

**Report of Executive Officer**

**Report to Head of Elections, Licensing and Registration**

**Date: 19/09/2017**

**Subject: Application to vary licensing condition for two Mercedes Sprinter 8 seater, Euro 6 vehicles**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Summary of main issues**

1. The council has received an application from a licensed Private Hire Operator, Rollinson Safeway, to licence two Mercedes Sprinter 8 seater vehicles to be licensed as Private Hire Minibuses in Leeds.
2. The council's licensing conditions place requirements on applicants to ensure vehicles meet the criteria set out in the conditions which are imposed to ensure the safety of passengers. The standard design and construction of the vehicle in relation to the passenger seating arrangements do not comply with the council's current licensing conditions.
3. The applicant seeks to vary those conditions and to propose alternative measures for emergency situations.
4. Rollinson Safeway is registered on the council's framework as a Private Hire contractor, primarily to transport clients under social care contracts issued by Passenger Transport service.
5. The company has purchased and invested in the two vehicles to service the council's school contracts. Only after investing in the vehicles has the anomaly with the seating arrangement come to light.

## **Recommendations**

1. It is recommended that the application for a variance to the special conditions attached to the grant of a Private Hire Minibus vehicle be considered with passenger safety as a priority.
2. Any variance to conditions should be replaced by alternative safety measures which provides the same assurance of safety in emergency situations and imposed on the proprietor by way of additional licensing conditions.
3. This variation is to be confined and applicable to the two specified vehicles presented for licensing with registration numbers YJ17DYZ & YJ17DYR.

## **Purpose of this report**

- 1.1 To consider the application for a variance to the standard conditions attached to the grant of a Private Hire minibus licence.

## **2. Background information**

- 2.1 An application for a variance to the conditions has been requested by Rollinson Safeway. For this application to be approved a variance to the council's existing private Hire vehicle need to consider conditions in section 7, 8, 9. A decision to vary conditions would need to be taken under delegated powers.
- 2.2 The special conditions attached to the grant of a Private Hire Minibus licence state:-

### **7. DOORS**

Shall be fitted with 4 doors:

(a) One service door on the nearside of the vehicle in addition to the passenger front nearside door, and one emergency door either at the rear or on the offside of the vehicle, however, any emergency door fitted on the offside of the vehicle shall be in addition to the driver's door. Any rear door which separated into two shall be treated for the purposes of this condition as one door.

(b) No vehicle shall be fitted with any door on the offside other than the driver's door and emergency door.

### **8. EMERGENCY DOORS**

The emergency door shall be clearly marked in letters not less than 25mm high on both the inside and outside stating "EMERGENCY DOOR" or "FOR EMERGENCY USE ONLY" and the means of operation shall be clearly indicated on or near the door. The door must if hinged open outwards, be capable of opening manually and when fully opened give an aperture in the body of the vehicle not less than 1210mm high nor less than 530mm wide.

### **9. ACCESS TO DOORS**

There shall be unobstructed minimum of 12 inches (gangway) access from every passenger seat to all least two doors one of which must be on the nearside of the vehicle, except in the case of the driver seat and the nearside passenger seat.

## **3. Main issues**

- 3.1 The design of the vehicle does not allow passengers to enter or exit the vehicle via the rear door, owing to the standard manufactured seating configuration. The

vehicle has a row of 3 seats to the rear which extends across the rear doors, therefore blocking one of the emergency exits required by licensing conditions. The emergency exit and safety requirements normally imposed in licencing conditions allows for unobstructed access to the rear doors.

- 3.2 There is a proposal from the applicant to remedy this safety requirement by providing an alternative option for emergency exit. The proposal suggests two side windows to be used as alternative Emergency Exits with appropriate signage and an emergency smash hammer installed. This is considered industry standard in some instances for PCV vehicles with appropriate signage and instructions for passenger in and emergency. Additional instructions to be placed in the vehicle advising that the rear doors could still be used in an emergency.

#### **4. Corporate considerations**

##### **4.1 Consultation and engagement**

- 4.1.1 There is no need for additional consultation or engagement associated with this decision.

##### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 There are no implications for the council's equality, diversity, cohesion and integration priorities associated with this decision.

##### **4.3 Council policies and best council plan**

- 4.3.1 There are no implications for the council's priorities and city priorities associated with this decision.

##### **4.4 Resources and value for money**

- 4.4.1 There are no implications for the council's resources and budges associated with this decision.

##### **4.5 Legal implications, access to information, and call-in**

- 4.5.1 This is an administrative decision, so there are no legal, access to information or call implications.

##### **4.6 Risk management**

- 4.6.1 There are no changes to the council's risks associated with this decision.

#### **5. Conclusions**

- 5.1 The vehicle seating configuration was checked by an Authorised Officer on 8<sup>th</sup> August 2017 when the conflict with licensing conditions was highlighted.

5.2 The variation if approved will be restricted to only the two vehicles purchased and specified with identification marks YJ17DYZ & YJ17DYR.

## **6. Recommendations**

6.1 It is recommended that the application for a variance to the Standard Conditions attached to the grant of a Private Hire Minibus licence be allowed only if the following alternative licensing conditions are attached to the grant of the vehicle license and are adhered to:

- Two of the largest side windows adjacent to the rear passenger seating be designated as Emergency Exits and clearly marked with appropriate signage.
- Two industry standard glass 'smash hammers' fitted next to each 'Emergency Exit' window and clearly marked with appropriate signage.
- Additional instructions clearly visible advising passengers how to exit via the rear doors of the vehicle in the event of an emergency.

6.2 This decision will accommodate only two vehicle purchased namely Mercedes Sprinter 8 seater minibus with identification marks YJ17DYZ & YJ17DYR. This decision will not apply to any other vehicle.

## **7. Background documents<sup>1</sup>**

7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.