

**MINUTES OF THE SPECIAL MEETING OF THE LICENSING
AND REGISTRATION COMMITTEE,
HELD ON WEDNESDAY 28 SEPTEMBER 2016 AT 7.30 PM,
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors Cossens (Chairman), Amos, Bray, M Brown, Bucke, V E Guglielmi, J Henderson, Skeels (Jnr), Watson, White, Whitmore and Winfield
In Attendance:	Mark Westall (Head of Customer and Commercial Services), Simon Harvey (Licensing Manager), Linda Trembath (Senior Solicitor) (Litigation and Governance), Michael Cook (Licensing Assistant) and Katie Sullivan (Committee Services Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Callender, Porter and Raby (with Councillor Bray substituting).

2. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee held on Thursday 18 February 2016 were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were none.

4. MINUTES OF THE MEETINGS OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE HELD ON 20 APRIL 2016, 25 JULY 2016 AND 18 AUGUST 2016

The Committee received and noted, for information only, the minutes of the meetings of the Licensing (General Purposes) Sub-Committee held on 20 April 2016, 25 July 2016 and 18 August 2016.

5. MINUTES OF THE MEETINGS OF THE PREMISES AND PERSONAL LICENCES SUB-COMMITTEE 'A' HELD ON 17 JUNE 2016 AND 6 SEPTEMBER 2016

The Committee received and noted, for information only, the minutes of the meetings of the Premises and Personal Licences Sub-Committee 'A' held on 17 June 2016 and 6 September 2016.

6. MINUTES OF THE MEETING OF THE PREMISES AND PERSONAL LICENCES SUB-COMMITTEE 'C' HELD ON 20 JUNE 2016

The Committee received and noted, for information only, the minutes of the meeting of the Premises and Personal Licences Sub-Committee 'C' held on 20 June 2016.

7. REPORT OF CORPORATE DIRECTOR (OPERATIONAL SERVICES) - A.1 - TENDRING DISTRICT COUNCIL'S CURRENT HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SEATING CAPACITY POLICY FOR MULTI-PURPOSE VEHICLES (MPV'S) WHICH CARRY UP TO 8 PASSENGERS.

The Committee had before it a report which asked it to consider the results of the public consultation held to review the Council's Seating Capacity Policy for multi-purpose Hackney Carriage and Private Hire vehicles which carried up to 8 passengers and to determine what the Council's future policy should be in regards to a permitted seating maximum for multi-purpose vehicles (MPV's) licensed as Hackney Carriage and Private Hire vehicles in Tendring.

It was reported that the Council's Seating Capacity Policy had been introduced to sustain and promote passenger safety in licensed Taxi and Private Hire MPV's by the Council's Licensing (General Purposes) Sub-Committee following a consultation with the taxi trade in August 2002 and submissions from organisations such as the Royal Society for the Prevention of Accidents (RoSPA).

It was also reported that the review of the MPV Seating Capacity Policy had been recommended to the Licensing and Registration Committee because the policy had been in place since its introduction on 1 August 2003 and that there had been substantive changes since then to vehicle technology and safety which should be reviewed and taken into consideration.

Members were reminded that, at its meeting on 20 January 2016, the Committee had agreed to review Tendring District Council's Seating Capacity Policy and to put the review out to the scrutiny of a twelve week comprehensive consultation.

The Licensing Manager informed Members that the twelve week consultation period had ended on 2 May 2016. Invitations to reply to the consultation had been sent out on 5 February 2016 to 321 licensed Taxi and Private Hire drivers, the Tendring District Taxi Association and amongst others, organisations such as Essex Fire and Rescue Service, the Department for Transport, Essex Police, RoSPA and a number of local and national mobility groups. A total of 336 invitations had been sent out.

Members were informed that the letters which had been sent out to the Taxi and Private Hire drivers had also been followed up with a taxi newsletter on 14 April. There had also been two press releases about the review and consultation which were sent out on 5 and 14 February and which had featured in the local newspaper. The press releases had advertised the seating review and had encouraged responses to the consultation from all interested parties including the travelling public and the taxi trade. The consultation had also been advertised on the taxi pages of the Council's web site.

Members were also informed that the letters which had been sent out had asked for views on whether Tendring District Council's MPV Seating Capacity Policy should remain in place, be withdrawn or be amended in any way. It had also asked for views on the policy agreed by Basildon Council with their Taxi and Private Hire trades as a possible alternative to Tendring's MPV Seating Capacity Policy which in summary allowed MPV's to retain all of their seating, but had built in passenger safety measures such as exit signage, yellow, or orange, colouring on operating levers for seats, instructions to customers on operating seats to tip, or move them, forward and an internal switch for the rear hatch door so that this could be opened from the inside by passengers to allow access, or exit, from the rear door of the vehicle in the event of an accident, or emergency, such as one of the side passenger doors being inoperable.

The Licensing Manager informed Members that out of 336 invitation letters that had been sent out, only eight responses had been received, seven of which were from the taxi trade. Six of the responses had stated that the Seating Capacity Policy should be

withdrawn and that taxi drivers be able to licence an MPV for the number of passenger seats shown on the vehicle registration document. One response stated that Tendring's policy should remain unchanged. None of the responses had favoured a consideration of the Basildon MPV Seating Capacity Policy, with a number stating that Tendring should follow Ipswich and Colchester Councils in allowing vehicles to be licensed for the number of passenger seats permitted by the vehicle registration document.

Members were informed that the other response had been received from RoSPA who had maintained a consistent approach to the question since the late 1990s. RoSPA's opinion had been that passengers should be able to exit a Taxi, or Private Hire vehicle, without having to climb over, or move, a seat. RoSPA had also commented in their response that the MPV Seating Capacity Policy adopted by Basildon Council with its Taxi and Private Hire trades seemed to offer a reasonable way of mitigating risk to passengers in the rearmost row of seats. RoSPA had also caveated this opinion by saying that it had still left some risk that a passenger may struggle to exit the vehicle quickly in an event of an emergency.

The Licensing Manager informed Members that there was no specific Officer recommendation for a decision to be made in regards to the policy but instead four possible options were provided which they could consider and decide on. Members were also informed that an alternative decision could also be made.

The four possible options given were:

- 1) Retain the current MPV seating policy; or**
- 2) Withdraw the current MPV seating policy which requires the removal of a seat to allow access and egress to the rearmost seats in MPV's licensed by Tendring District Council and permit the vehicle to be licensed for the number of passenger seats as indicated by the vehicle registration document (VR5); or**
- 3) Change the current MPV seating policy to the MPV seating policy adopted by Basildon Borough Council in January 2015 (otherwise referred to as "the Basildon option" and set out in full in the report). or**
- 4) Re-consult on the issue again for a further period of time to be specified by the Committee in order to see if there is any further interest shown, or comment received from the taxi and private hire trades and other relevant organisations and make a final decision on the future of the current MPV seating policy after this re-consultation.**

Members raised concerns in relation to the possible options which were then addressed by the Licensing Manager and the Council's Solicitor (Litigation & Governance).

There was a general discussion amongst Members in regards to recommendation number three. For ease of reference Members referred to this option as 'the Basildon option' although recognised that if adopted by Tendring it would actually be Tendring's policy in relation to MPV seating arrangements in licensed Tendring Vehicles.

Generally Members felt that this option was a reasonable and proportionate balance between agreeing to the taxi trades request to alter the current seating policy to allow Tendring vehicles to be licensed for the number of passenger seats shown on the vehicle registration document and maintaining and promoting passenger safety in

Tending licensed vehicles. Members noted that RoSPA was also supportive of this option advising that it was a reasonable way of mitigating the risk to passengers in the rearmost row struggling to exit the vehicle in an emergency because they have to climb over or move another seat.

Members asked the Licensing Manager if he was aware what the cost might be to a vehicle licence holder to purchase exit signage and colour wrap for seat operating levers and also fit an emergency internal switch to the rear hatch door.

The Licensing Manager advised the Committee that he could not give a price locally, but his opposite number at Basildon had advised him when recently asked about this option that it had cost somewhere in the region of £100 in total to do the work necessary to meet the criteria for this option at Basildon. He said that he couldn't advise how much it might be locally but hoped that it would be around about the same or similar price.

Members felt that this price was a reasonable and proportionate amount for vehicle proprietors to pay to maintain and promote passenger safety when taking into account that they would be able to reinstate a passenger seat which would give them greater flexibility in their business, allowing them to carry an additional passenger. They said that it would also assist with resolving the kind of issue raised by one of the respondents to the review who said it was difficult for Tending licensed vehicles to compete with Uttlesford Council licensed vehicles for school contracts because Uttlesford licence a vehicle for the number of passengers shown on the vehicle registration document. The Committee noted however that there were restrictions on Uttlesford MPV's shown on page 80 of the agenda which they would not wish to see introduced for Tending licensed vehicles.

The Chairman asked a lone gentleman who was sitting in the gallery if he was a taxi driver and invited him to speak to the Committee if he was, particularly in regards to the recommendations in the report and he informed the Committee that his name was Gary Egerton, he was a Taxi driver in the District and had responded to the consultation which was included in the agenda. He thanked the Council for carrying out the review and said that in his opinion the report that Members were considering was fair and balanced but that he had concerns about the possible costs involved with getting his vehicle adapted in order to comply with potential changes to safety measures. He said that if the cost was similar to Basildon he did not think that this would be a problem, but if the work ran into several hundreds of pounds it would not be cost effective in which case he would rather see the policy stay as it was.

Following discussion, it was moved by Councillor V E Guglielmi, seconded by Councillor White and unanimously **RESOLVED** that:

The policy for MPV's, referred to and noted as 'The Basildon Option' and adopted by Basildon Borough Council as at January 2015, and option 3 in the report, be adopted by Tending District Council but with transitional arrangements to allow existing MPV licences to remain valid until such time as that licence expires or the vehicle is replaced, and that the policy, known as "The Basildon Option" shall come into force 18 months from today's date.

The aim of this exercise is to ensure that the safety of passengers is paramount and that each MPV has, for example, a rear door that can be opened from the inside of the vehicle.

The 'Basildon' Policy which will now be the Tendring District Council MPV seating policy is as follows:

- 1) In respect of minibus and other MPV style vehicles a minimum of three doors to the passenger accommodation shall be provided.
- 2) Have proper signs on how to lift the second row of seats. The sign should be clearly visible to any persons seated in the rearmost seats providing customers with instructions on the operating mechanisms for the seat that may be required to be tipped/moved forward in order to gain access/egress from the vehicle.
- 3) The operating levers to be coloured yellow/orange so that they are easily identifiable. They can be coloured by using the appropriate colour tape. Tape should remain damage free at all times and replaced when worn.
- 4) Have windows on the near and offside in respect of the rear row of seats and that they be free from obstruction at all times to allow access in the event of an emergency.
- 5) Have well positioned exit window signs (where appropriate).
- 6) Have an internal device for the rear hatch door to be opened from the inside. This can be by way of an emergency 'quick release' button which can be fitted to the rear hatch door which can be operated by passengers in order to allow access/egress in the event of an accident and one of the side passenger doors being inaccessible.

Those criteria do not apply to purpose built wheelchair accessible vehicles however which are still required to ensure that the passenger compartment provides unobstructed entry and exit from the back row of seating of the compartment and which include the requirement that no persons entering or exiting the vehicle should have to remove or dismantle a seat or obstacle to climb over a person. In terms of colouring the operating levers which lift and tip seats yellow/orange, these conformed to national safety health and safety standards.

8. EXCLUSION OF PRESS AND PUBLIC

It was **RESOLVED** that, under Schedule 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda item 9 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A, as amended, of the Act.

9. EXEMPT MINUTES OF THE MEETINGS OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE HELD ON 20 APRIL 2016, 25 JULY 2016 AND 18 AUGUST 2016

The Committee received and noted, for information only, the exempt minutes of the meetings of the Licensing (General Purposes) Sub-Committee held on 20 April 2016, 25 July 2016 and 18 August 2016.

The Meeting was declared closed at 9.10 p.m.

Chairman