

**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT  
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

**16 DECEMBER 2015**  
**ALL WARDS**

**PRIVATE HIRE VEHICLE SAFETY – TOYOTA HIACE**

1. Summary

- 1.1 As part of the normal stop check exercises the Licensing Enforcement Team identified a potential safety issue with some of the Toyota Hiace vehicles currently licensed as private hire vehicles.
- 1.2 These have now been addressed and any issues resolved or the vehicles suspended.

2. Recommendation

- 2.1 That the report be noted.

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### 3. Background

- 3.1 As a Licensing Authority, Birmingham City Council must ensure that all licensed hackney carriages and private hire vehicles meet strict construction and safety standards in order to ensure the safety of fare paying passengers and other road users.
- 3.2 All licensed hackney carriage and private hire vehicles must, therefore, be designed and constructed to have no more than eight seats in addition to the driver's seat must comply with the strict Category M1 (Motor vehicles with at least four wheels designed and constructed for the carriage of passengers) vehicle standards as defined by European Directive 2007/46/EC.
- 3.3 The Toyota Hiace when manufactured is classified as Category N1 vehicles designed and constructed as vans for the carriage of goods.
- 3.4 At its meeting on 20 June 2012 the Licensing and Public Protection Committee resolved, to take effect from 1 July 2012, to effectively exclude N1 class vehicles from licensing by an amendment to Paragraph 3.9.1 "Standards for Private Hire Vehicles" of the Licensing Authority Policies, Procedures and Delegations. This now requires that only purpose-built passenger vehicles of M1 class would be considered suitable for licensing as private hire vehicles, bringing them into line with the same requirement for hackney carriage vehicles.
- 3.5 In the current private hire vehicle fleet there are 31 Toyota Hiace vehicles and all of these had licences first granted prior to implementation of the current policy regarding licensing of Category N1 vehicles.
- 3.6 When manufactured the Toyota Hiace is not fitted with passenger seats in the rear. Under the above EU legislation (2007/46/EC) any additional seats fitted to a vehicle before or after first registration must comply with strict load stipulations to ensure they will not collapse or break loose in a collision. Furthermore all seat belt anchor points and fixings must be capable of withstanding a load of 3.0 tonnes applied over 0.2 seconds without failure or frame deformation.
- 3.7 Following a number of stop check enquiries from members of the Enforcement Team it became apparent that some vehicles had been converted to carry passengers but no evidence had been provided to show that these vehicles were compliant with the M1 standards.

### 4. Enforcement Considerations

- 4.1 The Licensing Enforcement Team initially identified an independent local expert in the field of vehicle classification and we approached Jubilee Automotive Group, Woden Road South, Wednesbury, WS10 0NQ.

- 4.2 Jubilee Automotive Group has been manufacturing and supplying wheelchair accessible vehicles for over 20 years and are recognised as one of the UK's leading vehicle conversion companies. They are Motability Accredited Converter Partners and members of WAVCA, The Wheelchair Accessible Vehicle Converters Association and one of the first conversion companies in the UK to carry out physical crash testing on wheelchair accessible vehicles, and also one of the first to be awarded full European M1 Type Approvals over a wide range of adapted motor vehicles.
- 4.3 Jubilee also routinely carry out extensive safety testing regimes at most of the UK's leading testing authorities including TRL (Transport Research Laboratory), MIRA (Motor Industry Research Association), STATUS (Specialist Transport Advisory & Testing Utility Society at Manchester University), NAMAS and Millbrook Proving Ground with all of their compliance certifications being witnessed and fully accredited by the VCA (The UK Vehicle Certification Agency)
- 4.4 Their managing director kindly agreed to assist the Department to carry out inspections on licensed Toyota Hiaces. Jubilee Automotive Group set a charge of £100 for the vehicle inspection and made no additional charge for any re-inspections. This cost was payable by the vehicle proprietors.
- 4.5 Letters were sent to all Toyota Hiace proprietor's advising they were required to produce evidence that their vehicles where compliant with M1 vehicle standards. This process was phased over a number of weeks to ensure Jubilee Automotive Group was not inundated and could schedule the vehicle inspection within their day to day business.
- 4.6 If a vehicle failed an inspection vehicle examiners provided comprehensive instructions regarding what work needed to be carried out to achieve the M1 standard.
- 4.7 Jubilee Automotive Group maintained their impartiality throughout the inspections and declined to carry out any of the required remedial works when requested.

## 5 Inspection findings

- 5.1 Less than five vehicles presented to Jubilee Automotive Group passed the inspection on the first visit and no further intervention work was required.
- 5.2 The majority of vehicles produced for inspection required some work to be carried out mainly in respect of the methods used to secure the passenger seats to the vehicle.
- 5.3 Vehicle examiners found securing bolts used where not of a sufficient size or appropriate strength to adequately secure each seat leg, and a number of vehicles required additional metal plates to be fixed under the floor to provide additional strength at the anchor points for each passenger seat leg.

5.4 A small number of vehicles produced for inspection had either N1 or N2 passenger seats fitted in the vehicle which do not meet M1 vehicle standards. The proprietors of these vehicles were, therefore, required to replace all the passenger seats and replace them with M1 type approved passenger seats.

5.5 Of the 31 Toyota Hiaces currently licensed as private hire vehicles:

- 28 have been produced for inspection and are now M1 compliant. Copies of the certificates issued have been scanned into the Licensing computerised system.
- 2 are currently suspended due to accident damage, the vehicle proprietors have been made aware that the suspension will not be rescinded until they produce a certificate from Jubilee Automotive Group.
- 1 is suspended as the vehicle proprietor is considering his options due to the significant cost involved in replacing the passenger seats (vehicle has N1 seats).

## 6. Implications for Resources

6.1 The work identified in this report was undertaken within the resources available to your Committee.

## 7. Implications for Policy Priorities

7.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed private hire vehicles are safe and compliant with required vehicle standards.

7.2 It also assists in promoting improvements in the standards of services provided by licence holders across the City and the Council's strategic outcome of staying safe in a clean, green city.

## 8. Public Sector Equality Duty

8.1 The actions identified in this report were taken in accordance with approved enforcement policies which ensure that equalities issues have been addressed.

## **ACTING DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil