

**DECISION REQUESTED TO CHANGE COMMITTEE POLICY ON LICENSED VEHICLE SEATING CAPACITY**

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**ISSUE**

Concerns about passenger safety and comfort in some multi purpose vehicles (MPVs) led to consideration of seating capacities. After consulting with drivers in the June 2010 newsletter, the licensing committee decided to change the licence conditions about seating capacities for vehicles licensed for the first time from August 2010 onwards.

A new condition was approved by the Licensing Committee on 5 July 2010 applicable to vehicles first licensed after 1 August 2010 that:

- 1 rear-seat passengers are able to use a door other than the driver's or front passenger door;
- 2 the vehicle can sufficiently accommodate a reasonable amount of luggage for each passenger that it is licensed for;
- 3 there shall be sufficient room between the seats to allow adequate room for the movement of passengers. These shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and there shall be 180 mm from the back of the front seat to the front of the rear seat when the front seat is fully pushed back
- 4 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.
- 5 if the seating arrangement does not allow free access to and from the vehicle then in the interests of public safety and comfort the Council will require as many seats as may be necessary to be removed or to licence a vehicle to carry fewer passengers than it has seats.

**PROBLEM**

It has become apparent that application of the condition is difficult, in particular inconsistencies in interpreting the rules when applying it to different models (or even later versions of the same model of car). This has led to confusion between both officers and garages who undertake the testing of the vehicles as well as misunderstandings by the trade. This has led to around 40 vehicles being issued with licences for six seats, for example, when strictly under the July 2010 conditions they should have been only licensed for five. When this became apparent and officers tried to remedy the situation, it became clear that the condition needed improvement to make it robust and achieve its original aim of ensuring sufficient safety and comfort for customers.

## **SUGGESTED SOLUTION**

A meeting was held on 16 September 2011 attended by Shafiq Ahmed and Adil Butt from WHCDA, licensing team officers and garage representatives. It was agreed a sensible solution in future would be for multi-purpose vehicles (MPVs) with full-size fixed seating should be licensed for the relevant number of seats as determined by the suggested condition below (eg a Ford Galaxy with six seats would be licensed for six passengers). Small MPVs or family cars, where there are folding seats, would only be licensed for four passengers. This would be easier for all involved to interpret and apply but will still achieve the original aim.

The suggested condition would delete those above and read:

“The licensed vehicle shall carry no more passengers than can be seated in full-size, fixed seats, providing that:

- (i) rear-seat passengers are able to use a door other than the driver’s or front passenger door
- (ii) the vehicle can sufficiently accommodate a reasonable amount of luggage for each passenger that it is licensed for; and
- (iii) there shall be sufficient room between the seats to allow adequate room for the movement of passengers. These shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and there shall be 180 mm from the back of the front seat to the front of the rear seat when the front seat is fully pushed back.

For the purposes of this condition, the following will not be counted:

- (i) seats considered to be flip-up or folding seats (other than in London-style purpose-built hackney carriages)
- (ii) those considered by the Council’s officers to be unsuitable for the carriage of members of the public.”

As the next Licensing Committee with any amount of significant business is unlikely to be until January 2012, it is suggested the Executive Director agrees to this change in advance of a report to the Committee where proper consideration can be given. This extraordinary proposal is as a result of the significant disruption and difficulties being posed to both the council and the trade.

Jeffrey Leib  
19 Sept 2011

PS:

Agreed to by Cate Hall (Executive Director Corporate Services) on 26/09/11 after email consultation with Licensing Committee, with no objections from Members.