sea and air. The association offer a vehicle inspection service that the Council can use to ascertain the safety of a conversion that has been carried out on an existing licensed vehicle.

The process for an inspection by the FTA would be:-

- The Council will arrange for FTA engineers to attend the Council's garages over a number of days.
- FTA engineers will inspect, on an appointment basis, existing licensed vehicles that have been subject to some form of conversion.
- FTA engineers will be using PSV MOT testing criteria as a basis for their inspection. This will include an assessment of whether the conversion is 'safe'.
 - If the conversion is unsafe the engineers will inform licensing and the vehicle owner, if it can be made safe, and what is needed to make it safe. The vehicle owner can then get the work done to make it safe and represent for a further inspection. A decision would be made on a case by case basis as to whether the vehicle would need suspending pending the work being carried out.
 - If the conversion is unsafe and cannot be made safe then the Council would need to consider if the vehicle licence is revoked or not.
 - If the conversion is safe then the licence can continue to be issued and providing no further changes are made to the vehicle will remain licensed until it reaches its maximum age limit.
 - We don't anticipate the remedial costs, if necessary, will be at the same level as the ones requested by VOSA, again due to the fact that any works required will be to make the vehicle safe not to bring the conversion to 2016/17 standards. This will be less of a financial burden to the vehicle owners.

Advantages

The engineers will be based in Kirklees at the Council's garages so drivers will not be required to travel. The fee is reduced. The vehicles will be assessed on whether they are safe rather than today's standards.

Disadvantages

None

2.3 Costs

- IVA with VOSA

£256.77 (INC vat) with unknown and unlimited costs to modify vehicle to meet the current EU standards

- Freight Trade Association

£130.00 and an additional £70 if the vehicle has a tail lift and unknown costs to modify the vehicle to make it safe in the event that it fails

3. Implications for the Council

- 3.1 Early Intervention and Prevention (EIP)
There will be no impact
- 3.2 Economic Resilience (ER)
Not applicable
- 3.3 Improving outcomes for Children
Will ensure converted vehicles used to transport children through the Council's schools transport contracts will be safe.
- 3.4 Reducing demand of services
No reduction in demand of services

4. Consultees and their opinions

- 4.1 While no formal consultation has taken place on this option paper, the paper has arisen out of meetings with the trade who brought the issues with IVA's to the attention of officers.
- 4.2 Following the previous Licensing and Safety committee in December 2016 where more information on this matter was requested, the options were presented and explained to trade representatives at the trade liaison meeting on 1st February 2017

5. Next steps

- 5.1 The Licensing Committee is requested to consider the options available and instruct the Licensing department to proceed with Members preferred option.

6. Officer recommendations and reasons

- 6.1 Option 2 (Freight Trade Association) is the Officer's preferred option. This will satisfy our requirement to know whether the conversion of the vehicle is safe and also has the benefit of reduced costs to licence holders.

7. Cabinet portfolio holder's recommendations

- 7.1 Councillor Mather agrees with the officer recommendations and is keen to see that the Licensing Department is managing the safety of the travelling public whilst being mindful of the cost to the trade.

8. Contact officer

Victoria Thomson – Senior Licensing Officer
Tel: 01484 221000
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Papers: None

9. Background Papers and History of Decisions

The previous decision from December 2016 can be seen at
<https://democracy.kirklees.gov.uk/ieListDocuments.aspx?CIId=157&MIId=5212&Ver=4>

10. Assistant Director responsible

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