



accidents don't have to happen

RoSPA
28 Calthorpe Road
Birmingham, B15 1RP
United Kingdom
T. +44 (0)121 248 2000
help@rospa.com
www.rospa.com

Patron: Her Majesty The Queen

Simon Harvey
Licensing Manager
Licensing Section
Tendring District Council
Council Offices
Thorpe Road
Weeley
Essex CO16 9AJ

28 April 2016

Dear Mr Harvey,

Review of Tendring District Council's Seating Policy for Licensed Taxi and Private Hire Multi-Purpose Vehicles (MPV's) which Carry Up to 8 Passengers

Thank you for your letter of 5 February 2016 seeking RoSPA's views on Tendring District Council's seating capacity policy for multi-purpose vehicles carrying up to 8 passengers.

The Council's current policy stipulates that no person should have to remove, push forward, dismantle or climb over any seat in order to enter or leave the vehicle, and any such seats must be removed for the vehicle to be licensed as a hackney carriage or private hire vehicle.

RoSPA has been asked for its view on this issue a number of times since the late 1990s, when people carriers which have three rows of seats began to be used as private hire vehicles. Our initial view was that passengers in the rearmost seats should be able to exit without the need to climb over, or move, another seat.

In 2005, the Department for Transport issued a consultation paper entitled "Taxis and Private Hire Vehicles – Consultation on Draft Best Practice Guidance" (RoSPA's response to the consultation can be found at www.rospa.com/roadsafety/info/taxi_private_hire_licensing.pdf) and subsequently published "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" in 2010. A copy is available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>.

Paragraph 93 of the DfT's Guidelines states:

The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used.

While the guidelines state that vehicles, such as people carriers, can be licensed as taxis, they do not specifically address the issue of whether or not a passenger seat should be removed as part of the licensing conditions.

It remains RoSPA's view that passengers should be able to exit a taxi or private hire vehicle without having to climb over or move a seat. Having said that, we do not think it is possible to estimate the additional risk to passengers who need to move a seat in order to exit the vehicle. As far as we are aware, the necessary accident and casualty data does not exist.

Therefore, it is difficult to estimate the potential effects of changing your policy to remove the requirement that every seat must be accessible without having to fold or tip up another seat.

However, we note the alternative seating policy operated by Basildon District Council to which Tendring District Council's consultation refers. In essence, Basildon's policy allows seats that have to be moved in order for passengers to enter or exit the vehicle, provided the vehicle has:

- at least three doors to the passenger compartment
- clear signs on how to lift seats in the second row
- operating levers to lift the seats that are coloured yellow or orange
- windows on the near and offside of the rear row of seats that can be used as exits in an emergency, with window exit signs
- a quick release device on the rear door for use in an emergency if one of the side passenger doors is inaccessible in an accident

This type of policy seems to offer a reasonable way of mitigating the risk of passengers in the rearmost row struggling to exit the vehicle quickly in an emergency because they have to climb over or move another seat. However, it still leaves some risk that a passenger may struggle to exit the vehicle quickly in an emergency, and with the current level of data and knowledge, it does not seem possible to be certain whether this option is best.

Yours sincerely



Kevin Clinton
Head of Road Safety