

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT:	Hackney Carriage and Private Hire Driver, Vehicle and Operator Conditions
DIRECTORATE:	Social Care and Health
MEETING:	Licensing and Regulatory Committee
Date to be considered:	12th June 2018
DIVISIONS/WARDS AFFECTED:	All Wards

1. PURPOSE

- 1.1 To approve new MCC Taxi and Private Hire Policy 2018 and consider new safety measures for licensed vehicles.

2. RECOMMENDATION

To consider the amendments to the existing Taxi and Private Policy and Conditions adopted 13th September 2016 as follows;

- 2.1 To amend the policy in Section 6 and replace it with the recommendations from the Institute of Licensing 'Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades – published in April 2018'. Changes highlighted in red in the proposed Taxi and Private Hire Policy and Conditions 2018 attached as Appendix 1.
- 2.2 To amend the policy in Appendix A and N to accommodate the legal requirements by Immigration to check licence holders right to work in the United Kingdom. Changes highlighted in red in the proposed Taxi and Private Hire Policy and Conditions 2018 attached as Appendix 1.
- 2.3 To consider one of the following options to adopt in the proposed new policy:
- (a) To amend the policy allowing vehicles to be licensed for the full capacity of passengers as manufactured with new safety measures adopted (see below 3.15), which has the approval of the Royal Society of Preventions of Accidents (ROSPA). If adopted the proposed changes are highlighted in red in Appendix G of the proposed Taxi and Private Hire Policy and Conditions 2018 attached as Appendix 1.
- (b) To retain the current 5-8 passenger seat conditions referred to in the current Taxi and Private Policy and Conditions 2016, adopted 13th September 2016. The restriction being (i) No seat should be required to be moved to allow any passenger to enter or egress the vehicle. (ii) 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).

3. KEY ISSUES

- 3.1 The following proposals to amend the existing Taxi and Private Hire Policy and Conditions 2016, following either information received or as a result of legal changes.

Section 6 - Principles when considering applications and reviews of existing licences

- 3.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney carriage and Private Hire services. A person must satisfy the authority that they are a fit and proper person to hold a licence and each case will always be considered on its own merit. It is the final part of the process of an application when the decision is made, whether by the Licensing and Regulatory Committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgement as to their fitness and propriety.
- 3.3 It was recognised that there was disparity between Authorities on how they assess licences. As such the Institute of Licensing produced the Guidance on determining the suitability of applicants and licensees in the hackney and private trades, this was published in April 2018, with a recommendation for Authorities to adopt. The guidance was carried out working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.
- 3.4 It is recommended that this Authority adopts this guidance within its revised proposed Taxi and Private Hire Policy and Conditions 2018 as attached as Appendix 1 and referred to within 2.1 above.
- 3.5 The main changes are the timescales for dealing with information received, it contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.

Appendix A and N - Right to work requirements

- 3.6 The Immigration Act 2016 amended existing licensing regimes in the UK to seek to prevent illegal working in the private hire vehicle and hackney carriage sector, with effect from 1 December 2016. The provisions in the 2016 Act prohibit all licensing authorities across the UK from issuing to anyone who is disqualified by reason of their immigration status and they discharge this duty by conducting immigration checks. As such the policy, will be required to change in Appendix A and N, in order to accommodate this legislation. The changes required are highlighted in red in the revised proposed Taxi and Private Hire Policy and Conditions 2018 as attached as Appendix 1 and referred to within 2.2 above

Appendix G - Passenger access/egress conditions

- 3.7 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 and private hire vehicles, whereby type, size, design, safety and its comfort can be a factor before a vehicle is issued with a licence.
- 3.8 July 2002 - The Royal Society for the Prevention of Accidents (ROSPA) suggested passengers should have safe egress in the event of an emergency. In the interest of passenger safety a report was submitted to the Licensing and Regulatory Committee, where Members approved 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, without the need to fold a seat.

- 3.9 15th March 2010 – The Licensing and Regulatory Committee approved the updated condition referred to in 3.8 above, to include vehicles carrying more than 4 passengers and was not restricted to 7-8 passengers.
- 3.10 17th June 2014 – Members considered within the Licensing and Regulatory Committee, following a request from the trade to remove the condition that requires access and egress without the need to move another seat. 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.
- 3.11 1st April 2016 and 13th September 2016 the Licensing and Regulatory Committee adopted the Taxi and Private Hire Policy and Conditions 2016. The policy adopted on the 13th September 2016 is currently in place and is subject to revision within this report and is referred to within the recommendations in Section 2 above. It must be noted that on both Committee hearings to amend the policy, access and egress without the need to move another seat was retained within the policy.
- 3.12 26th September 2017 – The Licensing and Regulatory Committee reconsidered the policy following a request from a member of the taxi trade to remove the condition that requires access and egress without the need to move another seat.

At this hearing the proprietor supplied the EuroNCap attached as Appendix 2 this is the safety test manufacturers provide for every vehicle before the vehicle is sold to the public.

Also within this hearing consideration was given to the Powys County Council report that was submitted to their Licensing Committee on 6th March 2014 regarding their policy on passenger safety, attached as Appendix 3. Powys County Council decided at this hearing to remove the condition regarding folding seats. The Powys County Council report attached as Appendix 3 referred to a Magistrates Court hearing, recommendations made by the Department of Transport (Dft) and ROSPA before they came to their decision.

Licensing Officers at that time consulted with Licensing Expert Panel of Wales, for Authorities in Wales to give their policy on this matter. The Authorities that responded are referred to in Appendix 4. Two other Authorities stated they required clear access to a door with similar restrictions to Monmouthshire

Members of the Licensing and Regulatory Committee viewed a variety of makes and models and also photos were submitted of such vehicles these photographs are attached as Appendix 5 and 6.

After hearing all the evidence put before them Monmouthshire County Council's, Licensing and Regulatory Committee retained the condition referred to in 3.10 above.

- 3.13 15th March 2018 - Monmouthshire held a Talk Transport Event, whereby numerous proprietors informed us they are struggling to purchase reasonably priced vehicles that comply with the current 5-8 passenger conditions requiring clear access/egress for passengers without moving/tilting a seat. Monmouthshire is currently conducting a Transport Review and has taken into account the feedback of the Transport day. The Transport Review has highlighted inconsistency with Monmouthshire Passenger

Transport Unit (PTU) encouraging external companies to bid for Monmouthshire contracts, using vehicles with 8 passenger seats (including vehicles with folding seats) when the same vehicles would not be licensed by Monmouthshire County Council. Therefore, preventing those holding a licence with this Council partaking in such contracts. In light of this fact, the PTU have provided figures on the potential cost to Monmouthshire should our Policy not change.

“There are currently 49 home to school transport contracts where an 8 seat vehicle is specified for use. If we were unable to specific the use of an 8 seat vehicle given the limited number of licensed vehicles available we would have to increase vehicle capacity to 12 seat PSV vehicles. Through cost analysis of current contracts the difference between an 8 seat and 12 seat vehicle can vary substantially dependent on area and whether the contract is ALN. It is difficult to quantify the financial impact of retendering all 8 seat contracts as 12 seats, but a conservative estimate of £20 per vehicle would result in increased costs of £186k per annum. We would also have significant concerns over vehicle and driver availability to fulfil the additional PSV 12 seat contracts.”

- 3.14 The Transport Review also highlighted concerns that individual licensing officers are currently required to assess if a vehicle has clear access with a suitable gap for passengers to enter/egress the vehicle without a set width of a specific distance. Therefore one officer may deem a gap adequate and another officer may not. Whilst licensing officers are trained on basic vehicle checks officers are not qualified to comment on vehicle standards or safety.
- 3.15 25th May 2018 – Following the information received in 3.12 and 3.13 above, the Licensing Section consulted with the taxi trade for their views if the condition regarding folding seats and the restrictions that may affect the trade as a whole. The responses are attached as Appendix 7. Proprietors have also reported they are retaining older vehicles, reluctant to replace with newer models in fear of Monmouthshire requesting a seat be removed. To demonstrate the scope and age of our vehicles currently licensed for 5-8 passengers please see the current vehicle fleet attached as Appendix 8.

Amongst the responses from the taxi trade a proprietor mentioned the modern vehicles having extra safety for children with isofix seats. Isofix points within vehicles enable child car seats to be plugged into the corresponding fitting points in the car, removing the need to use the car’s seat belts to secure the seat. An additional top tether or supporting leg is used to prevent the child seat tilting or rotating in an impact. From November 2012 isofix is mandatory within every car with more than two seats. Licensed vehicles use children’s car seats when transporting children up to the age of 12 or height of 135cm tall (whichever comes first) as required by legislation.

- 3.16 31st May 2018 – Although cost implication are an important factor for the Transport Review and the taxi trade, this is not a matter that would be considered for Licensing purposes, where safety is paramount, not only the trade themselves but for the public that use such vehicles. As such, Licensing sought the views of ROSPA and if they had any recommendations should the condition to not have a folding seat be removed. On 31st May 2018 ROSPA provided the following response;

RoSPA understands that licensing conditions imposed by local authorities with regard to Multi-Purpose Vehicles (MPVs) still vary across Wales and beyond. “RoSPA’s views are unchanged from our 2014 response and the safe egress of all occupants in the event of an emergency should remain the priority. We note the alternative seating policy now operated by Basildon District Council, which in

essence allows seats that have to be moved in order for passengers to enter or exit the vehicle, provided the vehicle has:

- *at least three doors to the passenger compartment*
- *clear signs on how to lift the seats in the second row*
- *operating levers to lift the seats that are coloured yellow or orange*
- *windows on the near and offside of the rear row of seats that can be used as exits in an emergency, with window exit signs*
- *a quick release device on the rear door for use in an emergency if one of the side passenger doors is inaccessible in an accident*

This type of policy seems a reasonable way of mitigating the risk of passengers in the rearmost row struggling to exit the vehicle quickly in an emergency because they have to climb over or move another seat. However, it still leaves some risk that egress could be impeded; on the current level of data and knowledge available it does not seem possible to be certain whether this option is best.”

It is following this response from ROSPA, that the recommendation to remove the condition, subject to further provisions highlighted in red in Appendix G of the proposed Appendix 1 of the proposed Taxi and Private Hire Policy and Conditions 2018 as stated in 2.3(a). The further provisions proposed are as follows, not taking into consideration Basildon District Councils view of having the quick release device on the rear door as most models do not have this facility;

- All vehicles must have at least 3 doors for passenger access/egress.
- Clear signs indicate how to tilt the seat from the rear row pointing to the handle/leaver/or other mechanism.
- All handles/ leavers or other mechanisms used to fold or tilt a seat are painted illuminous yellow or orange.
- In a row of seats without clear access to a door there must be windows on both sides of the vehicle and the proprietor must not laminate the glass with any extra window tinting over and above the design of the manufacturer.

4. REASONS

Members consider and adopt the proposals to amend the current Taxi and Private Hire Policy and Conditions 2016, stated in the recommendations of section 2 above. The proposal will provide uniformity and clarity to the trade, whilst upholding safety requirements.

5. RESOURCE IMPLICATIONS

Costs will be part of cost recovery and fee setting.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

The ‘Future Generations’ template is attached as Appendix 9.

7. CONSULTEES

Wales Licensing Expert Panel
RoSPA
DVSA
Passenger Transport Section
MCC Transport Review Group
Licensed Monmouthshire County Council Drivers/Proprietors/Operators

8. BACKGROUND PAPERS

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Institute of Licensing – Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018

9. AUTHOR:

Linda O’Gorman, Principal Licensing Officer

Leigh Beach, Licensing Enforcement Officer

10. CONTACT DETAILS:

Tel: 01633 644214

E-mail: lindaogorman@monmouthshire.gov.uk

E-mail: leighbeach@monmouthshire.gov.uk

TEST RESULTS

Ford Transit Custom

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

20



ADULT OCCUPANT



PEDESTRIAN

ADULT OCCUPANT

FRONTAL IMPACT

12,8 pts



Driver



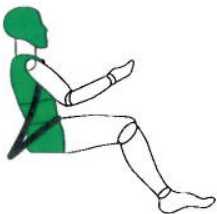
Passenger

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	Steerin box
Concentrated loads on knees	Steerin box

LOWER LEGS AND FEET

Footwell Collapse	none
Rearward pedal movement	clutch -
Upward pedal movement	clutch -

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

TEST RESULTS

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

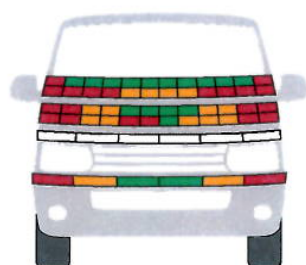
8 pts

Airbag warning Label

Text and pictogram on both sides of passenger sun visor

PEDESTRIAN

Total 14 pts | 48%



GOOD (Green)
MARGINAL (Orange)
POOR (Red)

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

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.

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

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

Licence vehicles to carry the number of passengers stated in the vehicle registration certificate (log book) minus the driver.

Statement - “We found that having all vehicles with moveable seats be approved by committee too onerous on all involved.”

Powys County Council

No folding seat restrictions

Herefordshire Council

Herefordshire 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.

Appendix Five



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

Emails received from our currently licensed Drivers, Proprietors and Operators regarding the 5-8 passenger tilting/folding seat requirements.

Requesting removal of condition

1. It wont affect me either way but I have always wondered why vehical manufacturers deem these vehicasl safe for families to travel in but Monmouthshire Council don't so for me they should be allowed.
2. I would say that this could be allowed as these vehicles are rigorously safety tested by the appropriate agencies for the manufacturers. As long as this seat is checked daily to ensure full working order as it should be. Other councils allow these type of vehicles to be used so I feel we should not penalise our operators. It also brings into question that other Council operators are allowed to operate in our County doing School runs in these vehicles.
3. I would like to confirm that i think the the ruling for licencing 5-8 seat vehicles with folding seats should be changed. Vehicles leave the factory with folding seats and are save so this should be reflected in MCC policies.
MCC is behind the times with these vehicles and are making it hard for operators wishing to update their vehicles as all the newer 8 seat minibuses have folding seats.
4. We would very much like this to be introduced and the removal of the folding seat condition

Vehicle manufacturers spend a considerable amount of money to ensure safety and access, they would not make vehicles unsuitable. Whether it be for own use or as a licenced vehicle, the safety of the occupants is still the same. By removing a seat in line with the folding seat condition, we are limited not only to the PTU contracts we can offer, but to the prices we have to charge to enable us to effectively pay for the transport. We feel that the time spent and ease to fold the chairs and exit from the minibus that the manufacturer has designed should be acceptable. All people are equal, and paying customers or a minibus for home use is still people travelling in a minibus. The Euro Ncap reports (who give safety marks on vehicles and are the benchmark) have given our minibus that is effected a 5 star rating WITH all seats in. If there was a safety issue, then it would not have such a hgh trating. Please see the report attached.

Also see NCap video for safety on passanger occupancy in the rear of the Custom :

<https://www.euroncap.com/en/results/ford/transit-custom/10925>

I refer in particlular to adult and child safety paragraphs :

Adult occupant 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. 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.

I feel that in relation to our Transit Custom which we have removed a seat, these safety factors and the ease of design should allow us to have all seats fitted.

5. I feel that the rule should be removed.as modern 5/8 seater's have under gone goverment safety checks and have been found to be safe for purpose.I would also put forward that any 5/8 seater's be restricted to an age limit of 10 years for licencing as they do not meet enough safety requirements brakes lights seatbelts extra.
6. I would like to see the regulation changed so we can have a seat put back in to make it an 8 seater passenger carrying vehicle.
7. I operate an 8 seater Renault Traffic that I have had to plate under Monmouthshire Licencing to only carry 7 passengers, I think this vehicle should be able to carry 8 as this is what the vehicle was designed to do, I would of thought Renault would of carried out the legal requirements needed before making this vehicle, I used to be licenced under Newport Council with the same vehicle where it was licenced for 8 passenger and never had a problem doing this.

I agree that you have to tip 1 seat forward to get out from the back, which takes no longer as the middle row can get out from the drivers side as there are 2 doors to get the passengers out from on most minibuses so in all including the rear door my vehicle has 5 doors.

So yes I would like to be able to licence this vehicle to carry 8 passengers.

8. I don't feel there is a safety risk for Passengers if folding seats are in a vehicle.
The vehicles are VOSA tested and approved for use on U.K. roads up to the Passanger capacity, why is this not a good enough test for use as a taxi.
The construction and use is no different so I don't believe personally that any restrictions or extra safety measures are necessary.
Thank you for consulting us on this issue and I look forward to the outcome.
9. I would like the conditions removed . I have a peugeot 5008 exec 7 seater but mcc will only licence me for 4 passengers. I am not allowed to carry my family in it !!! . I have 5 kids and a wife .
It borders on farcical that other authorities licence this vehicle for its capacity of 6 passengers. So does my insurance but mcc does not .
There should be central rules that all councils follow not a different set for every council
10. I would like it to change as it's causing a real nuisance and preventing me on fulfilling taxi work
- 11.

We would like to have the condition of only having 7 and 5 seater vehicles removed as I think we are one of the only ones with a 6 seater licensed which we do have a lot of work for. We would like to upgrade our fleet but due these conditions we don't wish to lose the work that we already have. We also cannot upgrade our fleet as we will be unable to bid on school contracts, as they require 6 and 8 seats on some contracts.
The busses that we own at the moment which are disabled vehicles we want to upgrade them as they are getting rather old. We have looked at upgrading our minibuses 18 months ago but as this condition is in place we would not be able to licence them as an 6 seater or an 8 seater. This condition severely restricts our ability to bid on school contracts, also some of our TV productions work. We think that it is unfair as other councils in the surrounding areas are now going to be able to bid on Monmouthshire councils school contracts, and they are able to use 6 and 8 seater vehicles. We would also like to upgrade our 6 and 8 seater vehicles as our minibuses are 2.4ltrs however the new vehicles that are available are 1.9ltrs and are also a lot more fuel efficient, which makes a big impact on the environment. If you have any further queries or questions I will gladly make myself available for your meeting. As we employ 27 people we would respectfully ask that this condition would be removed so that we can make plans for the future.

12.

At the moment Monmouthshire Private Hire and Hackney vehicles are subject to a restriction of seating capacity, ie six seaters and eight seaters are normally only allowed to have seats for five or seven passengers, however surrounding authorities have no such restriction.

Monmouthshire operators are at a competitive disadvantage with other operators, therefore, especially when it comes to school contract tendering we give one example: A six seat vehicle is specified for a contract, this means a Ford Galaxy 1.9ltr vehicle cannot be used as one seat must be removed. A seven seat vehicle is, therefore, necessary, a Ford Transit short wheel base with a 2.2ltr engine must be used. This is bigger, heavier and more expensive to operate.

It is not unsafe to operate six/eight seater vehicles as they are allowed to operate elsewhere.

There are a very limited amount of number of eight seat vehicles with rear facing seats in the passenger (rear) area but there is also alot of customers who will not travel in such vehicles. We suspect it would also be a problem for certain children as carry at the moment.

We, therefore, respectfully ask that this policy be re-assessed by the licensing committee and that the taxi association representative(s) be present during all or part of the re-assessment. One "rep" has a good deal of technical expertise in this matter.

13. In response to the question on supporting the 5-8 seat policy to change in regard to the folding seat I do indeed remain supportive of this change, I will however point out that since my appeal in September nothing substantial has changed to my best knowledge for anything to be looked at in a different way in relation to this folding seat. The committee decided to keep the rule in place as they all agreed they wouldn't be happy travelling in this way, Councillor Strong even went on to say how he "would not want to be part of a council that changed this rule". The factor that I see is bringing this relook about is that of a financial one on the council's part as it's clearly been stated they are looking at their own vehicles, I am also aware that school contracts are overdue for tender and this policy has an impact on school runs. May I point out that in my original appeal I pointed these issues out myself. It was also firmly stated by a senior licensing officer during the visit at the Raglan depo that cost is not a factor in terms of the rule being changed. It is for these reasons I cannot see how it can be changed and if it is then I shall seek to take further action.
- I will attend the meeting if possible, however, in terms of speaking I feel it somewhat inappropriate, my appeal meeting taught me that whilst I might speak it doesn't mean I'll be listened to as the decision will no doubt already be made given the reasonings for the relook.
- My appeal in September taught me a lot about how things are done within the council and to be honest I was a very naïve individual going into it, I have seen many issues that cause concern and I would actually like to speak with maybe a member or 2 of the committee at some point, I feel there are some genuine public safety issues as well as vehicle safety issues and others that need to be addressed.

14. I think it's a good idea to change the rules on removing a seat

15. I am writing this letter on behalf of myself _____ and company _____ of Abergavenny, asking licencing authorities and committee members to consider lifting the exciting conditions regarding 8 / 6 seater licence vehicles
- Reasons for this request

Now that monmothshire county council PTU have opened the door to outside licencing authorities it has left a very unfair playing field for licenced operators of monmothshire county council, due to other licencing authorities not having conditions regarding 8/6 seaters, leaves us operator's wide open to a massive dipping trade as we can no longer tender for these contracts.

I have got two 8 seater transit tourneo mini buses that I would like to up date , but because of these conditions these buses are going to have to work on as it's nealy impossible to find a realistic price range exchange as all NEW ford. transits does not match your conditions which means I would lose a seat and 2 school contracts as these are 8 seater contracts, I can't believe that the multi million pounds car manufacturers spend on safety of their passagers and the terms and conditions exciting, are saying that it's not safe , which I find it hard to believe

If I was to buy a vehicle to replace my existing 8 seater, I would have to pay an additional cost to alter the seating arrangement to conference seating and this is something that I will not do as I have built my business on not expecting my customers to do something that I couldn't do myself by traveling backwards and for everybody who is reading this letter, I am asking you to please be honest and think about whether you would like to travel to the airport backwards, I think if I was to ask my customers whether they would like to travel facing forwards or facing backwards I think we all know the answer

So please can you take my letter into consideration and don't let your own operator's be at a disadvantage to outside authority operators.

16. I am writing this email regarding the lifting of conditions for 6/8 seater vehicles on behalf of myself _____. I would like the licensing authority and all committee members to consider lifting the existing conditions regarding seating arrangements on 6/8 seater vehicles.

As Monmouthshire County Council Passenger transport units are allowing outside licensing authority's to tender for school contracts, as they have no conditions with regards to 6 and 8 seater vehicles, this has left great disadvantages for licensed operators of Monmouthshire County Council and a big loss in revenue as we can no longer tender for such contracts.

The safety aspect makes no sense as the firms that make these vehicles would not spend billions a year on safety if it deemed unsafe for the general public. Companies who buy new vehicles are then asked to remove a seat which is at cost to them, in order for them to meet Monmouthshire County Council's guidelines for such vehicles.

Conference seating is allowed but if you conducted a survey on how many people like to travel backwards, I think you will find that the overall majority would not.

17. I would like to extend the seating to 6 and 8 seater as we all seem to be turning away a fair amount of work, especially at weekends.
I am confident the extra seating would be safe as the manufacturers wouldn't make as many models aimed towards businesses such as ours.
Isofix seatbelts are also included as these provide extra safety.
18. I would like to approve the removal of the (folding seat condition)
19. In regards to the folded seat policy I feel that this should be scrapped all the 6 seater cars and buses have been tested and approved fit for purpose by the main dealers if it's that much hassle to exit in an emergency why not have glass hammer fit in the vehicles (This view was submitted x3 times by different drivers).
20. As a taxi operator in Abergavenny I feel the need to put the extra seating in the vehicle as I get a lot of enquiries in which I cannot accommodate as I've only got 7 seats and also feel if the seating wasn't safe the manufacturer would not provide these vehicles in which they have been fully checked and tried

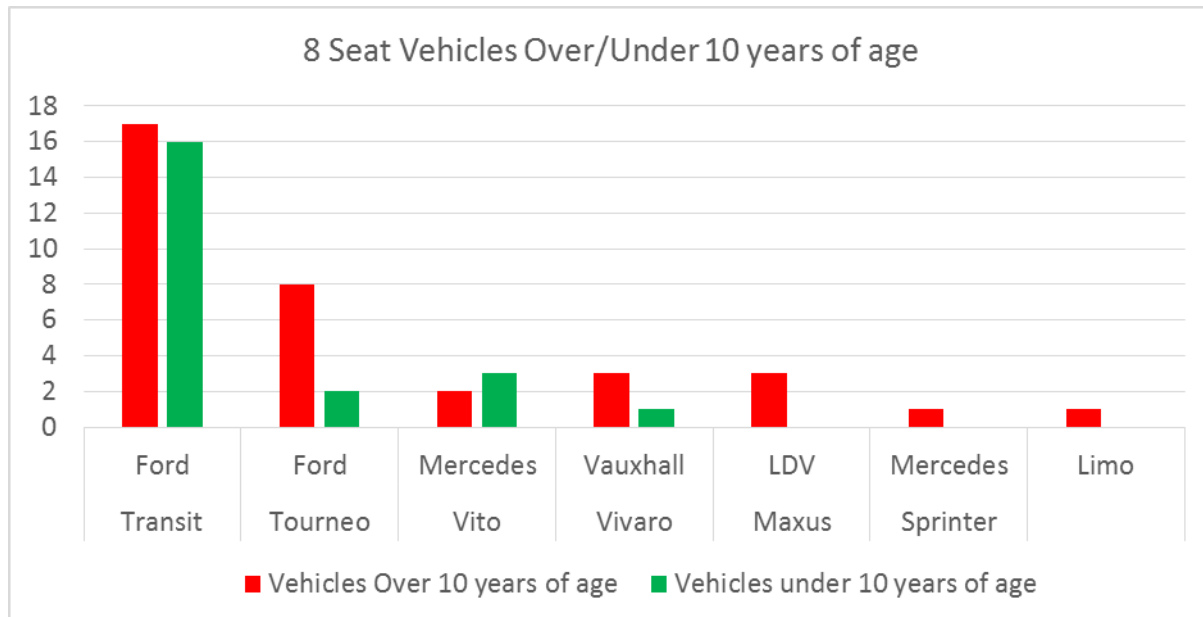
Requesting the condition remains

1. I believe condition 5 should stay as it has been in place for a number of years.
The condition makes it a lot safer as a passenger to get in and out easier and also a lot more graceful.

Current vehicles licensed with Monmouthshire CC with 5-8 passenger seats

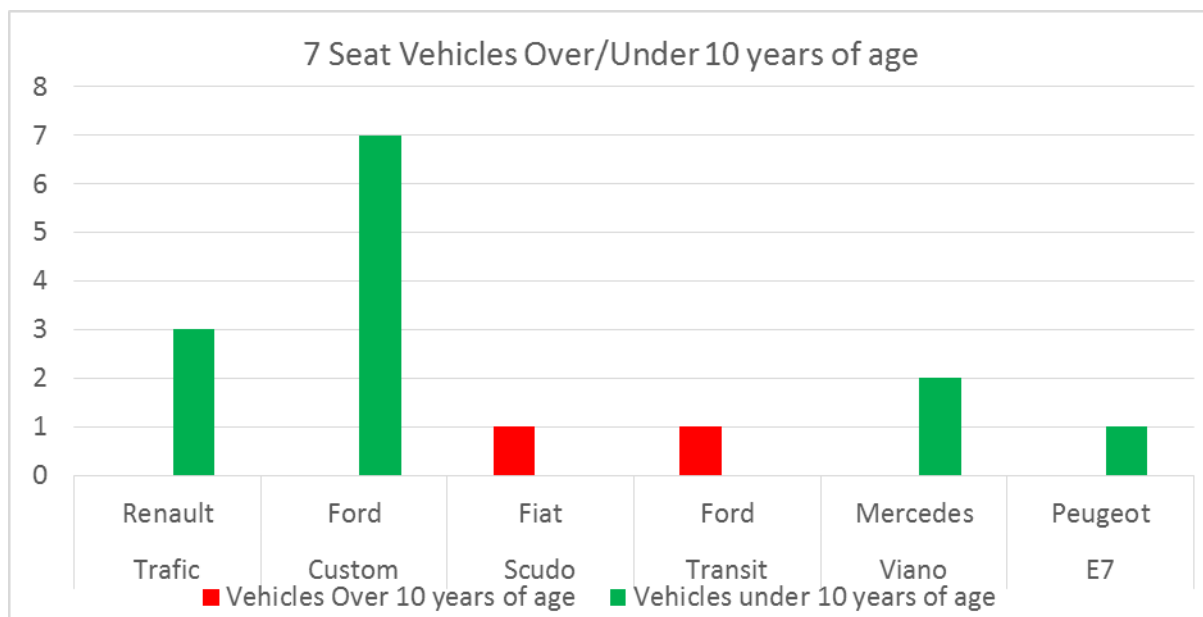
8 Passenger Seats

There are high numbers of 8 seat vehicles over 10 years of age because the current licensed proprietors are reluctant to replace and lose a passenger seat.



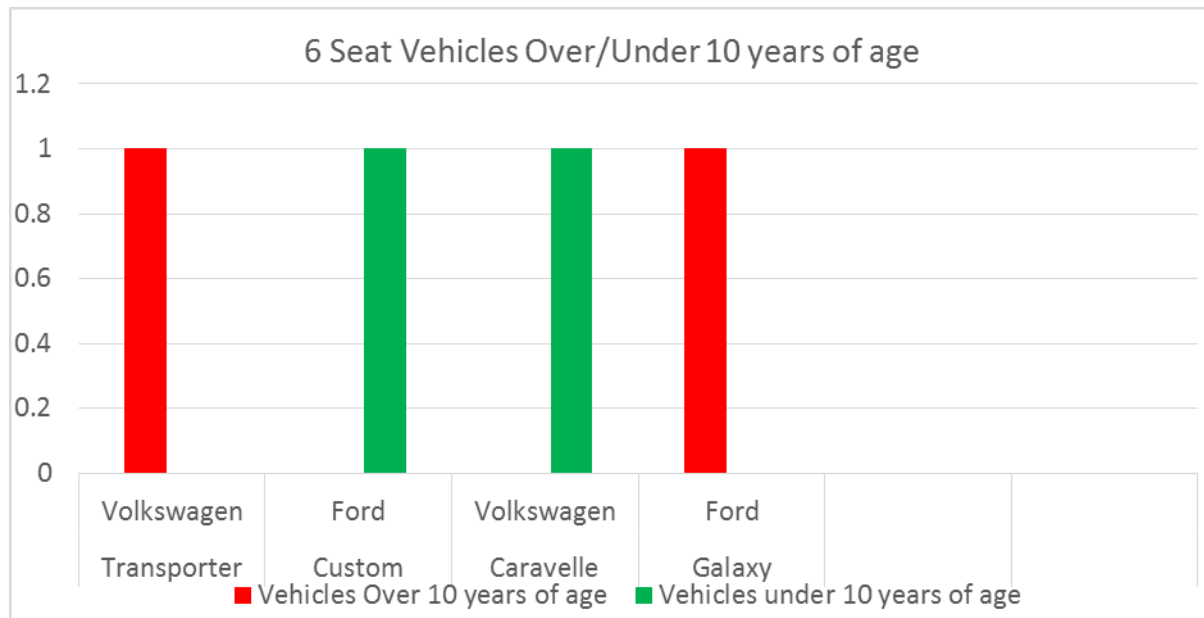
7 Passenger Seats

The graph below includes vehicles that are registered as 8 seats but due to current policy restrictions were required to remove a seat and is licensed for 7 passengers. However, also included are those registered as 7 seats.



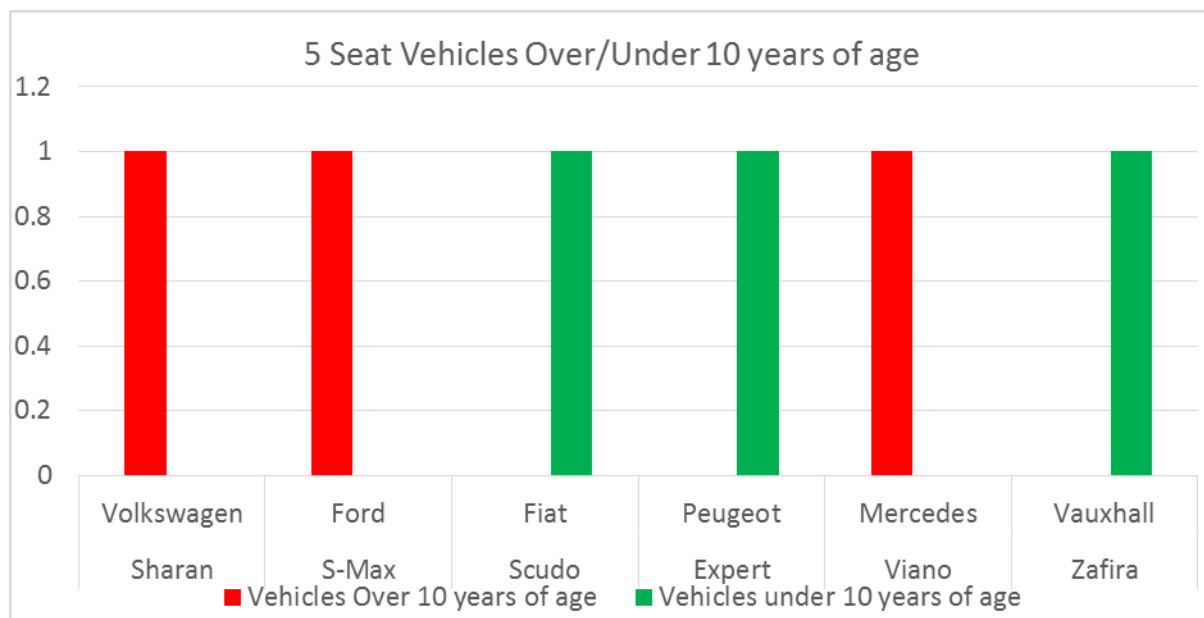
6 Passenger Seats

There are two vehicles here over 10 years of age because the manufacturers are reluctant to replace with a modern vehicle and lose a passenger seat.



5 Passenger Seats

There are 3 vehicles over and under 10 years of age.



Percentage of vehicles 5-8 seats licensed with seats removed

The below chart shows the high quantity of vehicles currently licensed for 5-8 passengers when the manufacturer designed them to carry more passengers. 33 were required to remove seats.

