

Licensing Managers Full Reply to Responses from Taxi Trade

Mr S Langman received 9 February 2016- *Has interest in small MPV's such as Ford Galaxy, Vauxhall Zafira, Citroen Grand Picasso which all have different seating capacities 6, 5 and 4 although all are basically the same vehicle and none conform to TDC MPV seating policy items (e) and (f). There is no consistency on TDC seating policy and why mention Basildon's policy when Colchester who are the closest Council to Tendring allows small MPV's to carry 6 passengers.*

Licensing Managers response – The fact that Mr Langman describes different seating arrangements for a number of different vehicles licensed by Tendring would seem to suggest that the seating policy is being applied consistently based on the Council's current MPV seating policy and not inconsistently as he suggests. Basildon's policy was simply mentioned in the consultation in order to gauge views on whether the trade locally might consider this as a viable, reasonable and proportionate alternative to either the complete withdrawal or the complete retention of TDC's current MPV seating policy. I accept that Colchester Borough Council licenses their taxi and private hire vehicles for the number of passengers indicated on the vehicle registration document.

Mr M Mead received 25 February 2016- *Notes that our letter of the 5 February 2016 mentions the seating policy Basildon have introduced and states that if vehicles licensed under Tendring District Council are unable to provide the necessary seating capacity and transportation that residents of Tendring require due to restrictive regulation it is not Basildon where they will seek an alternative it will be transport providers in Colchester and Ipswich. These are the providers that Tendring taxi trade must compete with to survive. Mr Mead states that it should be the policies as set down by Colchester and Ipswich Councils where he would look to some form of comparison/guidance. States that if the Council's policy says in paragraph 2 "it should not be necessary to climb over any person being carried in the vehicle or require any person to leave their seat to allow anyone to enter or leave the vehicle" then this policy would need to be applied to the middle seat in the rear of every car because every car licensed by TDC the passenger has to climb over any person or require at least one person to leave the car for the middle passenger to leave the vehicle. Mr Mead notes that the Council's policy also states that "in the interests of public safety and comfort, the Council will require as many seats as may be deemed necessary to be removed". He adds that all multi - purpose vehicles have been tested by the Department of Transport to ensure that the occupants are conveyed in both safety and comfort. If it were not the case they would not be registered to travel on public roads of UK. He asks if anyone has thought of the possible instability/reduced structural integrity that changing/removing a seat could cause. By changing the layout of the seats or removing any seats alters the way a vehicle may react whilst being driven or in the event of it being involved in a collision. This may actually increase risk of injury to those conveyed leaving TDC open to possible litigation. He closes by saying that if vehicle is deemed to be safe by DfT then it should be deemed to be safe to carry the full numbers of passengers.*

Licensing Managers response- . Basildon's policy was simply mentioned in the consultation in order to gauge views on whether the trade locally might consider this as a viable, reasonable and proportionate alternative to either the complete withdrawal or the complete retention of TDC's current MPV seating policy. I accept that both Colchester and Ipswich Borough Council's license their taxi and private hire vehicles for the number of passengers indicated on the vehicle registration document. In regards to his comments on the TDC MPV seating policy,

Mr Mead has only included in his response the second part of paragraph 2(e) of the TDC MPV seating policy and has omitted the first part of this paragraph. It should be read in its entirety which is as follows:

2(e) 'The arrangements of the seats shall be such that no person has to remove, push forward or dismantle any seat or other obstacle; nor should it be necessary to climb over any person being carried in the vehicle or require any person to leave their seat to allow anyone to enter or leave the vehicle'. The paragraph in its entirety puts Mr Meads comments about needing to apply 2(e) to the middle seat of every car into a little more context, because the policy itself is clearly referring to MPV's and which means access and egress to a car door from the seats situated behind the middle row of seats. Access and egress to a car door from the rearmost seats in an MPV could be a very different proposition for passengers/customers compared to those persons situated in the middle row of seats and who have an immediate access to a door without climbing over any person, folding or moving a seat or requiring a person to leave their seat to allow anyone to enter or leave a vehicle. An MPV in this regard is different to a saloon vehicle which will only have a single front passenger seat with direct access to a car door and three passenger seats behind this with car doors either side of these passengers.

In regards to Mr Meads comments regarding paragraph 2(f) in the MPV seating policy, again this must be read in its entirety and the complete wording of the paragraph is as follows:

'If the seating arrangement does not allow free access to and from the vehicle as set out in condition (e) above then, in order that the vehicle may be licensed as a Hackney Carriage or Private Hire Vehicle and in the interests of public safety and comfort, the Council will require as many seats as may be deemed necessary to be removed'.

It is somewhat contradictory for Mr Mead to suggest that TDC's MPV seating policy requiring removal of a seat or a change to the seating configuration in an MPV could cause instability to the vehicle or reduce its structural integrity, because all MPV's are sold by manufacturers on the basis of the flexibility and versatility of their seating arrangements and the vehicles ability to lose seats and gain luggage space, or add seats and gain passenger numbers. If Mr Mead's concerns were correct then the manufacturers surely would not make or sell vehicles that have seating configurations that could so easily and flexibly be altered.

The DfT do not actually test all MPV's as suggested by Mr Mead in his response. Instead all Motor Vehicles driven on roads in Great Britain must comply with the following regulations in order to qualify to be driven on UK roads:

Road Vehicles (Construction and Use) Regulations 1986
The requirements of the Motor Vehicle (Type Approval) Regulations 1980;
Motor Vehicle (Type Approval) (Great Britain) Regulations 1984

In addition there are also European vehicle regulations that all vehicles must comply with and all of these regulations sets standards of roadworthiness that the car industry must build and sell their cars to.

These standards have also been informed since 1997 by the Euro NCAP (European New Car Assessment Programme) which tests and advises on car, driver, passenger and pedestrian safety.

Mr C Thomas received 22 March 2016 – *Only five contractors in Clacton including Mr Thomas that qualifies for ECC Passenger Transport Framework who can bid for school transport contracts out of 130 in Essex. Because of high standards applied by TDC to local taxi trade they are undercut by vehicles licensed outside the district. Example given of Citroen Grand Picasso licensed by TDC for 4 passengers while Uttlesford DC licensed Grand Picasso does school contract at Frobisher Primary School in Jaywick licensed for 6 passengers. Mr Thomas believes taxi trade in Tendring being discriminated against in their own district and Uttlesford vehicles are licensed to poach. He believes there is no good reason why TDC having set minimum standards should allow these standards to be undermined by outsiders. If TDC were to legally discriminate it should be in favour of locally licensed vehicles. Suggest that unless TDC implements its minimum standards on all vehicles working in the district wherever they are licensed then it should ease its requirements to give locally licensed vehicles a chance to compete against licensed poachers. Personally he doesn't believe that 6 large adults hiring a cab to an airport should be squashed into a small car but on the other hand why discriminate against local cabs. He recommends easing the restrictions for MPV's to help TDC licensed taxis and to help small families.*

Licensing Managers response- ECC Transport Framework which administers and allocates school contracts is the responsibility of Essex County Council and Tendring District Council (TDC) has no involvement with this process or jurisdiction over it. TDC also has no powers to impose standards or conditions on drivers, vehicles or operators licensed by other licensing authorities either inside or outside of Essex. Neither has any other licensing authority powers to impose standards or conditions on a Tendring licensed driver, vehicle or operator. I am unsure as to what Mr Thomas means in his consultation response that "Uttlesford vehicles are licensed to poach" as only Hackney Carriage vehicles (taxis) licensed by TDC can rank on taxi ranks, ply for hire or be hailed for hire from the street in the Tendring area. Pre – booked Taxi or Private Hire vehicles licensed in another local authority area can of course carry out 'private hire' bookings in our area as indeed TDC licensed taxi and private hire vehicles can and do carry out private hire bookings to take and drop off customers in other local authority areas both neighbouring authorities and those that are further away. E.g. an airport run to Heathrow for example.

Because of the location of Stanstead airport in Uttlesford District Council's area, there are many much larger taxi and private hire companies who operate from the

Uttlesford area and which may also be a contributing factor in why Uttlesford taxi companies may win ECC school transport contracts. Numbers of vehicles and economies of scale for those larger companies may contribute towards lower bids being made for the contracts.

Mr N R Pearson received 15 April 2016 – *I think the eight seater policy should be reviewed so we can use vehicles for the number of passengers they were designed for. Having been an owner operator for a number of years in this Borough it would bring us into line with the other Councils around us.*

Licensing Managers response – The Council's MPV seating policy is being reviewed.

Mr G Swain received 17 April 2016 - *Believes all Ford Galaxy's should have 6 carrying seats. If a car has been designed for 7 people and these days with passenger safety in the manufacturers focus then most of the cars that we want as a taxi are safe. The average number of people that want multi taxi differs from the day time trade to that of night time trade in the day a family will want to go down the beach or pier this is now more likely to be mum and dad and 4 children or grandma and grandad with the children the 6 passenger carriers are ideal for this as they are not too high as the 8 seaters to get into and this means that we can pick up more fares. He doesn't think that yellow handles in the back of cars will help if anything it will deter customers from the taxi as most associate it with a disabled car while we need these disabled taxis the majority of people will walk past you on the rank when you rank up if you have one. He has been in that situation. Does not think that people will take kindly to signs in the back of the car telling them where the escape exit is, people will not take kindly to them, consumers are a fickle bunch of people if something isn't just right they don't use you again and with more choice will go elsewhere.*

Licensing Managers response – I note Mr Swain's comments, but he appears to place emphasis on MPV's being used for short family journeys only e.g. "mum and dad and 4 children". There are many other uses for these vehicles and for example MPV's will be used and required to carry adults and their luggage from the District to Heathrow or Gatwick airport when not just their safety is an issue, but also the comfort and space available in the MPV for the passengers and their luggage to be carried over much longer distances for a much longer period of time. By virtue of their average height and size, there will of course be more space in the passenger seating area available for children than there is for adults and which may of course impact on the comfort of fare paying passengers, particularly on longer journeys.

I do not understand why taxi passengers/customers would be deterred from travelling in an MPV if it had florescent signage for exits and how to lift the second row of seats and coloured/ florescent marking to identify the operating levers that either tip or move the seating forward. Signage and markings like these are used in London taxis or on many other forms of passenger transport such as PSV's (minibuses carrying between 9 to 16 passenger seats), buses, trains or aircraft for example. I am unaware of any reluctance from passengers to use these other forms of transport because of this.

Mr G Egerton received 18 April 2016- *Has been licensed by TDC to carry up to 8 passengers for many years. In his experience the current policy has been easy to follow. He has reviewed the information on Basildon's taxi and private hire vehicles policy which was included with your letter. In his opinion these requirements would be overly bureaucratic and unnecessary. He is concerned that should such a scheme be implemented in Tendring, it would disadvantage small to medium sized business by requiring us to make further changes at additional cost. Mr Egerton notes comment that the current seating policy will remain in place until the consultation has been completed and the committee has reconsidered the issues. Mr Egerton would strongly urge that the committee agree a process whereby drivers who have had their vehicles licensed under the existing policy are allowed to continue to operate as they are for the remaining life of the vehicle. At the point when the vehicle needs to be replaced the owner would then need to make sure that they adhere to any new policy. This would be a much fairer approach and would prevent costly changes for those who have only recently purchased vehicles (his in excess of £30,000) and secured their licence under the existing policy.*

Licensing Managers response- Basildon's policy was simply mentioned in the consultation in order to gauge views on whether the trade locally might consider this as a viable, reasonable and proportionate alternative to either the complete withdrawal or the complete retention of TDC's current MPV seating policy. His comments regarding any possible change to the current seating policy are noted and it will of course be a matter for the Licensing and Registration Committee to determine whether any such change is necessary and if it is, what form that change should take. They should also take into account Mr Egerton's comments regarding the process that any such change might take.

Mr D Gustererson received 21 April 2016 – *Car manufacturers have been for many years placing a strong emphasis on car and passenger safety and over the years have been responsible for some amazing technical innovations in a bid to make driving as safe as possible. With this in mind I think we can take it as read that if they design a vehicle that has 5 or upwards passenger seats then it is safe to carry said number of passengers and any further stipulation by the Council, especially with regard to reducing passenger numbers is unnecessary. It is just not logical to assume that passengers in a licensed vehicle, whether it be a taxi or a private hire are in greater danger, and therefore in greater need of protection, than passengers in a private vehicle which is what in effect any regulation from a licensing authority amounts to. I am the co-owner of probably the largest fleet of taxis in the Tendring area and obviously it is not in any way my in my interests to compromise passenger safety, but I do feel that the car designers are a much better judge of what constitutes safety than any local Council. On a more specific point the conference seating requirement for 8 seaters is particularly unwelcome and unpopular from a passenger point of view as many people do not like to sit facing in the opposite direction to the one they are travelling and to his mind should not be a requirement.*

Licensing Managers response – I would fully accept that since the Council's MPV seating policy was introduced in August 2003 there has been great improvements in vehicle technology and safety. However it should be borne in mind that there is a fundamental difference between using a vehicle as family car or a car for personal use to a vehicle that is being used as a business to carry fare paying

passengers/customers. It is therefore not just a question of safety, which of course is accepted as paramount, but the provision of passenger comfort and a proportionate amount of luggage space must surely also be able to be reasonably taken into account when considering the number of passengers that an MPV can be safely and comfortably licensed for.

It should also be borne in mind that the Council's current MPV seating policy was introduced with the advice and guidance of the Royal Society for the Prevention of Accidents which has a nationally and internationally renowned reputation for advising on safety technology and safety issues including car safety measures for passengers. The MPV seating policy was therefore not introduced by the Council on a whim, or without good reason to do so in terms of both passenger safety and passenger comfort.