

# Public Document Pack



Neuadd y Sir  
Y Rhadyr  
Brynbuga  
NP15 1GA

County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 18 September 2017

**Notice of meeting / Hysbysiad o gyfarfod:**

## **Licensing and Regulatory Committee The Chamber, County Hall, Usk**

**Tuesday, 26th September, 2017 at 10.00 am,**

### **AGENDA**

<b>Item No</b>	<b>Item</b>	<b>Pages</b>
<b>1.</b>	<b>Apologies for absence</b>	
<b>2.</b>	<b>Declarations of interest</b>	
<b>3.</b>	<b>To confirm and sign the minutes of the previous meetings</b>  Licensing and Regulatory Committee 23 <sup>rd</sup> May 2017  Licensing and Regulatory Committee Sub Committee 23 <sup>rd</sup> May 2017	1 - 10
<b>4.</b>	<b>Hackney Carriage and Private Hire Vehicle Conditions</b>	11 - 28
<b>5.</b>	<b>Wheelchair Accessible Vehicles</b>	29 - 44
<b>6.</b>	<b>To note the date and time of the next meeting as 14th November 2017 10am</b>	

**Paul Matthews**

**Chief Executive / Prif Weithredwr**

MONMOUTHSHIRE COUNTY COUNCIL  
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

B. Strong  
J. Higginson  
A. Easson  
M.Lane  
J.Pratt  
R.Roden  
J.Treharne  
R. Edwards  
D. Evans  
L. Guppy  
F. Taylor  
A. Webb

## Public Information

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### Welsh Language

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# Aims and Values of Monmouthshire County Council

## Sustainable and Resilient Communities

### Outcomes we are working towards

#### **Nobody Is Left Behind**

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

#### **People Are Confident, Capable and Involved**

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

#### **Our County Thrives**

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

### Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

### Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

# Nodau a Gwerthoedd Cyngor Sir Fynwy

## Cymunedau Cynaliadwy a Chryf

### Canlyniadau y gweithiwn i'w cyflawni

#### Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

#### Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

#### Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

### Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

### Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 23rd  
May, 2017 at 2.00 pm**

**PRESENT:** County Councillor B. Strong (Chairman)  
County Councillor R.J. Higginson (Vice Chairman)

County Councillors: A. Easson, R. Edwards, D. Evans, L. Guppy, M. Lane, J. Pratt, R. Roden, J. Treharne and A. Webb

### **OFFICERS IN ATTENDANCE:**

David Jones	Head of Public Protection
Linda O'Gorman	Principal Licensing Officer
Ioan Gealy	Solicitor
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

None

#### **1. Election of Chair**

We elected County Councillor B. Strong as Chair.

#### **2. Appointment of Vice Chair**

We appointed County Councillor R.J. Higginson as Vice-Chair.

#### **3. Declarations of interest**

There were no declarations of interest made by Members.

#### **4. Confirmation of Minutes**

The minutes of the Licensing and Regulatory Committee dated 11<sup>th</sup> April 2017 were confirmed and signed by the Chair.

#### **5. Public Protection Performance report 2016/17**

We received the annual performance report for Public Protection services. The Public Protection division comprises of Environmental Health, Trading Standards and Animal Health and Licensing.

In doing so, Members were informed that Cabinet had approved a report in March 2014 recommending budget reductions to Public Protection services for 2014/15 and subsequent years. In January 2015 Cabinet had asked for Public Protection performance to be reviewed regularly to assess any negative impacts.

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As a consequence, six monthly reports have been provided to Strong Communities Select Committee, together with annual reports to the Licensing and Regulatory Committee.

Performance over the twelve months of 2016/17 was identified and the following issues had been noted:

- The four service teams, for the vast majority of the services they deliver, meet the Authority's legal obligations in relation to Public Protection services.
- There have been some notable successes in 2016/17, for example, improving food safety and animal feed compliance, supporting major developments (A465) and events such as the Eisteddfod and Abergavenny Food Festival.
- Most proactive and reactive work is being undertaken professionally within prescribed response times. There are only a few exceptions, due to increased demand, such as some slippage in housing and private water inspections, which will be improved for 2017/18.
- Annual reports will continue to be made to this Committee to assess performance over time and help inform future priorities noting the competing demands.
- Services might struggle to take on any new statutory duties that protect the public and the environment. Therefore, funding must be sought to support any new work. In addition, where work is onerous on officer time, funding will be pursued from major developers.
- Future strategies for sustaining Public Protection services will be developed (to include further income generation and collaboration) locally, regionally and nationally.

Having considered the report, the following points were noted:

- In response to a question raised regarding the potential for the Authority to make money by providing pest control, it was noted that some authorities in the past did employ pest control officers (PCO's). The position in Monmouthshire County Council, however, was that these services were contracted out many years ago, therefore there are no former PCO's to provide a private service on behalf of Monmouthshire County Council.
- A Committee Member stated that a resident within his ward kept poultry which was attracting rats to the property. He had reported this matter to Environmental Health. It was noted that this matter would be investigated from an animal welfare perspective and also via a nuisance perspective.
- In response to a question raised regarding abandoned vehicles, it was noted that these matters would be raised with Gwent Police with a view to expediting a solution.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 23rd May, 2017 at 2.00 pm

- With regard to an issue raised regarding dog fouling, it was noted that Usk Town Council had taken on the issue of addressing dog fouling in the town, which was proving to be successful. Reliance on the community and the use of CCTV was a positive way of addressing this issue and a way of supporting environmental health officers.
- In response to a Member's question regarding landlords and agents and the responsibility they have towards their tenants and any bond that might be held, it was noted that it is a requirement of the landlord to properly secure the bond and if the property is left in a good condition by the tenant then the bond should be recoverable.
- In response to a question raised regarding human trafficking, it was noted that in terms of work places with potential exploitation, Environmental Health will check with the Immigration Authority and the Labour Abuse Authority regarding these issues.
- With regard to block street traders, it was noted that the conditions are made clear as to what the traders would need to adhere to. Best Practice has also been looked into with regard to the letting of stalls.
- In light of the events that had occurred at the Manchester Arena on the evening of Monday 22<sup>nd</sup> May 2017, it was noted that the Cabinet Member had made a statement to the press regarding future events at Caldicot Castle. Members were informed that a meeting, with appropriate Member and officers, will shortly be held to discuss upcoming events at Caldicot Castle.

On behalf of the Committee, the Chair thanked officers for presenting a comprehensive update report regarding public protection performance.

We resolved to receive the report and noted its content.

#### **6. Next Meeting**

The next meeting will be held on 18<sup>th</sup> July 2017 at 10.00am.

**The meeting ended at 3.10 pm.**

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**Public Document Pack**  
**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Licensing and Regulatory Sub Committee held  
at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 23rd  
May, 2017 at 3.00 pm**

**PRESENT:** County Councillor: J. Higginson (Chair)

County Councillors: J. Higginson, L. Guppy and J. Treharne

**OFFICERS IN ATTENDANCE:**

Linda O'Gorman	Principal Licensing Officer
Sam Winn	Licensing Officer
Ioan Gealy	Solicitor
Huw Owen	Principal Environment Health Officer
Richard Williams	Democratic Services Officer

**APOLOGIES:**

None.

**1. Declaration of Interests**

There were no declarations of Interest made by Members.

**2. Temporary Event Notice, Cwm Cayo Farm, Gwehelog, Usk**

We received a Temporary Event Notice under the Licensing Act 2003 for a field at Cwm Cayo Farm, Gwehelog, Usk.

The Chairman welcomed all to the meeting and introduced Members of the Sub Committee, Officers and representatives present. It was recommended that Members consider and determine the application, on the basis of the information provided.

The Principal Licensing Officer presented the key issues, which summarised:

A Temporary Event Notice has been submitted for a field at Cwm Cayo Farm, Gwehelog, Usk by George Thompson of Triplicity Ltd. to Monmouthshire County Council on 15<sup>th</sup> May 2017.

The notice has been made for the event to start on the 1<sup>st</sup> June 2017 and end on the 5<sup>th</sup> June 2017 for the following activities:-

**Sale of Alcohol**

02/06/17 – 12:00hrs – 02:00hrs

03/06/17 – 10.00hrs – 02:00hrs

04/06/17 – 10:00hrs – 00:00hrs

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Licensing and Regulatory Sub Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 23rd May, 2017 at 3.00 pm

#### Performance of Music

02/06/17 – 12:00hrs – 03:00hrs

03/06/17 – 10:00hrs – 03:00hrs

04/06/17 – 10:00hrs – 00:00hrs

The premises is an open field set in a rural location 2.5 miles north of Usk. The event will consist of three small music stages, one bar, art exhibition area, craft workshops, performing arts area, market place, therapy / massage area and food stalls. The general age of attendees to the events is varied and ranges between 18 and 60. Parents are permitted to bring their children. There are policies in place for this and usually child numbers are small.

The applicant states that the event is to be run in accordance with a detailed Event Management Plan (EMP), Event Safety Risk Assessment (ESRA), Triplicity Noise Management Plan (NMP) and Triplicity Noise Survey with sound check map.

The applicant has a statutory duty to send copies of the Temporary Event Notice to Heddlu Gwent Police and Environmental Health 10 working days prior to the event. The Police and Environmental Health are able to object to the notice within three working days from the following day the notice was received. No other party is able to make a representation on a Temporary Event Notice. The notice was submitted on line and as such the Licensing Section forwarded the notice to the statutory consultees.

An objection to the notice was received from the Environmental Health Officer which stated that the event would undermine the prevention of public nuisance. The applicant had responded to the objection stating that he would be willing to comply with the restrictions set. Further correspondence ensued between the Environmental Health Officer and the applicant.

However, it was noted that the crucial factor in this application from an Environmental Health and noise control perspective are the finish times. Also, that the location is extremely rural in nature so the later into the night the event goes, the quieter the background levels will become and therefore the more difficult it would be for the applicant to adhere to the noise levels set in the guidance issued.

The Environmental Health Officer was content for the music to finish at midnight and that there be no amplified music after 11.00pm. The reason for this is because it is considered that the location is not fit for purpose for this sort of event.

The applicant confirmed that he had received a copy of the report and presented his views to the committee, as follows:

- The initial application had fallen in line with management plans that the applicant had used successfully, previously.

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- Initially, a 4.00am finish with low sound levels had been proposed but the Environmental Health Officer had disagreed with this. The applicant had therefore agreed to pull back the finishing time.
- Day times regulations proposed are under the guidelines given in the code of practice on environmental noise control. The night time levels are in accordance with that now.
- The applicant had agreed to adhere to the guidance provided by the Environmental Health Officer. However, an objection had still been made by the Officer after the applicant had agreed to the guidance provided.
- The applicant considers that the Environmental Health Officer's objections are based on issues that had arisen at previous events that had not followed the guidance provided. Therefore, the applicant should not be punished for other people's actions.
- The levels proposed after 11.00pm are inaudible inside the nearest properties. Therefore, the noise levels would not create a detrimental effect to local residents if the event finished at 3.00am.
- Other festivals in the UK go on longer than 3.00am, sometimes for 24 hours, often in very rural locations with neighbours, but with proper sound management, these events continue to be held year on year with minimal complaints.
- The applicant has agreed to comply with all of the regulations initially set by the Environmental Health Officer but an objection has been submitted.
- The applicant has carried out accurate sound readings on site giving a clear indication with regard to the sound levels that can be used.
- The applicant considers that he has done everything that he can do to comply with appropriate noise levels that had been set.
- The applicant stated that he will adhere to the noise management plan.
- An 11.00pm finish would not be appropriate for this type of event.

The Chair invited the Principal Environmental Health Officer to address the Sub Committee and outlined the following points:

- The concerns from Environmental Health are the potential for significant disturbance to be caused from House Dance music proposed played until 3.00am on consecutive nights in the open air in a rural community. This has the potential to cause significant disturbance.
- In a rural area, background levels, particularly late at night, can be extremely low.

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### Minutes of the meeting of Licensing and Regulatory Sub Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 23rd May, 2017 at 3.00 pm

- There is a history of complaints regarding festivals at this site in the previous two years in which a number of complaints had been received.
- History suggests that there is potential for noise disturbance from events at this site held in the open air until late at night.
- The music finish time for this application is later than the finish time for the two previous applications.
- There are a number of residential properties located within 400 to 500 metres of the main stage.
- The applicant, in his noise management plan, has indicated that he would adhere to Environmental Health's guidance limits.
- Monmouthshire County Council Guidance is that music should not be in excess of five decibels at the boundary of nearby dwellings after 11.00pm at night in order to comply with the guidance given in the Code of Practice on Environmental Noise Control at Concerts. To meet a post 11.00pm guidance it would mean that music in the audience area could potentially have to be very low and as low as 70 decibels. Officers are concerned that this will not meet the expectations of the customers and renders the site not fit for purpose for this event.
- Residents in the area are already sensitised due to previous events not complying with guidance.
- There will potentially be 46 hours of music over the three days. Nine of these hours will occur after 11.00pm.

The applicant responded by informing the Sub-Committee that the event will be reduced by one night with only six hours of music being played after 11.00pm. The applicant was at the site last night with a decibel meter and stated that the event could be run at 77decidels on stage.

The Principal Environmental Health Officer responded stating that there will be nine hours of music that will be played after 11.00pm. There is the potential for the base-beat of the music to be clearly audible.

In response to questions asked by the Principal Licensing Officer, the applicant confirmed that he had seen the map, which highlighted the distance of dwellings to the event location, that had been brought to the meeting by the Principal Environmental Officer. The applicant also confirmed that he had seen the report containing details of the Licensing Policy of Monmouthshire County Council and legislation.

The Gwent Police representative informed the Sub-Committee that he had no objections to the application.

Having considered the views expressed, the following points were noted:

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- The applicant informed the Sub-Committee that the original site for the event, near Stroud, had fallen through. The current proposed venue was sought eight months ago and a full premises application had been submitted. However, there had been an error in this application so the numbers had been reduced and a Temporary Events Notice had been submitted.
- The applicant has produced a notice for local residents, which has been made available locally containing the contact details of the applicant, should any complaints be made.

The Principal Environmental Health Officer summarised the objections to the application:

- Environmental Health does try to work with event organisers and aims to give the benefit of the doubt.
- In this case, a number of complaints had been received last year regarding an event that had been held at this site.
- Prior to the hearing, officers had indicated that they would be content with the festival proceeding as long as the amplified music finished at 11.00pm.
- Officers are concerned that the late night finishes proposed in a rural community may lead to the potential for significant disturbance to be caused if the guidance had not been adhered to.

In response to a Sub-Committee Member's question, the applicant confirmed that the proposed numbers for the event had been drastically cut to comply with the Temporary Event Notice guidelines. He had sold 350 tickets for the proposed event.

The Principal Licensing Officer informed the Sub-Committee that conditions could not be applied to this Temporary Events Notice as there is no Premises Licence at this venue where conditions can be taken from to put onto the Notice.

The applicant provided the Sub-Committee with the following summary:

- The objection is strongly based on negative experiences from past events in which the applicant was not affiliated to.
- The applicant has a track record of providing decent sound management at its events.
- All appropriate measures have been taken that have been requested by Environmental Health.

Following questioning, the Sub Committee, County Council Solicitor and the Democratic Services Officer left the meeting to deliberate and discuss the findings.

## MONMOUTHSHIRE COUNTY COUNCIL

### **Minutes of the meeting of Licensing and Regulatory Sub Committee held at The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 23rd May, 2017 at 3.00 pm**

Upon re-commencement, The Chair advised that the Committee had considered the application under the Licensing Act 2003 for a Temporary Event Notice at Cwm Cayo Farm, Gwehelog, Usk.

The sub-committee comprising of County Councillors R.J. Higginson, L.Guppy and J. Treharne met on 23<sup>rd</sup> May 2017 at 3.00pm to consider the application for a Temporary Event Notice at Cwm Cayo Farm, Gwehelog, Usk from 1<sup>st</sup> to 5<sup>th</sup> June 2017.

We have heard representations from the applicant and the objector. We have also taken note of all the written representations before us.

In reaching the decision we have had regard to:

- the Licensing Act 2003.
- the licensing objectives.
- the Council's statement of licensing policy.
- the Guidance issued by the Home Office.

In taking into account all of the above matters, any other relevant legislation, such as the Human Rights Act 1998 and all the issues raised before us today.

The sub- committee felt that because it has major concerns that the decibel level, as stated in the application, would cause a public nuisance at such a late hour, it has decided to reject the application. The applicant was informed that he will be notified of the application appeals procedure in the counter notice.

**The meeting ended at 4.25 pm.**

<b>SUBJECT:</b>	<b>Hackney Carriage and Private Hire Driver and Vehicle Conditions</b>
<b>DIRECTORATE:</b>	<b>Social Care, Safeguarding and Health</b>
<b>MEETING:</b>	<b>Licensing and Regulatory Committee</b>
<b>Date to be considered:</b>	<b>26<sup>th</sup> September 2017</b>
<b>DIVISIONS/WARDS AFFECTED:</b>	<b>All Wards</b>

## 1. PURPOSE

- 1.1 To consider the current licensing requirements for vehicles with 5 - 8 seats.

## 2. RECOMMENDATION

Members are requested to decide on one of the following options -

- 2.1 To retain the existing 5-8 Passenger vehicle passenger check currently adopted by Monmouthshire County Council.
- 2.2 To retain the existing 5-8 Passenger vehicle passenger check currently adopted by Monmouthshire County Council and also include the requirement - Any entrance / exit gap between the seat and door pillar must accommodate an adult passenger and allow them to pass freely, therefore any gap must exceed 350mm in width.
- 2.3 Members remove item 1 – No seats shall be moved to allow any passenger to enter or egress the vehicle and remove from item 7 the line – There must be a clear passageway to each row of seats from the existing 5-8 Passenger vehicle check.
- 2.4 Members remove the requirement for further checks of 5-8 Passenger vehicles entirely from the current conditions.
- 2.5 If the existing policy is altered, then the revised policy goes out on consultation to the taxi trade for comment and input.

## 3. KEY ISSUES

- 3.1 In the interest of passenger safety a report was submitted to the Licensing and Regulatory Committee in July 2002, recommending that Members approve conditions relating to the carrying of 7-8 passengers. The condition required all licensed hackney carriage and private hire vehicles to provide direct access and egress to a door for all passengers. This condition was approved and then updated on the 15<sup>th</sup> March 2010 to include vehicles carrying more than 4 passengers.
- 3.2 A further report was then submitted to the Licensing and Regulatory Committee on the 17<sup>th</sup> June 2014 following a request from the trade to reconsider its current policy, specifically to remove the condition that requires access and egress without the need to move another seat for 5-8 passengers. At this hearing Members rejected the request of the trade and in the interest of public safety retained this condition. This was further upheld and continued to remain in force when the taxi and private hire policy was revised on 1<sup>st</sup> April 2016 and 13<sup>th</sup> September 2016, following consultation with the trade. The 5-8 Passenger vehicle check criteria within the current taxi and private hire policy of Monmouthshire County Council is attached as Appendix One.
- 3.3 In July 2017 a request was received from a taxi proprietor (attached as appendix two) asking the Authority to reconsider its current policy, specifically to remove the condition that requires access and egress without the need to move another seat. The driver specifically refers to his vehicle being classed as a minibus and not a Multi-Purpose Vehicle, (MPV).

- 3.4 The request made to review the policy is made in relation to the vehicle purchased by the proprietor of a Ford Tourneo Custom. The proprietor has supplied the EuroNCap report, which is the safety test required for every vehicle before a vehicle is able to be sold to the public, for consideration (attached as Appendix 3).
- 3.5 It is recognised that the safety of the vehicle is not put into question, a person will purchase a vehicle for personal use for their individual needs. The policy was put in place by Monmouthshire County Council to cater for varying aspects of usage by persons of different ability, age and accidents. The choice of vehicle and criteria on behalf of the public is decided by Monmouthshire Council when a plate is issued. Section 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 permits an authority to attach a condition they consider reasonably necessary for hackney carriages, which can include the conditions permitted for private hire vehicles, whereby type, size, design, safety and its comfort can be a factor before a vehicle is issued with a licence.
- 3.5 Following this request, on 8<sup>th</sup> August 2017 consultation was conducted with the Welsh Licensing Expert Panel for all Welsh Authorities to consider the criteria for 5-8 vehicle checks. Four Authorities replied, namely Caerphilly, Ceredigion, Merthyr and Powys who stated they do not have special criteria of testing of 5-8 vehicles. However, Ceredigion do have conditions for accessibility of a vehicle if seats are adapted for wheelchair use. Previous enquiries with neighbouring Authorities is summarised in Appendix four, with Torfaen and Blaenau Gwent currently requiring access and egress without the need to move another seat.
- 3.6 Similarly, in 2014 Powys County Council submitted a report to their Licensing Committee with regards to their policy on passenger safety (report attached as appendix five). The report referred to an appeal by a Hackney Carriage Proprietor in November 2003 to the Magistrates Court against the decision of the Council not to licence the full seating capacity of his MPV. The magistrates upheld the decision of the Council. Powys referred to a survey within this report which revealed that the Authorities retaining a policy on requiring direct access to all seats without the need to lower the back of a seat are now in the minority. Powys Council at that time decided to remove this condition.
- 3.8 As requested by the proprietor we have viewed the conditions attached to vehicles licensed by English Authorities to get a more national approach.

Herefordshire County Council have the following condition attached

- Unobstructed access to all emergency doors or exits. (Seats must be located to facilitate this).

The following is also in addition to all other conditions and applies to mini buses and MPVs that are licensed as private hire vehicles and taxis:

- The vehicle must have at least two doors to the rear of the driver for the exclusive unobstructed use of passengers.

Wakefield Council insists on a minimum of two means of exit from the passenger compartment behind the driver. The exits must be free of any obstructions and reachable from all parts of the rear passenger compartment. Any entrance / exit gap between the seat and door pillar must accommodate an adult passenger and allow them to pass freely therefore any gap must exceed 350mm in width.

- 3.9 The Royal Society for the Prevention of Accidents (ROSPA) issued Minibus Safety, A Code of Practice in August 2015. With regards to accessibility it states on page 45 of the document

- it is vital that passengers can easily board and leave the vehicle during normal use, and in an emergency. Every passenger must have easy access to the doors, which should be kept unlocked. Gangways must be kept clear of luggage at all times.



Good accessibility also means that passengers should be able to enter and exit the vehicle comfortably.

- 3.10 On 15<sup>th</sup> September 2017, a site visit to Raglan Depot was arranged for Members of the Licensing and Regulatory Committee to view several vehicles licensed by Monmouthshire with seating capacity between 5-8 passengers. Of those vehicles were ones which could be licensed for the full asking capacity of 8 seats and some which would be granted a lesser capacity due to seats not having enough egress capacity. Following this site meeting the proprietor requesting the change in conditions for seating capacity submitted further information and to assist photographs of the vehicles are also submitted. Attached as Appendix six and seven respectively.
- 3.11 It was noted by Members at the site meeting that the acceptable gap for egress from a vehicle without the need of a seat being folded was at the discretion of the Officer inspecting that vehicle, and this may also need to be taken into consideration of whether to adopt a minimum width of 350mm, as adopted by Wakefield in 3.8 above, should the decision be taken to retain the 5-8 passengers testing criteria.
- 3.12 Monmouthshire currently licence 108 vehicles, (45 Hackney Carriage, 63 Private Hire) that are licenced to carry between 5 and 8 passengers. Out of the 108 vehicles 27 were refused the passenger capacity they requested as it failed to meet the standards of the 5-8 passenger testing criteria conditions currently adopted by Monmouthshire Council.

#### **4. REASONS**

- 4.1 The taxi proprietor purchased a Ford Tourneo Custom manufactured and designed with 9 seats and ability to transport (8 passengers). When the vehicle was presented for licensing he was informed that the Authority would only licence the vehicle for 7 passengers because the vehicle as presented and manufactured with all its seats does not comply with the current licensing policy and conditions. The manufacturer has designed the vehicle for passengers in the rear of the vehicle to only exit the vehicle when one of the outer middle row seats is not used by another passenger, allowing the seat to be folded and can then be slid forward. If passengers in the middle row are sat in the seats, anyone in the rear row of seats doesn't have clear access to a door.
- 4.2 The taxi proprietor has requested a review of the current testing policy for 5-8 passengers.

#### **5. RESOURCE IMPLICATIONS**

Vehicles that have been licensed and required to remove seats would now need to be relicensed and new taxi plates issued.

#### **6. CONSULTEES**

Wales Licensing Expert Panel  
RoSPA

#### **7. BACKGROUND PAPERS**

Town Police Clauses Act 1847  
Local Government (Miscellaneous Provisions) Act 1976

#### **8. AUTHOR:**

Samantha Winn  
Licensing Officer

**9. CONTACT DETAILS:**

Tel: 01633 644221

E-mail: [samanthawinn@monmouthshire.gov.uk](mailto:samanthawinn@monmouthshire.gov.uk)

**5-8 PASSENGER VEHICLE**  
**INSPECTION FORM**

Name of Applicant:.....

Address of Applicant:.....,

Vehicle Make:..... Vehicle Model:.....

Vehicle Colour:.....Registration Number:.....

	<b>Pass</b>	<b>Fail</b>
1. No seat should be required to be moved to allow any Passenger to enter or egress the vehicle.	<input type="checkbox"/>	<input type="checkbox"/>
2. All door handles must be of the same type and easily accessible and have an interior door release handle and clearly marked.	<input type="checkbox"/>	<input type="checkbox"/>
3. No access may be blocked by luggage.	<input type="checkbox"/>	<input type="checkbox"/>
4. All seats are constructed to seat adults and do not have a weight limit	<input type="checkbox"/>	<input type="checkbox"/>
5. All seats must be fitted with approved seat belts.	<input type="checkbox"/>	<input type="checkbox"/>
6. All seats face forward or backwards to the direction of travel	<input type="checkbox"/>	<input type="checkbox"/>
7. There must be a clear passageway to each row of seats If only one door is normally used this must be on the nearside (similar to buses).	<input type="checkbox"/>	<input type="checkbox"/>
9. If the vehicle is an Estate Car or a Multi Purpose Vehicle as described on the Vehicle Registration Document (V5), it must be fitted with a grille or a similar device sufficient to prevent luggage carried in the rear compartment from coming into contact with persons in the rear seat:	<input type="checkbox"/>	<input type="checkbox"/>

Officer name: .....

Signature:.....

Date: .....

## Appendix Two

Ty Du Farm  
LLanarth  
Raglan  
Monmouthshire  
NP15 2LY

Dear Ms Winn

As you recall you gave me somewhat misguided information at the time I purchased and licensed my vehicle and stated “well it’s up to the committee”

I would like to formally appeal the councils ruling in regards to egress of vehicles licenced for 5-8 Passengers here is my reasons why I believe there is a strong case for change:

The original ruling dates back to a suggestion in 2002 of the back of a report with nothing to prove the impact of folding seats for access, vehicle safety has changed no end over the past 15 years

The vehicle in question is a purpose built minibus (as logbook states) not MPV. It is built by the 3<sup>rd</sup> largest vehicle manufacturer in the world who spend millions on development and design of vehicles of which are tested stringently and comply with all UK laws and legislations. The rear seats are a full time positioning and designed for adults whereas with an MPV this is necessarily the case. This vehicle has also received a maximum safety rating with euroNCAP . Noting for example a 2012 Renault Traffic scored 2 stars and improved to 3 stars on the next model, still no wear near ford’s 5 star report.

Powys has just reverted this ruling and in the 2014 appeal this I feel proves very significant, very few councils appear to have adopted this rule

Environmental impact- surely more seats means less vehicles needed on occasions, for example school runs, functions where 8 passengers need transporting, these vehicles are also alot cleaner and less environmentally impacting than it’s predecessor, a factor that Newport has noticed.

Future vehicles issues – how many Ford Tourneo’s are currently licensed by the council? The old shapes have been accepted as 8 but due to folding seat new ones can’t be, as vehicles get old they need replacing – drivers who are looking at providing the best vehicles are being penalised.

I am committed to safety with all my vehicles rest assured and feel that if Ford are producing these vehicles for the purpose they serve which is transporting passengers then surely they are ensuring those vehicles are as safe as possible so why does the council disagree with this?

I am waiting on a list of accepted vehicles so I can research safety ratings and emissions etc to build an even bigger case for this vehicle.

Yours Sincerely

Paul Watkins

TEST RESULTS

# Ford Transit Custom

Ford Transit Custom, 2.2 diesel 'Trend' Kombi, LHD

2012 ★★★★★




ADULT OCCUPANT



CHILD OCCUPANT



PEDESTRIAN



SAFETY ASSIST

## ADULT OCCUPANT

Total 30 pts | 84%

### FRONTAL IMPACT

12,8 pts



Driver



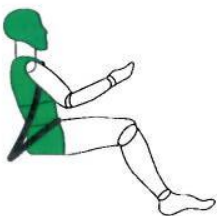
Passenger

### SIDE IMPACT CAR

8 pts

### SIDE IMPACT POLE

7,1 pts



Car



Pole

### REAR IMPACT (WHIPLASH)

2,4 pts



- GOOD
- ADEQUATE
- MARGINAL
- WEAK
- POOR

### FRONTAL IMPACT

#### HEAD

Driver airbag contact                    stable  
 Passenger airbag contact                stable

#### CHEST

Passenger compartment                stable  
 Windscreen Pillar rearward            9mm  
 Steering wheel rearward                none  
 Steering wheel upward                 36mm  
 Chest contact with steering wheel    none

#### UPPER LEGS, KNEES AND PELVIS

Stiff structures in dashboard            Steering column; end of facia; glove box  
 Concentrated loads on knees            Steering column; end of facia; glove box

#### LOWER LEGS AND FEET

Footwell Collapse                        none  
 Rearward pedal movement              clutch - 48mm  
 Upward pedal movement                clutch - 64mm

### SIDE IMPACT

Head protection airbag                    Yes  
 Chest protection airbag                    Yes

### WHIPLASH

Seat description  
 Head restraint type  
 Geometric assessment                    0 pts

#### TESTS

High severity                                0 pts  
 - Medium severity                         0 pts  
 - Low severity                                0 pts

## CHILD OCCUPANT

Total 44 pts | 90%

### 18 MONTH OLD CHILD

**Restraint** Britax Baby Safe Plus ISOFIX  
**Group** 0, 0+  
**Facing** rearward  
**Installation** ISOFIX anchorages and top tether



PERFORMANCE	12 pts
INSTRUCTIONS	4 pts
INSTALLATION	2 pts

### 3 YEAR OLD CHILD

**Restraint** Britax Duo Plus ISOFIX  
**Group** 1  
**Facing** forward  
**Installation** ISOFIX anchorages and top tether



PERFORMANCE	12 pts
INSTRUCTIONS	4 pts
INSTALLATION	2 pts

### VEHICLE BASED ASSESSMENT

8 pts

### Airbag warning Label

Text and pictogram on both sides of passenger sun visor

### FRONTAL IMPACT

Head forward movement	protected
Head acceleration	good
Chest load	good

### SIDE IMPACT

Head containment	protected
Head acceleration	good

### FRONTAL IMPACT

Head forward movement	protected
Head acceleration	good
Chest load	good

### SIDE IMPACT

Head containment	protected
Head acceleration	good

## PEDESTRIAN

Total 14 pts | 48%



<span style="display:inline-block; width:15px; height:15px; background-color:blue;"></span>	GOOD
<span style="display:inline-block; width:15px; height:15px; background-color:orange;"></span>	MARGINAL
<span style="display:inline-block; width:15px; height:15px; background-color:red;"></span>	POOR

HEAD	12 pts
PELVIS	0 pts
LEG	2,3 pts

## SAFETY ASSIST

Total 5 pts | 71%

### SPEED LIMITATION ASSISTANCE 1 pts

- active, optional Pass

### ELECTRONIC STABILITY CONTROL (ESC) 3 pts

- ESP Pass

Yaw rate ratio (1.00s) 2,11 %

Yaw rate ratio (1.75s) -3,33 %

Lateral displacement (1.07s) 2,58 m

### SEATBELT REMINDER 1 pts

- driver Pass

- passenger Not assessed

- rear Not assessed

## DETAILS OF TESTED CAR

### SPECIFICATIONS

<b>Tested model</b>	Ford Transit Custom, 2.2 diesel 'Trend' Kombi, LHD
<b>Body type</b>	Van-based people carrier
<b>Year of publication</b>	2012
<b>Kerb weight</b>	2091kg
<b>VIN from which rating applies</b>	applies to all Transit and Tourneo Customs of the specification tested

### SAFETY EQUIPMENT

<b>Front seatbelt pretensioners</b>	meeting fitment requirements
<b>Front seatbelt load limiters</b>	meeting fitment requirements
<b>Driver frontal airbag</b>	
<b>Front passenger frontal airbag</b>	meeting fitment requirements
<b>Side body airbags</b>	meeting fitment requirements
<b>Side head airbags</b>	meeting fitment requirements
<b>Speed Limitation Assistance</b>	meeting fitment requirements
<b>Electronic Stability Control</b>	
<b>Seatbelt Reminder</b>	driver only

## EURO NCAP ADVANCED REWARDS

2012 - Ford Lane Keeping Alert



## COMMENTS

### Adult occupant

The passenger compartment remained stable in the frontal impact test. Dummy readings indicated good protection of the knees and femurs of the driver and passenger dummies. However, structures in the dashboard were thought to present a risk to occupants of different sizes or those sat in different positions. The Transit Custom scored maximum points in the side barrier test with good protection of all body regions. In the more severe side pole impact, protection of the chest and abdomen was adequate while that of the head and pelvis was good. Whiplash protection was assessed by analysing the geometry of front and rear seats and head restraints. The assessment revealed marginal protection against whiplash in the event of a rear-end collision.

### Child occupant

Based on dummy results in the frontal and side impacts, the Transit Custom scored maximum points for its protection of both the 18 month and 3 year infants. In the frontal impact, forward movement of the 3 year dummy, sat in a forward-facing restraint, was not excessive and, in the side impact, both dummies were properly contained within the protective shells of their restraints, minimising the likelihood of head contact with parts of the vehicle interior. The front passenger airbag can be disabled to allow a rearward-facing child restraint to be used in that seating position. Clear information is provided to the driver about the status of the airbag and the system was rewarded. The dangers of using a rearward-facing restraint in that seat without first disabling the airbag are clearly labelled on the vehicle interior.

### Pedestrian

The bumper provided mixed protection to pedestrians' legs with good protection in some areas and poor or marginal protection in others. Similarly, in those areas likely to be struck by the head of a child or that of an adult, protection was mostly poor or marginal but was good in some areas. Assessment of the front edge of the bonnet was not appropriate owing to the shape and height of the vehicle.

### Safety assist

## TEST RESULTS

The Transit Custom has electronic stability control as standard equipment on passenger-carrying and commercial variants. A seatbelt reminder for the driver is also standard equipment. A driver-set speed limitation device is not fitted to all variants but is standard equipment in more than half of vehicles sold and met Euro NCAP's requirements for fitment and functionality.



Our neighbouring authorities have been consulted with regards to this condition, below are the conditions each authority have in relation to 5-8 passenger vehicles:-

### **Blaenau Gwent County Borough Council**

No seat should be required to be moved to allow any passenger to enter or exit the vehicle. All seats must face forward or backwards to the direction of travel. There must be a clear passageway to each row of seats.

### **Torfaen County Borough Council**

In the case of a vehicle that carries more than 4 passengers no seat should be required to be moved to allow any passenger to enter or egress the vehicle.

Vehicles that have 3 rows of seats, e.g. people carriers where seats have to be tilted or moved to give access to the rear row of seats will not be licensed unless one of the seats in the middle row is removed to allow unimpeded access to the rear seats. The seat removed to facilitate entry as described must have the mounting secured to prevent the seat from being easily re-fitted into the vehicle.

Where access to the rear seats is made through a gap between the seats in the middle row the gap must be a minimum of 30 cm to allow clear access to the rear seats

### **Newport City Council**

Each passenger shall have direct access to a door without the need to remove or completely fold flat other seating. Where passengers do not have direct access to an adjacent door, vehicles that have seats that “tilt” forward by a single operation will be permitted by the Council. A clear sign within the vehicle should clearly indicate the location of the handle that operates the tilt forward seat.

### **Caerphilly County Borough Council**

A vehicle presented for licensing for the carriage of more than four passengers, either structurally constructed or permanently adapted to the satisfaction of the Council’s Approved Examiner and authorised officers, for which an assessment fee may be payable;

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, RIGHTS OF WAY AND TAXI LICENSING COMMITTEE

DATE: 6<sup>TH</sup> MARCH 2014

REPORT AUTHOR: Senior Licensing Officer

SUBJECT: Hackney Carriage and Private Hire Licensing - Multi Purpose Vehicles

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REPORT FOR: DECISION

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## 1. INTRODUCTION

1.1 Under the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, Local Authorities have the power to grant Licences for Hackney Carriage and Private Hire Vehicles subject to a number of conditions.

1.2 In the interests of passenger safety, it is currently the policy of the Council to ensure that all licensed hackney carriage and private hire vehicles provide direct access and egress to a door for all passengers, this was agreed by the Council's Licensing Committee in 2002. The current licence condition reads:

***'All passengers shall have access to a door, openable from inside the vehicle, without the need to climb over the rear of any seat, or the need to lower the back of any seat.'***

1.3 This policy affects the licensing of MPV (Multi purpose vehicle) type vehicles that have two rows of passenger seats in the rear, sometimes requiring the permanent removal of a seat from the middle row to enable access to the rear row of seats and so allow the vehicle to be licensed. In such cases this effectively reduces the seating capacity of the vehicle.

1.4 Following a recent hearing, at which the licensing review panel were requested to consider licensing the full seating capacity of an MPV type vehicle licensed as private hire; the panel in conclusion requested that this policy be re-visited and reviewed if appropriate.

## 2. BACKGROUND

2.1 In 2002 when the Council adopted this policy it was in line with the way in which other authorities licensed Hackney carriages and Private Hire Vehicles. A benchmarking survey at the time found that more authorities in Wales had adopted this policy than had not.

2.2 In November 2003 the authority were challenged on this policy when a Hackney Carriage proprietor appealed at Magistrates court the decision of the Council not to licence the full seating capacity of his MPV.

2.3 At the appeal the authority presented in support the opinion given by ROSPA at the time:

*'It is RoSPA's view that all vehicles designed or used for public transport (including hackney carriages and private hire cabs) should provide adequate*

and ready means of access to each and every seat.

*Passengers should be able to exit the vehicle without having to climb over or move a seat or wait for another passenger to exit. (Passengers sitting in the middle of the rear seat would have to wait if they had passengers on either side of them).*

*Therefore, RoSPA supports the policy of many Licensing Authorities of limiting the number of seats in MPVs that are used as taxis or private hire vehicles to provide passengers in the rear with safe access to and from the vehicle.'*

The magistrates upheld the decision of the Council.

- 2.4 Since this case in 2003 the authority has not been challenged on this policy and the licence condition has not been reviewed or revisited.

### **3. CONSIDERATIONS**

- 3.1 The Department for Transport issues guidance to local authorities on Hackney Carriage and Private Hire Licensing, the most recent guidance issued in March 2010 states:

*'It may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).'*

*'The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used'*

- 3.2 The current view of ROSPA has been sought. Their e-mail response is attached at Annex A. In summary they state they are in the ambivalent position of supporting the policy of requiring passengers to be able to exit a taxi or private hire vehicle without having to climb over or move a seat, but not opposing local authorities who decide that the benefits of enabling people carriers to be used as taxis or private hire to carry one extra passenger outweigh the risk of passengers in the rearmost row struggling to exit the vehicle quickly in an emergency.
- 3.3 A recent benchmarking survey of authorities in Wales has revealed that the authorities retaining a policy on requiring direct access to all seats without the need to lower the back of a seat are now in the minority, with authorities who have reversed their decision citing that they had lost in court when the policy had been challenged.
- 3.4 The points above leave the authority in somewhat of a quandary as to what would be the best way forward. I have subsequently spoken directly with Michelle Harrington, Road Safety Manager at Rospa regarding this dilemma and she clarified their position as outlined in the e-mail message and also pointed out that whilst from a logical viewpoint it would appear that passengers who have direct access to a door are afforded a greater degree of passenger safety there was in fact no data or evidence to support this. She went on to say that the biggest factor, by far, influencing the safety of passengers in vehicles is the wearing of a seat belt.
- 3.5 One matter that may also be worth considering is that the general safety performance of cars will have improved in the 12 years **Page 23** policy was first adopted, all new cars are now subject to Euro New Car Assessment programme (Euro NCAP) which tests vehicles in

a variety of crash simulations. The star rating awarded to vehicles by NCAP and car safety features becoming an important factor in the marketing of vehicles by manufacturers.

#### 4 DECISION

4.1 Members are asked to consider the appropriate way forward given the considerations outlined above. The options are:

- **To retain the current policy and licence condition,**  
Based on the logical inference that passengers having direct access to a passenger door are not at risk of becoming trapped, they have a greater chance of escape from the vehicle in the event of an accident and are therefore safer. This view is supported by Rospa.
- **To reverse the policy and remove the licence condition.**  
This would be line with the 2010 Dft guidance suggesting that such a policy may be restrictive. In addition, by Rospa’s admission there is no data to suggest that passengers are any safer in a vehicle when they do not have direct access to a door, and finally that vehicle safety in the last 12 years since the policy was introduced has improved with safety features and Ncap testing now becoming important factors for manufacturers competing to market their vehicles.

Contact Officer	Tel:	Fax:	Email:
Sue Jones	01874 612263	01874 612323	susan.evans@powys.gov.uk
Relevant Policy (ies)		Hackney Carriage and Private Hire Vehicle Licence Conditions	

Relevant Portfolio Member(s):	Cllr John Powell
Relevant Local Member(s):	N/A

Further to my original appeal I have a few further points I wish to be included

In March 2014 Powys had an appeal made in relation to this policy prior to Monmouthshire's Appeal (June 2014) here are some statements from this not previously included in the last appeal

3.3 A recent benchmarking survey of authorities in Wales has revealed that the authorities retaining a policy on requiring direct access to all seats without the need to lower the back of a seat are now in the minority, with authorities who have reversed their decision citing that they had lost in court when the policy had been challenged.

3.4 The points above leave the authority in somewhat of a quandary as to what would be the best way forward. I have subsequently spoken directly with Michelle Harrington, Road Safety Manager at Rospa regarding this dilemma and she clarified their position as outlined in the e-mail message and also pointed out that whilst from a logical viewpoint it would appear that passengers who have direct access to a door are afforded a greater degree of passenger safety there was in fact no data or evidence to support this. She went on to say that the biggest factor, by far, influencing the safety of passengers in vehicles is the wearing of a seat belt.

3.5 One matter that may also be worth considering is that the general safety performance of cars will have improved in the 12 years since this policy was first adopted, all new cars are now subject to Euro New Car Assessment programme (Euro NCAP) which tests vehicles in a variety of crash simulations. The star rating awarded to vehicles by NCAP and car safety features becoming an important factor in the marketing of vehicles by manufacturers.

I have included the EuroNCap report for the Ford Tourneo for members benefit

I would also like to note that the Ford Tourneo is not a family vehicle and on the whole is not bought for families, it is made and sold as a commercial vehicle for the purpose of transporting people, it's seating arrangement is of full time positioning and has been designed and tested in accordance with all laws and regulations, it is being prevented from having it's full capacity utilised because of a council policy suggesting the vehicle is not fit for the purpose Ford produced it for!



<http://www.velocityjournal.com/images/org/2013/619/fd2014tourneocustom6195561...> 18/09/2017



Vehicle with three rear seats. Seat required to move forward before a passenger can enter or egress the back seats



Vehicle with two rear seats. Seat required to move forward before a passenger can enter or egress the back seats

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## MONMOUTHSHIRE COUNTY COUNCIL REPORT

<b>SUBJECT:</b> Wheelchair Accessible Vehicles
<b>DIRECTORATE:</b> Social Care, Safeguarding and Health
<b>MEETING:</b> Licensing & Regulatory Committee
<b>Date to be considered:</b> 26 <sup>th</sup> September 2017
<b>DIVISION/WARDS AFFECTED:</b> All Wards

### 1. PURPOSE:

- 1.1 To agree to the Local Authority maintaining a list of “designated vehicles”, that is a list of wheelchair accessible Hackney Carriage and Private Hire Vehicles in accordance with Section 167 of the Equalities Act 2010.

### 2. RECOMMENDATION(S):

- 2.1 It is recommended that:-

Members approve a list of designated wheelchair accessible Hackney Carriage and Private Hire Vehicles.

### 3. KEY ISSUES

- 3.1 The Equalities Act 2010, on 6<sup>th</sup> April 2017 introduced changes to encompass wheelchair accessible vehicles within the taxi trade. The changes in the Act gives licensing authorities the power to maintain a list of wheelchair accessible Hackney Carriages (Taxis) and Private Hire Vehicles (PHVs). This means that licensing authorities can choose whether they wish to maintain a list of designated vehicles. However, it is strongly recommended by the Secretary of State that all licensing authorities to do so, as the objective of this provision is improve the travelling experience for people who use wheelchairs. This list is solely for wheelchair accessible vehicles.
- 3.2 Prior to the change in legislation, the Licensing Section already held details of those vehicles that were wheelchair accessible. The current Taxi and Private Hire Policy and Conditions adopted by Monmouthshire County Council in 2016 also referred to disability awareness and the duties of drivers should a wheelchair user wish to use a Taxis or PHVs (See Appendix A). As such, it seemed logical to designate the list as measures were already currently in place.
- 3.3 The law did not state, the extent of the details that need to be placed on the list. To assist it's users and to ensure compliance, the 20 vehicles held on record as being wheelchair accessible were written to on 3<sup>rd</sup> May 2017. This letter explained that a list of designated wheelchair vehicles was to be placed on Monmouthshire County Council website, which if agreed by them, would include the following details;
- Licence Number
  - Car Registration Number
  - Vehicle
  - Total Passenger Capacity
  - Company

- Company Telephone Number

The letter further advised them that once they were placed on this designated list, the drivers of those vehicle must adhere to the following duties under Section 165 of the Equalities Act 2010:-

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

All 20 of those vehicle owners, agreed to being placed on the designated wheelchair accessible list and the list was duly placed on the Council's website.

- 3.4 However, at the Welsh Licensing Expert Panel Meeting held on 28<sup>th</sup> June 2017, it was recommended that Licensing Committees should agree to a designated wheelchair accessible vehicle be adopted by their individual Authorities, even though this was not stipulated within the changes under the Equalities Act 2010.

The reasons given were that an Authority can designated a vehicle as wheelchair accessible upon its list without the consent of the owner. The vehicle owner can then appeal to the Magistrates of the Authorities decision to be placed on the list. It is felt that if Committees have adopted this list, they can then hold a hearing if a person does not want to placed on a designated list prior to an appeal at the Magistrates Court.

Furthermore, it was noted at this meeting Section 166 of the Equalities Act 2010 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties. If no medical certificate is submitted from the Medical Practitioner stating reasons why the driver should be exempted from such duties the matter should be deferred to a hearing for a decision of exemption from such duties.

- 3.5 As such, this report requests the Licensing and Regulatory Committee to formally adopt a designated vehicle list of wheelchair accessible Hackney Carriages and Private Hire Vehicles.

#### **4. REASONS:**

- 4.1 To seek approval for the Licensing and Regulatory Committee to adopt on behalf of the Authority a designated vehicle list of wheelchair accessible Hackney Carriages and Private Hire Vehicles, as recommended by the Secretary of State.

#### **5. RESOURCE IMPLICATIONS:**

- 5.1 All Licensing fees and charges are recovered on a cost recovery basis.

#### **6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS**

- 6.1 The 'Future Generations' template is attached as Appendix B. The designated list of Hackney Carriage and Private Hire Vehicles will assist it's users.

**7. CONSULTEES:**

None

**8. BACKGROUND PAPERS:**

Equalities Act 2010

Monmouthshire County Council Taxi and Private Hire Policy and Conditions 2016

**9. AUTHOR:**

Linda O’Gorman

Principal Licensing Officer

**CONTACT DETAILS:**

Tel: 01633 644214

Email: [lindaogorman@monmouthshire.gov.uk](mailto:lindaogorman@monmouthshire.gov.uk)

## **APPENDIX A**

### **Monmouthshire County Council's Taxi and Private Hire Policy and Conditions 2016**

#### **Page 38**

#### **Disability Awareness**

17. The council requires all operators and drivers to be compliant with the provisions of the Equalities Act 2010, which has specific sections on private hire and hackney carriages not discriminating on the grounds of disability, including the requirement to carry assistance dogs of disabled people.
18. The council supports any form of transport that provides a service for disabled persons and encourages operators and proprietors to provide a 24 hour service for disabled persons. The council strongly encourages the provision of wheelchair accessible vehicles in private hire and the hackney carriage trade.
19. Drivers and operators are expected to have knowledge in safe methods of conveying disabled persons, wheelchair bound or not.
20. The council encourages all drivers to attend training on dealing with disabled people; this does not only include people in wheelchairs but knowledge of the needs of people with a wide range of disabilities.
21. Disabilities include; limited or restricted movement, sight or hearing disabilities, learning difficulties and mental impairment. This list is not exhaustive; the provisions of the current Equalities Act will be taken into account when determining if a person is classed as disabled.
22. Drivers of wheelchair accessible vehicles are advised to attend a recognised training course to ensure that they comply with health and safety requirements for handling and securing wheelchairs.
23. The council may review the licences of any driver/operator who is found to be deficient in disability awareness following a complaint. The lack of training/knowledge on the part of the driver/operator will not be accepted as a defence to the allegation.

#### **Page 54-55**

## **APPENDIX D**

### **HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE SPECIFICATION & CONDITIONS**

#### **Wheelchair accessible vehicles**

33. Where a private hire vehicle or hackney carriage is licensed as wheelchair accessible it should only be driven by a licensed driver who has a knowledge of conveying wheelchair bound passengers. Drivers of wheelchair accessible vehicles are advised to attend a recognised training course to ensure that they comply with health and safety requirements for handling and securing wheelchairs.
34. Before any movement of the vehicle takes place the driver must ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and

the brakes of the wheelchair have been applied and the electric motor switched off. A separate, approved, occupant restraint system must also be used.

35. All drivers must ensure that:
- a) Any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with Regulations. Section 100 of the Road Vehicles Construction and Use Regulations 1986.
  - b) They do not discriminate against any passenger who is disabled.
  - c) If their vehicle is not wheelchair accessible and they are approached or hailed by a passenger requiring to be carried seated in a wheelchair they must either:
    - Divert the passenger to a wheelchair accessible vehicle on the rank if one is available or,
    - Where possible use their phone or radio to contact an operator of a wheelchair accessible vehicle to arrange to collect the passenger as soon as possible.
36. It is the driver's responsibility to ensure that disabled passengers are not left unattended during access or egress to or from the licensed vehicle.

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## Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p><b>Name of the Officer</b> completing the evaluation</p> <p style="text-align: right;">David H Jones</p> <p><b>Phone no:</b> 01633 644100</p> <p><b>E-mail:</b> davidhjones@monmouthshire.gov.uk</p>	<p><b>Please give a brief description of the aims of the proposal</b></p> <p>To designate a list of wheelchair accessible Hackney Carriage and Private Hire vehicles in accordance with Section 167 of the Equalities Act 2010.</p>
<p><b>Name of Service</b></p> <p style="text-align: center;">Licensing Section, Regulatory Services</p>	<p><b>Date Future Generations Evaluation</b> form completed</p>

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***NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc***




**1. Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.



Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Ensures fairness and consistency across the taxi and private hire trade. Currently we licence 270 drivers across the County.</p>	

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	Reducing the age of taxi/private hire vehicles should reduce harmful emissions.	
<b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood	Adoption of revised policy improves disability access and awareness.	
<b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected	Guiding principle of the policy is that vehicles and drivers are safe, and suitable for conveying a variety of customers.	
<b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Some regional improvement, e.g. by collaborating on safeguarding training.	
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	Certificates and badges displayed to the public will be compliant with the Welsh Language Measures from 1 <sup>st</sup> April 2016.	
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances	All taxi/private hire applications are considered on their merits, in a fair and equitable manner.	



2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p><b>Long Term</b></p> <p>Balancing short term need with long term and planning for the future</p>	<p>Policy incorporates longer term improvement, be it safeguarding, disability awareness, etc.</p>	
 <p><b>Collaboration</b></p> <p>Working together with other partners to deliver objectives</p>	<p>Monmouthshire County Council collaborating with Torfaen County Borough Council to provide safeguarding training to drivers and operators.</p>	
 <p><b>Involvement</b></p> <p>Involving those with an interest and seeking their views</p>	<p>The Taxi and Private Hire trade to be consulted.</p>	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p><b>Prevention</b></p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Safeguarding children and vulnerable persons training will raise awareness and understanding, with the aim of preventing future problems.</p>	
 <p><b>Integration</b></p> <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>Policing, if adopted, would improve the passenger experience and provide a fair trading environment, when applied consistently across the County.</p>	

**3. Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link: <http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or [alanburkitt@monmouthshire.gov.uk](mailto:alanburkitt@monmouthshire.gov.uk).

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	The policy will provide a better service to the elderly, vulnerable persons, along with safeguarding children .		
Disability	The policy will provide better access to taxi/private hire vehicles along with delivery of the service to the disabled.		
Gender reassignment	<i>Consider the provision of inclusive services for Transgender people and groups. Also consider what issues there are for employment and training.</i>		
Marriage or civil partnership	<i>Same-sex couples who register as civil partners have the same rights as married couples in employment and must be provided with the same benefits available to married couples, such as survivor pensions, flexible working, maternity/paternity pay and healthcare insurance</i>		
Pregnancy or maternity	<i>In employment a woman is protected from discrimination during the period of her pregnancy and during any period of compulsory or additional maternity leave. In the provision of services, good and facilities, recreational or training facilities, a woman is protected from discrimination during the period of her pregnancy and the period of 26 weeks beginning with the day on which she gives birth</i>		

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Race	<i>Think about what the proposal will do to promote race equality with the aim of: eliminating unlawful discrimination, promoting equality of opportunity and promoting good relations between persons of different racial groups. Also think about the potential to affect racial groups differently. Issues to look at include providing translation/interpreting services, cultural issues and customs, access to services, issues relating to Asylum Seeker, Refugee, Gypsy &amp; Traveller, migrant communities and recording of racist incidents etc.</i>		
Religion or Belief	<i>What the likely impact is e.g. dietary issues, religious holidays or days associated with religious observance, cultural issues and customs. Also consider what issues there are for employment and training.</i>		
Sex	<i>Consider what issues there are for men and women e.g. equal pay, responsibilities for dependents, issues for carers, access to training, employment issues. Will this impact disproportionately on one group more than another</i>		
Sexual Orientation	<i>Consider the provision of inclusive services for e.g. older and younger people from the Lesbian, Gay and Bi-sexual communities. Also consider what issues there are for employment and training.</i>		

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Welsh Language	Badges, certificates and information provided to the public will be Welsh Language compliant from 1 <sup>st</sup> April 2016.		

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	The policy will introduce safeguarding children and vulnerable person training along with ongoing refresher training in order to incorporate any legal changes or policy changes.	<i>Safeguarding is about ensuring that everything is in place to promote the well-being of children and vulnerable adults, preventing them from being harmed and protecting those who are at risk of abuse and neglect.</i>	
Corporate Parenting	<i>This relates to those children who are 'looked after' by the local authority either through a voluntary arrangement with their parents or through a court order. The council has a corporate duty to consider looked after children especially and promote their welfare (in a way, as though those children were their own).</i>		

5. What evidence and data has informed the development of your proposal?

Safeguarding of children and vulnerable person training to be introduced following the Rotherham Council case, the ruling of this case asked if the Council took sufficient measures to ensure public safety and avoid child exploitation. The policy is introduced to ensure Monmouthshire County Council take such preventative measures in relation to exploitation.

**6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?**

The introduction of the policy will improve the service provided by the taxi/private hire trade as mentioned above.

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**7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.**

What are you going to do	When are you going to do it?	Who is responsible	Progress
Adhere to Welsh Language Measures with effect from 1 <sup>st</sup> April 2016.			
Ensure all licensed hackney carriage/private hire drivers and operators (including existing licence holders) conduct Safeguarding Children and Vulnerable Persons training.			

**8. MONITORING:** The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	1st April 2017 – with any proposed changes to the policy to be referred back to the Licensing and Regulatory Committee.
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**9. VERSION CONTROL:** The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
	Licensing Fees and charges are received on a cost recovery basis.		<i>This will demonstrate how we have considered and built in sustainable development throughout the evolution of a proposal.</i>

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