

Subject: Licensing of Hackney Carriages and Private Hire vehicles- Van conversions. **Status:** For Publication.

Report to: Licensing Committee **Date:** 4th June 2007

Section Head: Head of Legal & Democratic Services **Report Author:** Daniel G Dobson

Portfolio Holder: Michael Ormerod **Key Decision:** No

1. PURPOSE OF REPORT

- 1.1 To inform members of the current situation regarding the licensing of vehicles that were originally manufactured as vans and to make proposals for future licensing of similar vehicles.
- 1.2 To request that Committee consider this application.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report are linked to and support the following corporate priorities:
 - Community Safety
 - Environment
 - Culture

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 To license vehicles that are unsuitable to carry passengers would breach the duty of care of the Authority.

4. BACKGROUND

- 4.1 In recent weeks, an attempt was made to renew the hackney carriage vehicle licence of a Toyota Hi-Ace "minibus". There were irregularities with the documentation presented with this application, which resulted in the vehicle not being licensed and investigations taking place into criminal offences.
- 4.2 A subsequent check showed that there were similar vehicles licensed by the Authority which required further investigation.
- 4.3 As a result, five vehicle licences were suspended and two vehicles were found to be in order. The five vehicles concerned have now either been sold or had their licences revoked.
- 4.4 The problem arises because vehicles such as the Toyota Hi-Ace start out life as vans and owners have bought them, had side windows fitted to them and then had wooden floors and seats and seat belts fitted to make them into what at first sight appears to be a mini-bus. There is an inherent problem insofar as these vehicles were designed to transport light goods around at 50mph or under and not to transport 8 adults, perhaps at motorway speeds.

- 4.5 The seats and seat belts were, in some instances, bought second hand with no indication of suitability and some had been re-fitted in different positions in the rear of the vehicle, with the old holes in the floor clearly visible. Some of those examined had been fitted with only one bolt securing each seat leg to the floor and with no reinforcing plates to spread the load. The obvious concern is that in the event of an accident, the seats would break away from the floor and passengers would be ejected from the vehicle and killed.
- 4.6 To reach an acceptable safety level, the seats should be of M1 standard and certificated as such. They should be then fitted in accordance with the manufacturer's instructions and the company fitting them will then certify that they have been so fitted. The standard for seats fitted to minibuses is higher than that of, for example, buses because the forces that are created in an accident are far greater.
- 4.7 However, even if that has been done, the owners can (and indeed have) subsequently sold the seats and the accompanying certificates, replaced them with cheaper second hand seats and continued using the vehicle with little chance of detection.
- 4.8 It is also relatively easy to have the DVLA alter the vehicle registration book to show the term 'minibus' rather than the original 'panel van' by simply sending them the registration document and the current MOT certificate.

5. CONCLUSION

- 5.1 Van conversions appear to date to have been viewed as a cheap way to acquire a minibus that can be licensed as a hackney carriage or private hire vehicle.
- 5.2 Even if they are properly converted to a safe standard, there is no guarantee that they will remain so and enforcement is particularly difficult.
- 5.3 To ensure the safety of the public, the most effective way of regulating these vehicles is to license only vehicles which were originally designed and constructed to carry passengers.

6. RECOMMENDATION

- 6.1. It is recommended that the Committee consider making a determination that only vehicles which were originally manufactured for the purpose of carrying passengers be eligible to be licensed as hackney carriages or private hire vehicles.

Contact Officer	
Name	Daniel G Dobson
Position	Senior Enforcement Officer
Service / Team	Legal & Democratic Services/Licensing Unit
Telephone	01706 238649
Email address	dannydobson@rossendalebc.gov.uk

Appendices	
Document	Place of Inspection
Type Approval Of Taxi's	Appendix A

TYPE APPROVAL OF TAXIS

1. Introduction

Type Approval is a system for testing and approving motor vehicles and for controlling conformity of production to be consistent with the approved type.

Since Type Approval deals primarily with vehicle safety, it is a relevant consideration for Taxi Licensing Authorities. This is particularly the case where fully approved vehicles are substantially modified to allow the vehicle to carry disabled passengers and wheelchair users. These modifications interfere with the integrity of the base vehicle and should be rigorously retested to ensure compliance is re-established.

2. Passenger Vehicle Categories

All vehicles having at least four wheels and used for the carriage of passengers are Category M. They are further grouped in three sub-categories, by size, as follows:-

Category M1: Vehicles used for the carriage of passengers and having no more than eight seats in addition to the driver's seat.

Category M2: Vehicles used for the carriage of passengers and having more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding 5 tonnes.

Category M3: Vehicles used for the carriage of passengers, having more than eight seats in addition to the driver's seat and having a maximum mass exceeding 5 tonnes.

The three categories are subject to different test forces.

The test loads for seatbelt anchorage testing, for example, are as follows:-

Category M1: Based on 20g deceleration, (passenger mass times 20)

Category M2: Based on 10g deceleration, (passenger mass times 10)

Category M3: Based on 6.6g deceleration (passenger mass times 6.6)

For test purposes the standard passenger mass is 75 kg.

Thus test loads for M1 vehicles are twice those for M2 and three times those for M3.

3. What Category are Taxis?

UK law defines a taxi as a passenger vehicle with a maximum of eight passenger seats.

Therefore a taxi is classed as an M1 vehicle.