
REPORT TO:	Licensing Committee
DATE:	3rd December 2014
LEAD OFFICER:	Head of Planning and Public Protection Services
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SUBJECT:	Hackney Carriage and Private Hire Conditions – proposed Amendments relating to tipping of seats

1. PURPOSE OF THE REPORT

For Members to consider whether it is appropriate to remove an existing condition contained in the Hackney Carriage and Private Hire Licensing Conditions (Blue book) relating to seat tipping.

2. EXECUTIVE SUMMARY

- 2.1 The Council currently issue private hire licences to applicants whose vehicles fulfil the licensing criteria and vehicle specification (as detailed within the Blue Book). Officers are proposing to remove Condition 2.1(h) relating to seats in line with the latest Department for Transport guidance and following concerns raised by operators.
- 2.2 Officers have delegated authority to grant vehicle licences in line with current policy. On occasions, when a vehicle does not fulfil the vehicle specification, Officers must refer the matter to Members.

3. BACKGROUND INFORMATION

- 3.1 Members will recall that in recent months, Officers have had to refer a number of such applications that cannot comply with condition 2.1(h), to the Committee. Condition 2.1(h) referred to is detailed below:
- 3.2 *“all vehicles must be of a design and manufacture so that all passengers have a clear and unobstructed access to an exit in the event of an emergency. (Under no circumstance will any vehicle be licensed which would require any passenger to move or tip any seat to enter or egress from any seat they may occupy in the vehicle).”*

- 3.3 The above condition was included in the vehicle specification as it was recommended by the Department for Transport (DfT) at that time. The reason was that in the event of injury or death to a passenger, it may not be possible to tip a seat when it is occupied.
- 3.4 The most recent guidance issued by the DfT no longer makes reference to the tipping of seats in relation to private hire vehicles. The current DfT best practice guidance relating to vehicles is shown at Appendix A.
- 3.5 Checks with our neighbouring authorities confirm that this requirement has been removed from their vehicle specification as a result of the above mentioned changes to DfT guidance. The overriding opinion is that vehicle licences will be granted for the amount of passengers which the DVLA V5 registration document deems appropriate.
- 3.6 Car manufacturers and the DVLA specify a number of seats for a particular vehicle. These vehicles will have been tested to current EU standards with the intention of carrying the stated number of passenger.
- 3.7 In the past applicants/proprietors have been expected to modify vehicles, for example removal of seats thereby reducing the number of passengers the vehicle can accommodate, to comply with the Blue Book or be referred to committee. The latter can result in a lengthy delay in a vehicle application being determined and therefore applicants are left with no option but to modify the vehicle to comply with the vehicle specification.
- 3.8 For Members information all previous applications that did not fulfil condition 2.1(h) and opted for their application to be referred to Committee for consideration, were approved.
- 3.9 At this stage, Officers would propose that Members consider the removal of condition 2.1(h) relating to private hire vehicles only, with further investigation and consideration being given for hackney carriage vehicles, given the potential impact the removal of this condition may have on the hackney carriage fleet, for example larger vehicles on ranks taking up more than one space. Officers would report back to a future meeting once a thorough review of the hackney carriage vehicle specification has been completed.
- 3.10 Other considerations to bear in mind when reviewing the removal of this condition for hackney carriage vehicles would be that the vehicle specification (detailed in the current hackney carriage and private hire conditions), for hackney carriage differs from that of private hire.
- 3.11 For Members information, the vehicle specification for Private Hire is that

the Council will consider any Society of Motor Manufacturers and Traders designated 4 and 5 door lower medium estate, or upper medium/large saloon or estate car, MPV, SUV, minibus and the like. The vehicle specification for Hackney Carriage is the Council will consider any conventional 4 or 5 door saloon or estate car, purpose built London Cabs, or other purpose built or adapted taxis.

4. CONSULTATION

- 4.1 Should Members be minded to support the proposed removal 2.1(h) of the Hackney Carriage and Private Hire Licensing Conditions, Officers will start formal consultation with all Hackney Carriage Proprietors and Private Hire Operators and licensed drivers.
- 4.2 Any representations following the consultation will be reported back to the Licensing Committee at a future date for Members consideration.

5. RECOMMENDATION

- 5.1 For Members to support the proposals as detailed in 3.9 above and for Officers to start formal consultation with all licence holders