

Report to Licensing Committee

Report Reference: LCS-005-2014/15

Date of meeting: 8 October 2014



**Epping Forest
District Council**

Subject: Public Hire Vehicle Licence Conditions

Responsible Officer: Jim Nolan (01992 564083).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To consider allowing the use of MPV style vehicles as public hire vehicles;**
- (2) To consider what conditions, if any, should be attached to the use of MPV's and to amend the Councils standard conditions accordingly;**
- (3) To consider the use of vehicles having accommodation for less than four passengers as public hire vehicles;**
- (4) Following on from recommendation 3 above, to consider the minimum number of passengers/doors such a public hire vehicle may be licensed to carry; and**
- (5) To review the rules concerning advertising on public hire vehicles.**

Report:

1. At the last meeting of the Licensing Committee on 9 April 2014 a report was requested on new vehicles and new technologies associated with the taxi trade, including implications for the use of people carriers, three door vehicles and electric vehicles.

2. A situation has arisen concerning advertising on vehicles which is outlined in the report, additionally Members are asked to take this opportunity to review the public hire vehicle conditions in general and where appropriate to suggest updates to them. A copy of the current conditions is attached.

People Carriers (MPV's)

3. These are vehicles that are designed to carry between five and eight people and typically have an extra row of seats to the rear of the driver. These vehicles current do not comply with our licensing conditions for vehicles because they do not have:

"A minimum of four doors, each adjacent to a seat ..."

4. The use of these vehicles is increasing in the public hire trade and is chiefly lead by public demand. There are, however, safety issues to be considered, the main one being that passengers in the rear row of seats have to move a seat in front of them before they can exit the vehicle. This may cause a delay in an emergency situation.

5. Opinions in the public hire and safety communities are mixed as to the degree of risk associated with this. Some Local Authorities feel that the risk is acceptable, some that these vehicles should be adapted by removal of one of the seats - see picture below.



The above configuration commonly has two, not three seats in the rear row.

6. Even with this configuration it could be argued that two of the passengers are not seated adjacent to a door.

7. Some Councils have a condition which specifies the minimum gap through which a passenger may pass to exit the vehicle the usual figure being 300mm. There are, presumably, vehicles whose side doors open wide enough to accommodate this.

8. The Department for Transport (DfT) in their “Taxi and Private Hire Vehicle Licensing: Best Practice Guidance” state:

“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)”.

9. In response to the DfT consultation “Taxi and Private Hire Vehicles – Consultation on Draft Best Practice Guidance”, the Royal Society for the Prevention of Accidents (RoSPA) commented on the suitability of MPV’s as follows:

“The most common enquiry that RoSPA receives from licensing authorities concerns the use of People Carriers (MPVs) that have more than 3 rear seats as taxis or PHVs. RoSPA and many licensing authorities are concerned that some models of MPV are not suitable for carrying as many passengers as there are seats. Passengers should be able to exit the vehicle without having to climb over or move a seat. 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.”

10. Irrespective of the seating configuration it is essential that there must be a door on each side of the passenger compartment to allow emergency egress in the event of a side impact collision.

11. It can be seen that opinion is mixed as to the suitability of these vehicles. Members are asked to consider the suitability of the vehicles and if found to be suitable to decide on any conditions which shall be attached to their use.

Vehicles Carrying Less Than Four Passengers

12. There are now a number of vehicles on the market which are designed to carry less than four passengers. There are various configurations available the most common being a four door vehicle with a driver and passenger seat in the front but with only two seats in the rear.

13. Presently these vehicles cannot be licensed because they do not comply with our licensing condition which states that a licensed vehicle must have "accommodation for not less than four passengers". A recent application of such a vehicle was refused by Officers but granted on appeal to Members.

14. There are no reasonable safety concerns associated with the use of such a vehicle and the trade have stated that there is a niche for them because many are electrically powered. Whilst this Council does not have any restriction on the use of electrically powered vehicles the restriction on the minimum number of seats may inadvertently preclude the use of many examples of this type of vehicle.

15. In addition to the above there are vehicles available which can carry up to three passengers but which only have two doors. See picture below:



16. Members are asked to consider the use of this type of vehicle as a public hire vehicle.

17. The removal of this condition completely would allow the possibility of two and three seater cars being used as public hire vehicles, Members may wish to consider the implications of this.

Advertising on Vehicles

18. It has come to officers attention that some drivers are starting to advertise on the roofs of their vehicles (see picture below).



19. This contravenes our current licensing conditions which state that Hackney Carriages shall have an illuminated sign bearing the word taxi and that Private Hire vehicles must not have any sign on the roof. In addition third party advertising is permitted on the doors and internally on the back of the seat headrests of all public hire vehicles subject to the Council retaining the right to request removal of any particular advertisement that is considered offensive, harmful to health or considered unsuitable.

Resource Implications:

None.

Legal and Governance Implications:

Regulation of Public Hire Vehicles.

Safer, Cleaner and Greener Implications:

Possible exclusion of some low emission vehicles from the public hire fleet.

Consultation Undertaken:

None.

Background Papers:

None.

Risk Management:

None.