



WLBC Licensing Policy states : “All vehicles shall have an appropriate “Type Approval” which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted”.

I have purchased a Volkswagen Transporter 9 seat minibus that is manufactured and type approved by Volkswagen to carry 9 passengers safely. This type approval does not differentiate between the types of passengers carried in the vehicle (ie: paying or non paying). As such the vehicle meets very stringent safety checks and has a Euro NCAP rating of 4 stars. This type approval is granted for the vehicle in its factory manufactured state, namely with two rows of 3 seats in the rear which are securely floor mounted and all face forwards. To my knowledge, there is not currently a manufacturer who seeks type approval for minibuses with this capacity with any other form of seating layout.

WLBC currently advocates the turning of rear seats to form “conference style” seating, whereby the rear seats face each other. In the majority of cases, for currently licensed PHV’s (with the exception of the Mercedes Vito) this involves changing the vehicle and its manufactured state in a structural fashion, and as such may prove to be both illegal and unsafe.

On purchasing my vehicle, the history of the vehicle was that it had previously been licensed by Transport for London through the Public Carriage Office as a licensed PHV to carry 8 passengers with its existing seating configuration. The vehicle was successfully operated by the Company, Parker Car Service who operate a fleet in excess of 300 PHV’s. TfL currently license 49,854 Private Hire Vehicles with no issues relating to the configuration of rear passenger seating or restrictions imposed. This compares to WLBC who license 397 and have overly stringent criteria on rear seating configuration. (Figures taken from Department for Transport Statistics report titled “Taxis, Private Hire Vehicles (PHVs) and their drivers: England and Wales by licensing area, 31 March 2013”). I would therefore pose the question to the Council ; “On what technical grounds do you consider that the rear seating configuration of a Volkswagen Transporter is unsafe for rearmost passengers ? And what factual information was used in making the decision that the vehicle is unsafe in its current Type Approved format ?”

Since purchasing the vehicle, I have had the vehicle viewed by Mr Andrew Lees who is a vehicle examiner for the DVSA (formerly VOSA) and has held this position for circa 20 years. In Mr Lees’ professional opinion, the vehicle is deemed as safe in its current form due its Vehicle Type Approval status. As such, there would be no issue with licensing this vehicle to carry 8 passengers under a Public Service Vehicle Operator’ Licence. Again, in his opinion, to move the seats on this or any other vehicle would change the vehicle from its manufactured standards thus losing its Vehicle Type Approval and rendering the vehicle in a modified state to be potentially illegal.

I further pose the question to the Council ; “Have those vehicles that have had their seating configuration changed from its manufactured configuration, namely turned to face rearwards, been re-inspected by a DVSA (VOSA) approved Individual Vehicle Approval (IVA) test station following the works completed by the Council’s own approved taxi testing station?”. If the answer to this is “No”, which I believe it is, then these vehicles are potentially illegal or unsafe as they no longer conform to the Vehicle Type Approval that was granted at the time of manufacture. This also contradicts the Council’s own Licensing Policy which states “Vehicles shall not have been altered since that approval was granted”.

Furthermore, I believe that by imposing the conditions 8.5 to 8.7 in the Taxi Licensing Policy, namely :

8.5 Each row of seats made available shall have door access immediately adjacent to it unless access to rows of seats is by way of permanent passageway from such a door.

8.6 If a seat is to be removed to comply with this requirement, it shall be ideally removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.

8.7 Removed seating mounts must be rendered unusable and the floor surface to be smooth and unencumbered during the period of licence.....

WLBC are in fact placing me at a distinct commercial disadvantage to those drivers who have their vehicles licensed by neighbouring authorities or choose to operate under a PSV Operator's Licence. By way of explanation, please see the examples below for vehicles that are currently legally licensed to carry 8 passengers in a vehicle where all rear seats face forwards in the same configuration as my VW Transporter :-

Example 1 : Pontville School, Long Lane, Aughton.

This establishment provides education services for children with various special needs from the age of 5 to 19. The school has a fleet of its own vehicles used to transport its pupils between various locations / activities. This fleet is primarily made up of Ford Transit Tourneo 9 seat minibuses. These minibuses all have two bench rows of 3 passenger seats in the rear in the same configuration as my vehicle. The sole means of access / exit from the rear row of 3 seats is by folding the back of the near side single seat of the middle row. The base of the seat does not move. There is no additional means of escape in the event of an emergency.

Example 2 : Mr Gerard Garcia T/A PSV Linkline

Mr Garcia currently operates a Ford Transit Tourneo 9 seat minibus under a VOSA PSV Operators Licence registered at a Burscough residential address. The vehicle has all the seats in the standard configuration as per Example 1. In the strictest sense, this vehicle should be licensed as a Private Hire Vehicle.

Example 3 : Arden College, Southport (Priory Group)

I have recently had a contract to transport two adults with learning difficulties to this college on a daily basis and collect them each afternoon. The students are taken out on trips and activities most days using a fleet of Hyundai i800 8 seat minibuses owned by the college. These vehicles all have a forward facing seating configuration with no additional means of escape in the event of an emergency. I also park alongside a Renault Trafic 9 seat minibus licensed by South Ribble Council (Plate no. 268) which has 6 forward facing seats in the rear with no additional means of escape in the event of an emergency. Why is it deemed safe for these, and other service users at the college to travel in either of these two vehicles but deemed unsafe by WLBC for them to travel in my vehicle ?

Example 4 : Whilst at Manchester Airport recently, I witnessed a Ford Transit Tourneo 9 seater minibus licensed by Wirral Council (Plate No. 294) with a seating configuration as per Example 1 collecting passengers. I have also witnessed several other 9 seater minibuses of various makes and models licensed by this Council carrying passengers around the region.

Whilst I understand that all of these vehicles have a different design and Type Approval to my vehicle, I would also like to use the following examples of VW Transporters that are used for transporting passengers (fare paying or otherwise) around the borough or surrounding areas ;

Example 1 : Lancashire County Council - Travelcare

As part of their services to residents within the County area, LCC operate a fleet of vehicles that not only transport the elderly and vulnerable around the County but are also available for hire to the general public. This fleet includes the same VW Transporter nine seat minibus as my vehicle with the seats in the same configuration with no additional means of escape in the event of an emergency.

Example 2 : TNT Mail

TNT mail currently lease a fleet of Volkswagen Transporter 9 seat minibuses, identical to mine, to transport there staff around various locations within the Liverpool postcode area including parts of West Lancashire.

Example 3 : Shropshire licensed PHV, Plate No. P0263 and also Warrington licensed PHV, Plate No. 368 both completing airport transfers in a VW Transporter with all seats facing forwards and licensed to carry 8 passengers.

Example 4 : Hertz & Arnold Clark Car / Van Rental

Both of these companies offer the VW Transporter 9 seat Shuttle for hire to the general public to carry 9 passengers (incl. Driver) with all seats facing forwards.

I would, therefore, pose a further question to the Council ; “What information does the council have available that is not available to any of the above that has led to a decision to class the VW Transporter Shuttle as unsafe to carry 8 passengers in forward facing seats ?”

I would assume that all of the bodies above, including the neighbouring licensing authorities, take the safety of their passengers as seriously as WLBC, yet are still quite happy to allow the use of this type approved vehicle.

Whilst taking all of the above into account, I do understand the Council’s stance on passenger safety, which has clearly led to what I believe to be an overly restrictive condition(s) within the Licensing Policy. As a result, I am happy to point out the manufactured means of exit from the vehicle either in normal use or in the event of an emergency :

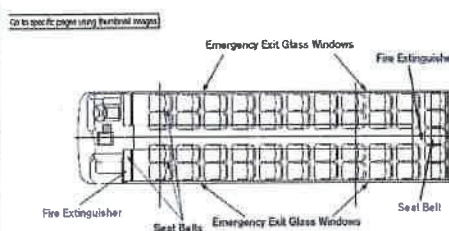
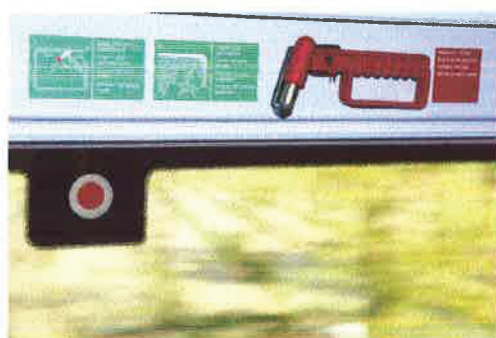
- Firstly, the nearside passenger seat in the middle row is designed to lift completely to allow easy access/egress in and out of the vehicle by operating a single lever on the side of the seat. This would be the method of entry/exit under normal conditions. Please see the image below :**



- Secondly, the twin passenger seat on the offside of the middle row, has a cord fixed to the rear base of the seat that, when pulled, will cause the backrest of the twin seat to fold flat. This would be an additional means of exit in the event of an emergency.



- Finally, in addition to these manufacturer installed measures, I have fitted my vehicle with a break glass hammer to the rearmost windows on both the nearside and offside of the vehicle. These windows are directly adjacent to the rearmost row of seats and are of such a size as to allow a person to easily exit the vehicle through the window aperture in the event of an emergency. I have also labelled both of these windows with signs stating “EMERGENCY EXIT – Break Glass With Hammer”. This measure is frequently used on larger PSV vehicles eg: trains, buses and coaches, where there may only be two exit doors and break glass windows are made available as additional means of escape in the event of an emergency. (See pictures below)



a. Typically all the window glasses can be used as an emergency exit access for fire windows on other sides
 b. Any hard objects like fire extinguishers, hammers can also be used to break the glasses

I will concur that whilst these last two measures may not be the easiest means of escape due to having to either climb over a seat base or out of a window aperture, they are only designed to be used in emergency situations and as such it is not unreasonable or impractical to expect a passenger to exit the vehicle in a manner in which they would not normally in the day to day use of the same vehicle. I also believe these methods of egress to be both ample and adequate for all 8 passengers to exit the vehicle if the need arose in an emergency situation.

In summary, and to finalise, I believe that the VW Transporter Shuttle has been manufactured by Volkswagen to be one of the safest vehicles in its class for carrying multiple passengers. This is substantiated by its widespread commercial use as shown in the examples above and also many others around the UK. I am also prepared to accept that WLBC may require additional safety measures to be implemented to ensure the safety of the travelling public within the

borough although I do not consider that the changing of the manufacturer's seating configuration is the best method to achieve this in light of the information I have supplied above. I believe, however, that the additional measures I have listed above enhance the vehicles ease of egress in the event of an emergency whilst maintaining the structural integrity of the vehicle in its manufactured state.

In considering my request to licence my VW Transporter Shuttle as a PHV to carry 8 passengers in its current form, I would like to direct the Council to the guidance issued by the Government in its publication titled "Taxi and Private Hire Vehicle Licensing : Best Practice Guidance" namely the following :

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28.Similarly, it may be too restrictive to automatically rule out considering Multi Purpose Vehicles, or to license them for fewer passengers than their seating capacity....

93. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

I trust that my request will be given fair consideration on its own merits and that any decision will be suitably substantiated by technical fact and expertise.