

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Director of Technical & Environmental Services
to

Licensing Committee

on

13 February 2006

Report prepared by: Allan Evans

Request to Operate a Peugeot 807 Multi Purpose Vehicle with Full Seating Capacity

A Part I Public Agenda Item

1. Purpose of Report

- 1.1 To consider a request from Mr Leslie Webb to waive the Private Hire Licensing Conditions listed below, which would, if granted, permit a Peugeot 807 motor vehicle to be licensed as a Private Hire Vehicle for six seats and the carriage of six passengers.

Condition 1(b)(i)

Rear seat accommodation of between two and six persons.

Summary of Conditions Footnote

All relevant facts will be taken into account when consideration is given to an applicant for a Private Hire Vehicle Licence and it may be that additional or higher standards will be imposed.

2. Recommendation

- 2.1 **That Members give consideration to the application by Mr Webb to licence his vehicle for six seats.**
- 2.2 **It is recommended that the application be rejected and the higher standards imposed by conditions on the grounds of safety recommendations be upheld in this instance.**
- 2.3 **For future clarification new Hackney Carriage/Private Hire Vehicle licensing conditions (1(b)(ix) for Private Hire Vehicles and 1(a)(ix) for Hackney Carriage) be agreed as follows: "No seat shall need to be moved or tilted before passengers can enter or exit the vehicle."**

3. Background

- 3.1 Licensing Conditions lay down minimum standards for vehicles set by Licensing Committee. These include criteria for suitability, age, comfort and dimensions to ensure that suitable vehicles are used for public and private hire (**Appendix 1**).
- 3.2 Since their inception many years ago, this Authority has adhered to the model standard for safety guidelines and recommendations as set by the National Association of Licensing and Enforcement Officers (**Appendix 2**). Under the section of this model standard for passenger seating, the safety guideline is as follows:

'Passengers need to enter and exit in safety. So as not to impede access, no seat should need to be moved or tilted for this to occur' (**Appendix 2**).

To conform with these guidelines, some Multi Purpose Vehicles (People Carriers) which have a middle row of seats are required to have a seat removed to give free and unrestricted access and egress to the rear seats. This is done for reasons of safety and comfort for fare paying

customers, who are entitled to expect a higher standard than when the vehicle is used for domestic purposes. Furthermore, a two door saloon car cannot be licensed, as to gain access to the rear seats of such a vehicle would require a seat to be tipped up or forward in order to do so. Licensing Condition 1b)(v) (**Appendix 1**) requires a saloon car to have four doors for this purpose.

In addition to the aforementioned model standard and safety guidelines, this Authority's Dial A Ride service operates the same criteria for MPVs, taking its guidelines from the Community Transport Association.

ROSPA (Royal Society for the Prevention of Accidents) recommends the same safety guidelines for Taxis and Private Hire Cars.

3.3 Mr Webb's Peugeot 807 has a middle row of seats and has a seat removed to enable clear access to the rear seats. He was aware of the Council's safety guidelines before purchasing his vehicle, and in order to have it licensed for private hire was happy to remove the seat. He now wishes to have the seat replaced.

3.4 In a survey of Essex Licensing Authorities, information on seating capacity for Multi Purpose Vehicle is as follows:

Require middle row seat to be removed to enable passengers in rear access to a door:

Basildon

Thurrock

Maldon (included in new Licensing Conditions)

Chelmsford (**Appendix 3**)

Tendring

Southend

Braintree

Rochford (**Appendix 4**)

Will licence full seating capacity but with restrictions:

Castle Point (only if rear door is fitted with internal door handle to use as escape door)

Harlow (dependant on vehicle)

Will licence full seating capacity:

Colchester

Uttlesford

Epping Forest

Brentwood

3.5 In 2004, the model standard and safety guidelines were challenged at Magistrates Court in Powys, Wales when Powys County Council refused to licence an MPV due to their Condition of Licence which stated, "All passengers shall have direct access to a door without the need to climb over the rear of any seat or the need to lower the back of any seat."

Both the appellant and the respondent were represented by Counsel and after considering the evidence the court dismissed the appeal with the Licensing Conditions of Powys County Council being upheld (**Appendix 5**).

4. Proposal

4.1 It is proposed that Mr Webb's Peugeot 807 be made available for Members to view at the Civic Centre on the morning of the Committee Meeting to consider the points made from 3.1 to 3.5.

4.2 In light of the evidence detailed at 3. above, it is proposed that Mr Webb's application should be rejected and that a new Condition of Licence (1(b)(ix) for Private Hire Vehicles and 1(a)(ix) for Hackney Carriages) be introduced for future clarification.

5. Background Papers

5.1 Letters of request from Mr Leslie Webb to waive the higher standards imposed.

6. Appendices

6.1 The following appendices are included in this report:

6.1.1 **Appendix 1** - Private Hire Vehicle Licensing Conditions.

6.1.2 **Appendix 2** - National Association of Licensing and Enforcement Officers Model Standard for Taxi and Private Hire Licensing (extract - Passenger Seating).

6.1.3 **Appendix 3** - Chelmsford Borough Council Pre Licensing Criteria.

6.1.4 **Appendix 4** - Rochford District Council Pre Licensing Conditions and covering e mail.

6.1.5 **Appendix 5** - Report submitted to Powys County Council Licensing Committee following Magistrates Court appeal.