MONMOUTHSHIRE COUNTY COUNCIL
REPORT

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

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 15th 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 17th 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 1st April 2016 and 13th 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 comfor can be a factor before a vehicle is issued with a licence.

3.5 Following this request, on 8th 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 mush 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 15th 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:

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Appendix One

5-8 PASSENGER VEHICLE INSPECTION FORM

Name of Applicant:……..

Address of Applicant:…….,……

Vehicle Make:…….. Vehicle Model:……..

Vehicle Colour:…….Registration Number:……

	Pass	Fail
1. No seat should be required to be moved to allow any Passenger to enter or egress the vehicle.	☐	☐
2. All door handles must be of the same type and easily accessible and have an interior door release handle and clearly marked.	☐	☐
3. No access may be blocked by luggage.	☐	☐
4. All seats are constructed to seat adults and do not have a weight limit	☐	☐
5. All seats must be fitted with approved seat belts.	☐	☐
6. All seats face forward or backwards to the direction of travel	☐	☐
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).	☐	☐
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:	☐	☐

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 3rd 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 legisations. 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 commited 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

EURO NCAP
www.euroncap.com

Ford Transit Custom

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

2012 ★★★★★

84% ADULT OCCUPANT	90% CHILD OCCUPANT
48% PEDESTRIAN	71% 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**

FRONTAL IMPACT

Head forward movement	protected
Head acceleration	good
Chest load	good

SIDE IMPACT

Head containment	protected
Head acceleration	good

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**

FRONTAL IMPACT

Head forward movement	protected
Head acceleration	good
Chest load	good

SIDE IMPACT

Head containment	protected
Head acceleration	good

VEHICLE BASED ASSESSMENT	**8 pts**	**Airbag warning Label**	Text and pictogram on both sides of passenger sun visor

PEDESTRIAN

Total 14 pts | 48%

GOOD

MARGINAL

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

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

SAFETY EQUIPMENT

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

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;

Appendix Five

CYNGOR SIR *POWYS* COUNTY COUNCIL

PLANNING, RIGHTS OF WAY AND TAXI LICENSING COMMITTEE

DATE: 6TH MARCH 2014

REPORT AUTHOR: **Senior Licensing Officer**

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

REPORT FOR: **DECISION**

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 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.

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

Appendix Six

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 <u>not a family vehicle</u> 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!

Appendix Seven

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

Appendix Eight

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