**Result of Review of Council’s Seating Policy for Multi- Purpose Vehicles (MPV’s) which carry up to 8 passengers**

A consultation running for twelve weeks from the 5 February to the 2 May 2016 asked for views on whether the Council’s current seating policy for MPV’s should remain in place, be withdrawn, or whether it should be amended in any way and if so how. It also specifically asked for views on Basildon Council’s MPV seating policy introduced in January 2015 as a potential alternative to Tendring’s MPV policy which required in most instances the removal of a passenger seat to allow unrestricted entry and exit to a vehicle for fare paying passengers.

Only seven responses were received back from the taxi and private hire trades and one response received back from an external consultee. Six of the taxi trade responses wished to see the policy withdrawn, one wished to retain it and the external consultee also wished to retain it, but did express its support for the Council adopting the same MPV seating policy as Basildon as an alternative. The Council’s Licencing and Registration Committee met to consider these responses on the 28 September 2016 and to consider what if any changes it might make to the current MPV seating policy. The current policy requires the removal of a seat for many MPV vehicles in order to allow unrestricted access and exit to and from the rear of the vehicle for fare paying passengers.

Full details of the covering Committee report that went to this public meeting along with the minutes and decision from it are available on the Council’s website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk) and can be found under Council and Democracy, Meetings, agenda and minutes pages. Click on the link for the Licensing and Registration Committee.

The Licensing and Registration Committee fully discussed and considered all of the responses received and took into account the passenger safety considerations of retaining the current policy against the requests that had been received to withdraw it. The Committee wanted to find and adopt a reasonable and proportionate balance in being able to agree to requests to withdraw Tendring’s MPV seating policy and therefore allowing MPV’s to be licensed for the number of passenger seats indicated by the vehicle registration document and still maintain and promote passenger safety. The Committee also listened very carefully to the concerns raised by some of those that responded to the consultation that removing a seat from Tendring MPV’s could put the local taxi trade at a disadvantage when it came to bidding for work such as school contract work for example and were very keen to fully assist and support local Tendring taxi businesses where it was possible to do so.

**Therefore after due consideration and debate of the issues involved, particularly in regards to passenger safety and comfort and also listening to the views of the taxi proprietor who attended the public meeting, the Committee felt that adopting the same MPV seating policy as Basildon was a reasonable and proportionate option which would allow the Tendring taxi and private hire trades to licence MPV vehicles for the number of passenger seats indicated on the vehicle registration document, but still maintain and promote the safety of fare paying passengers.**

The text shown below in italics which was the decision of the Committee has been entirely reproduced from the minutes of the meeting and which again are available to view or download on the Council’s website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)

*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 Tendring 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.*

**This will mean that the existing MPV seating policy remains in force and in particular paragraphs e) and f) of the current policy unless or until the work that is detailed as items 1) to 6) (shown above in italics from the minutes) are carried out by the vehicle proprietor/licence holder and that the new policy will apply 18 months from the 28 September 2016, but that if the licence holder/proprietor does not want to carry out the work listed under items 1) to 6) then they will not have to do so until such time as they change their vehicle, or the vehicle licence expires.**

For clarity and reminder, paragraphs e) and f) of the Council’s MPV seating policy are as follows:

(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.

(f) 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.

For licence holders/proprietors of MPV’s who do wish to take advantage of the new policy immediately in order to be able to re-instate a seat into their vehicle they can of course do so and would need to get the work done and present the vehicle by appointment to the licensing office for inspection and confirmation that the work has been done professionally by a competent person. A revised licence and licence plate would then be issued to the licence holder/proprietor that would show the revised passenger seating number to take account of the re-instated seat.

Castle point Council also have the same policy for their MPV’s as Basildon and now Tendring in relation to internal exit signage, colouring of operating seat levers and an internal device for the rear hatch door to be opened from the inside.

In terms of fitting the internal rear hatch door switch, licence holders/proprietors are free to source whatever contractor they wish to do this work, but it will need to be carried out by a professional and competent person who is able to provide an invoice or certificate as proof that the work has been carried out professionally and competently.

In the meantime we are currently aware of three contractors who definitely carry out this type of work. These are:

Graham Rayner, telephone 07745 644110 or e-mail [rayner573@btinternet.com](mailto:rayner573@btinternet.com) (Graham carries out this work for Basildon and Castle Point taxi trades).

Kevin Graffham, GWE Installation Services, 15 Hayes Road, Clacton on Sea. Phone 01255 -435845 or 07772 707810 or e-mail [info@gweinstalls.co.uk](mailto:info@gweinstalls.co.uk)

Associate Vehicle Installations Ltd, 7 Five Acres, Walton on the Naze. Telephone 0845 602 6208 or e-mail [john@aviltd.co.uk](mailto:john@aviltd.co.uk)

**Please note that the above details are for the information and assistance of MPV licence holders/proprietors only. It is not an endorsement or guarantee of the contractor or their work by Tendring District Council.**

**Simon Harvey**

**Licensing Manager**

**8 November 2016**