

MEETING:	REGULATORY COMMITTEE
DATE:	9TH FEBRUARY 2010
TITLE OF REPORT:	APPLICATION FOR APPROVAL FROM PONTING & BETTY LTD TO BE ON HEREFORDSHIRE COUNCIL'S APPROVED LIST FOR WHEELCHAIR ACCESS FACILITIES & N1 CONVERSION FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES
PORTFOLIO AREA:	HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS ENVIRONMENT & CULTURE

Classification: Open

Wards Affected

Countywide

Purpose

To consider approving Ponting & Betty Ltd as an '*approved manufacturer of wheelchair access vehicles to be used as licensed vehicles in Herefordshire*' and as '*an approved manufacturer of N1 conversions*'. The address of the company is given below:

- Ponting & Betty Ltd,
Bernard Mansell,
Media House,
St James Mill Road,
Northampton.
NN5 5JW.

Recommendation

THAT Committee:

Accept Ponting & Betty as an approved manufacturer/installer of wheelchair facilities for their Volkswagen and Mercedes taxi adaptations as listed in Table 1 in this report, but not for their Ford Transit adaptation. Also not to approve them as a general N1 converter for licensed vehicles.

Reasons for Recommendations

Based on the information submitted, the licensing authority believes that Ponting & Betty have met the criteria required for their wheelchair installation and conversion for their Volkswagen and Mercedes taxi adaptations, i.e. the Mercedes Town Cab, Mercedes BM8, VW Unique Cab, VW Town Cab, VW Caravelle Cab and VW City 7.

Although Ponting & Betty had adequate quality assurance, no independent test certification could be produced to support the suitability of their Ford conversion's wheelchair installation.

Likewise, no independent test certification could be produced to prove that any of the vehicles could be converted solely as minibuses, without wheelchair facilities. The tests were specifically for the wheelchair restraints and their seatbelt anchorage as well as the altered seating around this.

Key Decision

This is not a key decision

Legal Implications

The addition of Ponting & Betty Ltd to the Council's approved lists will enable operators of private hire vehicles or hackney carriages to use vehicles converted by this company without the need of a VOSA test.

Introduction and Background

1. On 15 July 2008 the Regulatory Committee met to update the conditions for licensed vehicles in respect to a required test to ensure that vehicles retrofitted with wheelchair access facilities were safe and fit for use. The Committee agreed that the Council would normally approve wheelchair access vehicles for hackney or private hire *only* if they met the following criteria:-
 - i. The manufacturer must have a vehicle prototype that has passed the 'VOSA –SVA Single Vehicle Approval Standard Test', including class D (disabled) and class P (for import)
 - or
 - ii. The manufacturer must prove to the Council that its vehicle has relevant safety standards and is able to demonstrate consistent manufacture to that standard

2. It is anticipated that on the day of this report (9th February 2010) the requirement mentioned in paragraph 2 above will be consolidated into new conditions to be approved by the Regulatory Committee. It is also anticipated that the new conditions will allow a similar list for converted N1 vehicles.
3. In August 2008 the licensing section wrote to all known installers / manufacturers of wheelchair facilities used in Herefordshire's taxi fleet to inform them that they must either seek approval to be on this list or that they obtain a VOSA test to ensure safety.
4. An application was then received from Ponting & Betty Ltd which was duly considered by the Regulatory Committee on 7th October 2008 along with five other manufacturers. However, as the application was lacking in the information requested the committee resolved to refuse the application from Ponting & Betty, although it invited them to reapply should they obtain an approved quality assurance accreditation and further prove that independent testing had been undertaken to verify the safety of the wheelchair facilities they install. (See Appendix 1 in background papers for extract of minutes from 7th October 2008).
5. The Licensing Team therefore informed Ponting & Betty of the decision reached by committee (See Appendix 2 - email sent 17th October 2008 stating why the application failed and giving advice on how to submit information likely to lead to approval).
6. Ponting & Betty were therefore asked to produce evidence for their wheelchair access vehicles in the following categories:
 - i. Details of any test certificates that would help demonstrate that their vehicle meets the industry standard for the installation of wheelchair access facilities (e.g. a 'Status' test or a 'Mira' test). If unavailable, they were asked to provide a VOSA Single Vehicle Approval Standard Test, for class D (disabled) and P (import).
 - ii. A quality assurance certificate to prove that they always manufacture to this standard.
 - iii. Documentation to demonstrate that there are procedures in place to ensure consistent installation of the wheelchair facility in accordance with the prototype which complies with the test certificates mentioned in (i) above.
 - iv. The list of vehicles seeking approval and their approval certificate numbers from the VCA.
8. Following a telephone enquiry from Ponting & Betty to the Licensing Team in November 2009, on 27 November 2009, this advice was resent by email thus confirming that previously given. (See Appendix 3).
9. On 2nd December 2009 a revised application from Ponting & Betty was received by Herefordshire Council by way of an email. They wished their vehicles to be approved

by the Council's Regulatory Committee for both wheelchair access and conversion because they believed that they now had *relevant safety standards and were able to demonstrate consistent manufacture to that standard*. (See Appendix 4 in background papers for application). However, the email only included evidence for their Mercedes conversions.

10. The Licensing Team therefore discussed the lacking information with Ponting & Betty. They stated that their wheelchair facilities and conversions have got full European approval and undertook to send further information to support this for all their conversions. This information was received by email on 14th January 2010. (See Appendices 5 and 6).
11. For ease of reference, Table 1 below summarises all the collated information so far provided against the criteria requested:

Table 1: Summary of Information Provided to Herefordshire Council

	Test Certificates submitted	Quality Assurance docs / info received	List of vehicles for approval and VCA Type Approval docs submitted
Ponting & Betty	<p><u>Mercedes Conversions</u> ‘Status Test’ for a seatbelt anchorage report’ for a <i>Mercedes Vito LWB Taxi Adaptation</i> was submitted. This was for a shell of a long wheel based Mercedes and considered suitable by Status to test the Mercedes Town Cab and Bm8 vehicles for which approval is sought for. The test was dated 1st March 2006. This test was witnessed by the Vehicle Certification Agency. The test showed compliance with the positional and strength requirements of the relevant EC Directive for seat belt anchorage and it also showed compliance with the ‘Motability’ standard for wheel chair restraints.</p> <p><u>Volkswagen Conversions</u> ‘Status Test’ for a seatbelt anchorage report’ for a <i>Volkswagen T5 Taxi Adaptation</i> was submitted. This was for the shell of a Volkswagen under two configurations, and was considered suitable by Status to test all the Volkswagen vehicles for which approval is sought for. The test was dated 31st March 2005. This test was witnessed by the Vehicle Certification Agency. The test showed compliance with the positional and strength requirements of the relevant EC Directive for seat belt anchorage and it also showed compliance with the ‘Motability’ standard for wheel chair restraints.</p> <p><u>Ford Transit Conversions</u> Comment in email of 14th January 2010 from Steve Ponting reads “<i>I have not included the Transit as there are no references to wheelchairs. I have spoken to STATUS but unfortunately their records are the same as ours, although we know this vehicle was tested as an additional test specific for Buckingham County Council. It may well be that they hold the information, but unfortunately this was back in 2003 and the people we dealt with are no longer there</i>”.</p>	<p>ISO 9001:2008. Certificate 2008 –0466. This QA accreditation covers the ‘design, manufacture and conversion of wheelchair accessible private hire vehicles and taxis and other vehicles’.</p> <p>First issued 8 May 2009</p> <p>Current issue 8 May 2009</p> <p>Valid until 7 May 2012</p>	<p>Mercedes Town Cab EC Type approval No. LC/360/A/062V</p> <p>Mercedes BM8 EC Type approval No. LC/360/A/062V</p> <p>VW Unique Cab EC Type approval No. LC/382/A/085V</p> <p>VW Town Cab EC Type approval No. LC/383/A/086V</p> <p>VW Caravelle Cab EC Type approval No. LC/383/A/086V</p> <p>VW City 7 EC Type approval No. LC/382/A/085V</p> <p>Ford Unique Cab EC Type approval No. LC/359/A/061V</p>

Key Considerations

Whether or not to accept Ponting and Betty as an approved manufacturer and converter.

Key Points Summary

- Application made to Regulatory Committee in August 2008 but not accepted for wheelchair installation
- Application remade in December 2009 with additional information
- Additional information submitted in January 2010 to support application,

Alternative Options

- A) To approve Ponting & Betty Ltd as an approved installer for their Ford Conversions as well

Advantages: It allows the trade to use all their conversions without the need for a VOSA test.

Disadvantages: There is an area of doubt in relation to the Ford's performance under crash conditions, as independent testing could not be proven.

- B) To approve Ponting & Betty Ltd as both an approved installer for all their wheelchair conversions and as an approved converter for N1 for the vehicles listed.

Advantages: It allows the trade to use their all their conversions without the need for a VOSA test, both for wheelchair conversions and as minibus conversions (without wheelchair access).

Disadvantages: There is an area of doubt in relation to the wheelchair performance under crash conditions for the Ford Transit wheelchair conversion and the performance of seating under crash conditions for any minibus conversions (without wheelchair access), as independent testing was not submitted for these.

- C) To defer the decision to require further information.

Advantages: It may allow additional information should the committee require this.

Disadvantages: This will delay Ponting & Betty's potential acceptance and may therefore pose a financial burden on both the trade and manufacturer.

- D) To refuse the application.

Advantages: It will ensure that only individually tested vehicles by Ponting & Betty will be permitted and will not be reliant on consistency of manufacture.

Disadvantages: If the application is deemed suitable, this would not follow the precedent already set for other approved manufacturers.

- E) To come to some other conclusion.

Advantages: This leaves other options open to the Committee to resolve the matter.

Disadvantages: There are no clear directions from the Head of Environmental Health & Trading Standards in respect to alternatives.

Community Impact

It is felt that any decision will have only a minor impact on the community as a whole, as it relates specifically to the taxi trade.

Financial Implications

Not significant to the Council.

Appendices

Appendix 1 – Extract of minutes from 7th October 2008 refusing application

Appendix 2 – Email sent 17th October 2008 confirming requesting further information

Appendix 3 – Email sent 26th November 2009 confirming advice

Appendix 4 – Initial application from Ponting & Betty via an email dated 2nd December 2009

Appendix 5 – Additional information from Ponting & Betty with email dated 14th January 2010

Appendix 6 – Email from Ponting & Betty dated 14th January 2010