

## TRAFFORD COUNCIL

**Report to:** Public Protection Sub-Committee  
**Date:** 15<sup>th</sup> July 2021  
**Report for:** Decision  
**Report of:** Head of Public Protection

### Report Title

**APPLICATION FOR THE GRANT OF A PRIVATE HIRE VEHICLE LICENCE –  
VEHICLE WITH TIPPING SEAT**

### Summary

To consider an application for the grant of a private hire vehicle proprietor's licence which requires a seat to be tipped forward to allow access to and egress from the specified vehicle. Officers have determined that the seat does not allow unimpeded access and egress to and from the vehicle. The vehicle proprietor therefore offered to remove the back of the seat, leaving the seat base in place. Even with the seat back removed officers determined that there is not unimpeded access and egress to and from the vehicle and therefore, the vehicle does not meet Trafford's required vehicle standards. The matter is therefore referred to the Public Protection Sub-Committee for consideration.

### Recommendation(s)

That the Sub-Committee consider the application and the vehicle configuration as presented at the hearing and determine either:

- To grant a private hire vehicle licence and allow the use of the tipping seat;
- To grant a private hire vehicle licence provided the back of the tipping seat is removed;
- To grant a private hire vehicle licence provided the whole of the tipping seat is removed.

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Head of Public Protection

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## 1. BACKGROUND

- 1.1 On the 9<sup>th</sup> June 2021 Mr Keith McDonnell applied to the Licensing Section for the grant of a private hire vehicle licence in respect of his vehicle. The vehicle has the registration mark FD17JHO and is a grey Vauxhall Vivaro with 9 front facing seats.
- 1.2 The seating is made up of 3 rows of seats each containing three seats. The middle row of seats is made up of a bench seat, the back of the seat nearest the door folds forward to allow access to the rear row of seats. The licensing department requested that a seating configuration inspection should be carried out on the vehicle. Mr McDonnell was contacted by James Boles from licensing enforcement to discuss the seating configuration of the vehicle.
- 1.3 The enforcement officer discussed with Mr McDonnell the possibility of removing the outside seat of the middle row of seats so that access and egress would be unhindered and the possibility of turning around the middle row of seats so that the passenger seats would be facing each other in the “conference position”.
- 1.4 Mr McDonnell stated that the vehicle was to be used exclusively for transporting children and their adult passenger assistants who accompany the children to and from school, and that one of the stipulations of the school contract was that the children should travel to and from school in front facing seats. This requirement is in order to avoid confrontation between the children. Mr McDonnell also explained that the children would be helped into and out of the vehicle by their adult carer, and that during the journey the child would have an additional seatbelt that could only be unlocked by the carer. This was a precaution that prevented the children from releasing their own seatbelts and moving around the passenger compartment during the journey.
- 1.5 Mr McDonnell provided photographic images to the Enforcement Officer prior to the submission of the application showing that the vehicle had a tipping seat to allow access to and from the rear bench seat. [Appendix A]
- 1.6 Mr McDonnell was advised that because a seat had to be tipped to allow ingress and egress the vehicle did not meet the Council’s vehicle standards.
- 1.7 The Private Hire and Vehicle Conditions which are published on the council’s website <http://www.trafford.gov.uk/business/licenses-and-permits/a-to-z/docs/private-hire-driver-and-vehicle-conditions.pdf> state:

## SEATING

**Provide at least two doors for use of persons conveyed in such private hire vehicle and a separate means of ingress and egress for the driver.**

- 1.8 This condition has been interpreted for many years as requiring clear and unimpeded ingress and egress for passengers, and the Licensing Section have not previously approved vehicles if seats have to be tipped in order to access one of those doors, or to access the rear seats
- 1.9 Mr McDonnell has now removed the back, tipping part of the seat in the middle bench seat of the minibus. An Enforcement Officer has inspected the vehicle and provided photos. [Appendix B1 and B2]
- 1.10 The Enforcement Officer reported the following:

“I was able to enter and exit the vehicle without tripping or catching my leg on the seat but it did seem rather awkward. I have attached a photograph of the vehicle and there is room for

a mobile person like myself to get in and out of the vehicle but I don't know if the same would apply to a child or a young person with a disability.”

- 1.11 Whilst the tipping mechanism of the seat has now been removed, licensing officers do not consider that there is unimpeded access to the rear seats.
- 1.12 Using a strict interpretation of the Vehicle Conditions, it is the view of officers that the vehicle does not provide the required two separate doors for passengers. It should be noted that the vehicle is to be used solely for the transport of children to school, some of whom may have additional needs or disabilities. This was considered a relevant factor when advising the applicant that the vehicle did not meet the required standards.
- 1.13 A further section in the Vehicle Conditions requires:

**The proprietor of the private hire vehicle shall:  
Cause fittings and furniture of the private hire vehicle to be kept in a clean condition and well maintained and *in every way fit and safe for public use*;**

- 1.14 Officers also considered that by removing the seat belt and seat back the vehicle would now also fall outside this condition. It would not be normal practice to approve a vehicle where some of the seats had been modified to take them out of use and seatbelts had been removed.
- 1.15 Officers also considered the Council's Vehicle Compliance Inspection manual which states:

5.0	<b>Seating Seating security and condition</b>	
	<b>Method of inspection</b> Check all seats are properly cushioned and free from damage. Check that seating and arm rests meet manufactured specifications. Removed additional seating – brackets and mountings do not protrude in such a manner that it may cause damage or injury.	<b>Reason for failure</b> Seat cushion worn, damaged or insecure. Base or back rest cushion worn to the extent that the frame protrudes. Damaged/ torn or sharp edges of seating or arm rests. Seat base or back rest insecure. Seat mechanisms faulty in operation. Seating dirty or stained. Brackets or mountings protruding dangerously. Must not have the ability to fit more seats than licensed for.

- 1.16 The Licensing Section's position regarding seating configurations has been consistently applied for many years and is known to the trade. Officers have, therefore, made their decision in a manner consistent with previous decisions.
- 1.17 Mr McDonnell holds the view that by removing the back of the tipping seat this provides unimpeded ingress and egress and the vehicle does meet the Council's vehicle standards. Mr McDonnell is happy to present the vehicle to the Sub-Committee for its consideration.

## 2. RECOMMENDATION

- 2.1 That the sub-committee consider the application and the vehicle configuration as presented at the hearing.
- 2.2 In making its determination, the Sub-Committee should have regard to:
  - Trafford Council Vehicle Conditions and Vehicle Compliance Inspection manual
  - Local Government (Miscellaneous Provisions) Act 1976
  - Statutory Taxi & Private Hire Vehicle Standards 2020

2.3 The options available to the Sub-Committee are:

- To grant a private hire vehicle licence and allow the use of the tipping seat;
- To grant a private hire vehicle licence provided the back of the tipping seat is removed;
- To grant a private hire vehicle licence provided the whole of the tipping seat is removed.