

REPORT: Regulatory Committee
DATE: 12 February 2009
REPORTING OFFICER: Chief Executive
SUBJECT: Review of Qualifying Vehicles
WARDS: Borough-wide

1.0 PURPOSE OF REPORT

On 16 June 2008 the Regulatory Committee resolved to undertake a review of the Council's Qualifying Vehicles conditions in respect of Hackney Carriage and Private Hire Vehicles. A report was submitted to the meeting of the Regulatory Committee on 24 September 2008 when the members requested further consultation. This report details the outcome of the further consultation and provides options for the Committee to consider.

2.0 RECOMMENDED: That

- (1) the Committee consider the options outlined in this report;**
- (2) the Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources) be directed to draw up a new set of qualifying vehicles conditions to be included in the Council's Hackney Carriage and Private Hire Vehicles conditions to reflect the decision of the Committee taken in the context of this report as well as with Minute 13 of 24th September 2008; and**
- (3) the Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources) be authorised to update the Council's rules, regulations and conditions relating to taxis and private hire as may be deemed appropriate from time to time.**

3.0 SUPPORTING INFORMATION

- 3.1** On 16 June 2008 the Committee resolved to undertake a review of the Council's Qualifying Vehicles conditions in respect of Hackney Carriage and Private Hire Vehicles. The Taxi Consultative Group was consulted at its meeting on 10 July 2008. The Group was briefed on the nature of qualifying vehicles conditions and asked for any recommendations to be produced by 31 July 2008.
- 3.2** Representations relevant to this Report were received from two members of the taxi trade. These representations were reported back

to the Regulatory Committee on 24 September 2008 (and are set out at **Appendix 1 Part 1**).

3.3 At the meeting on 24 September 2008 the members resolved to accept the amendments (see Council Minute13) and requested that a number of issues be referred back to the Taxi Consultative Group for further consultation.

3.4 The issues for further consultation were:

- 3.4.1 Front bench seats
- 3.4.2 Seat configuration
- 3.4.3 Passenger numbers and
- 3.4.4 Privacy glass.

3.5 Arising out of the further consultation two representations were received. Details are set out at **Appendix 1 Part 2**.

4.0 UNDERLYING PRINCIPLES

4.1 The challenge for the Committee is to approve a policy that is logically defensible. This involves identifying the underlying principles on which any policy is to be based.

4.2 In the context of issues 3.4.1 to 3.4.3 there are two basic conflicting sets of principles to consider. The first set is **passenger comfort**. The second set comprises: (a) keeping **travelling costs to a minimum**; (b) **carbon footprint reduction**; (c) the general principle that if a vehicle is rated, using national standards, for a particular number of passengers they should be allowed to be used as taxis and private hire vehicles for those numbers of passengers (which we can call the **national standards** principle).

4.3 The reason why these two sets of principles are contradictory is that the first set implies fewer passengers per vehicle whereas the second set implies more passengers per vehicle.

4.4 The Committee must decide which sets of principles will prevail. The resultant policy will be determined by the Committee's decision.

5.0 OPTIONS

5.1 The options available to the Committee are:

5.1.1 Confirm the Council's existing qualifying vehicles conditions without change.

- 5.1.2** Adopt a new set of qualifying conditions having regard to the information set out in this report. **Appendix 2** sets out recommended conditions based on the assumption that the Committee resolves that the first set of underlying principles will determine seat configuration and passenger numbers. **Appendix 3** sets out recommended conditions based on the assumption that the Committee resolves that the second set of underlying principles will determine seat configuration and passenger numbers.
- 5.1.3** The issue of front bench seats also impinges on both sets of underlying principles. There is a further potential underlying principle in the context of front bench seats. This is the potential for a driver interfering with a passenger (or vice versa) because of the close proximity of passenger and driver if two passengers are allowed to occupy front bench seats. Since proprietors are entitled to voluntarily restrict the numbers of passengers and passengers are by definition not going to be travelling alone in these circumstances, this principle is discounted for the purposes of **Appendix 3**. However, **Appendix 2** shows how front bench seats could be restricted. In this Appendix front bench seats are considered in the context of the same underlying principles as seat configuration and passenger numbers as well as the potential for a driver interfering with a passenger and vice versa.
- 5.1.4** The issue of privacy glass issue is not connected with any of the above underlying principles. It has its own contradictory underlying principles. The first is that what is allowed under the general law (the Construction and Use Regulations) should be allowed in taxis and private hire vehicles: this is a variation of the above **national standards** principle. The second is that it is unacceptable that the passengers in taxis and private hire vehicles cannot be seen from the outside both in the interests of deterring criminal activity and in the interests of fostering feelings of safety on the part of passengers: which we can call the **crime reduction and wellbeing** principle.

6.0 POLICY IMPLICATIONS

- 6.1** This report is designed to update existing Council policy.

7.0 OTHER IMPLICATIONS

- 7.1** None

8.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 8.1 Children and Young People in Halton**
None
- 8.2 Employment Learning and Skills in Halton**
N/A
- 8.3 A healthy Halton**
N/A

8.4 A Safer Halton

None

8.5 Halton's Urban Renewal

N/A

9.0 RISK ANALYSIS

N/A

10.0 EQUALITY AND DIVERSITY ISSUES

N/A

11.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	John Tully/ Kay Cleary

Part 1 – Representations on initial consultation

REPRESENTATIONS MADE BY JOHN GERRARD

I wish to express my concern at (R1) the application to licence vehicles to carry up to eight passengers for the reasons stated herein and (R2) *I also wish to table an amendment to the procedure for presenting a vehicle for testing and subsequent licensing.*

R1 8 Seat Vehicles

Comfort Of Passengers

The amount of space per passenger is not sufficient especially for longer journeys. The passengers lower limbs would have to be turned to one side because of the centre console. This would be most uncomfortable for anyone over 5' 6" tall. Additionally, from experience, in some frontal and off set front impacts, the centre console can collapse through the crumple zone features and through the passengers limbs being forced into the column from the g forces and deceleration of the accident. The potential for very serious lower bodily injury in this scenario should not be underestimated. For a passenger to occupy the centre front seat, he/she would have to slide in a restricted space across the front seat and there could be further problems if it is decided by this person to leave the vehicle before the nearside front passenger after they have entered the vehicle. I would also have to look further into the provision of SRS (airbag) equipment and the effects from such when sat so tightly together in the front confines of a vehicle.

Driver Integrity

It is not beyond the realms of possibility that an allegation could be made against a driver of such an eight seat vehicle from a passenger, that the drivers hand came into contact with the knee or further up the leg of the passenger whilst changing gear. I would accept that an automatic transmission may reduce the possibility of such but cannot eradicate it such as the centre divide fitted in other multi seat vehicles.

Passenger Safety

In the event of an accident involving damage to the nearside front, the centre seated passenger could become trapped or in the very least experience difficulties alighting from the offside which could be necessary because the nearside exit is either blocked through damage or injury to the nearside passenger. If the passenger was tall, had mobility problems or was of above average build, then this problem would be exacerbated and the risks substantially increased.

A Volkswagen Transporter (Halton Licensed Taxi) was involved in a side impact collision earlier this year on the A562 Fiddlers Ferry Road and the vehicle was rolled over surprisingly easy. Had this occurred with a passenger so seated in the front centre and when added to the fact that very few adult passengers actually wear seat belts in taxis despite being advised to the contrary, the consequences would have been very serious. There is no safety tested bulkhead partition between the front seats and the rear compartment of this type of vehicle and therefore, in the event of deceleration in an accident, the potential for the second row of seats moving forward from mountings into the cramped front end is a distinct possibility. I am informed that this vehicle is tested to M1 standard at manufacture but with all the seats being forward facing. The second row of seats is removed and remounted to face rearwards. I would be surprised if this conversion is to full M1 specification. At best I would guess it is to lower specification, small vehicle production standard.

Encouragement To Not Provide Fully Accessible (wheelchair) Vehicles

Although nationally it is often quoted that people requiring the use of wheelchairs is 2%, it is factual to say that Halton has a much higher average than this. If it is allowed by this Committee to licence taxis to carry eight passengers such as presented to the Committee at the earlier meeting, then it will virtually finish the procurement of fully accessible vehicles which will make life very much more difficult for disabled people whom have more than enough transport problems to start with. It would encourage licence holders to purchase eight seat vehicles in favour of fully wheelchair accessible vehicles. I am reliably informed that Halton's largest taxi operator has only sixteen (16) fully wheelchair accessible vehicles in its entire fleet of over one hundred vehicles. This tiny number of such vehicles is spread throughout a twenty-four hour cycle, seven days a week. There is more often than not no wheelchair vehicles available during the twilight hours and bookings are not accepted at any time. This is despite the right of the disabled person to expect the same level of service as that expected of a fully able bodied person. This creates longer waiting times, severe inconvenience, disability discrimination and places more pressure on the existing vehicles to cover, which increases mileage between pick-ups, which impacts on economical and environmental factors.

I drive a fully wheelchair accessible vehicle which has an approved seating plan for seven passengers and over the seven years that I have operated such vehicles, it is exceedingly rare to get a request to carry seven passengers and I will argue it is even more rare for a request to cater for eight persons.

<p>PROS of R1: All of the points raised with the exception of passenger safety are valid. The Committee must take as read that all vehicles certified as complying with national legislation are safe.</p> <p>CONS of R1: The points raised at R3 represent the contrary argument.</p>
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R2: *Pre Testing Presentation – R2 is not a representation within the terms of reference of the consultation exercise*

REPRESENTATIONS MADE BY (1) PAUL FURFIE AND (2) TOMMY MACNTYRE Unite the Union

R3: Subject: Proposal for licensing of the two front seats in Mpv's

At the Taxi forum at Runcorn Town Hall 10th July 2008, two vehicles were presented to the councillors of the Taxi Consultative Group, for consideration for licensing the two front seating positions and after testing met with their approval.

I would like to propose that the two Mpv's presented be used as the bench mark, for the licensing of the two front seats along side the driver in the borough of Halton.

Client and environmental benefits

At the present time when four couples require to be transported they have to hire either two taxis or a minibus.

For Example Runcorn Station to Liverpool Lime Street Return to Runcorn Station

8 Persons two taxis approx = £120

Minibus 8 seats approx = £120

8 seats approx = £60

Clearly there is a financial benefit to the client and the environmental effect when two vehicles are used instead of one.

PROS of R3: Leaving aside precise the accuracy of precise costings one vehicle will always be half or a little more than half the cost of two vehicles.
CONS of R3: Costing have to be balanced with comfort and other issues. These issues represented by the arguments for R1 above. This is the fundamental decision for the Committee.

Part 2 – Representations on further consultation

The first representation was from a driver who polled a sample of 50 Single Status Drivers on the issues and the results are:-

Front Bench seating

80% felt that the front should be licensed for no more than 1 passenger.

Rear Accessibility

66% felt that rear folding seats (Backing onto the bulkhead) created better space and accessibility. Therefore front and rear facing seats were preferred.
Clear access is important.

Blacked out windows

6% abstained

6% felt that the decision should be left to the driver

88% felt that “Blacked Out” windows should be banned, but that “tinted” would be acceptable either by measurement or leave it subject to Authorised Officer judgement.

The second representation was from a driver who provided information on the various 8 seat vehicles available. This information does not add to the debate on the particular issues involved in the consultation exercise.

POLICY OPTIONS - Option 1

(assumes that passenger comfort is the dominant underlying principle)

Passenger numbers, Seat configuration and Front bench seats

The permitted number of passengers shall be one passenger per permitted passenger seat and the number of permitted passenger seats shall be calculated in accordance with the following rules:

1. in **purpose built hackney carriages** the permitted passenger seats shall be in accordance with manufacturers' specifications except that if the vehicle is fitted with a front bench seat that seat shall be deemed to constitute one permitted passenger seat;
2. in **saloon and estate** vehicles the permitted passenger seats shall be in accordance with manufacturers' specifications except that if the vehicle is fitted with a front bench seat that seat shall be deemed to constitute one permitted passenger seat;
3. in **MSVs** the permitted passenger seats shall be in accordance with manufacturers' specifications except that (1) if the vehicle is fitted with a front bench seat that seat shall be deemed to constitute one permitted passenger seat and (2) the nearside seat on the middle row of the vehicle shall be removed;;
4. in **MPVs which have all forward facing seats** the permitted passenger seats shall be in accordance with manufacturers' specifications except that (1) if the vehicle is fitted with a front bench seat that seat shall be deemed to constitute one permitted passenger seat and (2) the nearside seat on the middle row of the vehicle shall be removed;;
5. in **MPVs which do not have all forward facing seats** the permitted passenger seats shall be in accordance with manufacturers' specifications except that if the vehicle is fitted with a front bench seat that seat shall be deemed to constitute one permitted passenger seat;

In all cases the above rules are subject to (1) the right of proprietors to request fewer passenger numbers to be licensed and (2) to the minimum sizes specified elsewhere in these Conditions.

Privacy glass

(Assumes that crime reduction and wellbeing is the dominant underlying principle)

Privacy glass shall be permitted subject to the following rules:

- (1) Blackout glass shall be banned in Halton;

- (2) The permitted degree of tinting of glass in front of the vehicles' "B-Pillar" shall be in accordance with national standards;
- (3) The permitted degree of tinting of glass behind the vehicles' "B-Pillar" shall be in accordance with rules to be determined from time to time by the Council

APPENDIX 3

POLICY OPTIONS - Option 2

Passenger numbers, Seat configuration and Front bench seats

(assumes that reducing the cost of travelling is the dominant underlying principle)

The permitted number of passengers, the seat configuration and the use of front bench seats shall be in accordance with manufacturers' specifications subject to (1) the right of proprietors to request fewer passenger numbers to be licensed and (2) to the minimum sizes specified elsewhere in these Conditions.

Privacy glass

(assumes that applying national standards is the dominant underlying principle)

Privacy glass shall be permitted in accordance with national standards