

## ITEM 8                      **Vehicle Licence condition – Spare Wheel**

Report of the Head of Legal & Democratic (Portfolio: Corporate)

### **Recommended:**

**That the current licence condition for hackney carriages and private hire vehicles requiring the carrying of a full size spare wheel be replaced with the condition as shown in Annex 1 attached to this report.**

#### SUMMARY:

- The current hackney carriage and private hire vehicle licence conditions prevent vehicles using space-saver wheels and similar temporary repair measures.
- Whilst the Council has previously believed this condition to be necessary for vehicle safety, it is apparent that the condition is no longer appropriate and a request has been received to amend the condition.
- The Committee is therefore asked to agree to the amendment of the condition.

### **1 Introduction**

- 1.1 Hackney carriages and private hire vehicles licensed by the Council are bound by a number of conditions. The conditions are reviewed periodically and revised where appropriate. A number of changes were made in February 2008 including a change to the condition regarding spare wheels. The condition currently states that *“All vehicles shall have a minimum of four road wheels and carry a spare wheel to the same specification as the road wheels. Space-saver tyres, tyre sealants and other puncture safety features are not permitted”*.
- 1.2 This condition was introduced as a result of concerns over vehicle (and thus driver and passenger) safety and in particular about inappropriate use of space-saver wheels. Officers believe that the condition as originally introduced was necessary and proportionate but a number of complaints were received about the condition stating that it failed to take account of the fact that many modern cars come equipped with only a space-saver wheel or in some cases just a tyre sealant device. Following a request from a Private Hire Vehicle Operator for the condition to be reviewed, the Head of Administration, who has delegated authority to issue hackney carriage and private hire vehicle licences, recommended that the condition be reviewed by this Committee at its meeting held in February 2010. The Committee decided at that time to retain the condition. The Council has now received another formal request to review this condition.

## **2 Background**

- 2.1 As mentioned above, the current condition was introduced in February 2008 and last reviewed in February 2010. It is acknowledged that more vehicles are coming onto the market fitted with space-saver spare wheels. Some vehicles do not now even carry a space-saver wheel but instead carry a can of tyre sealant or other device. In many cases there is little or no space for a full size wheel to be stored without compromising the amount of luggage area that is available or preventing the potential soiling of a passenger's luggage.
- 2.2 By law, all vehicles have to be "type approved" (including the spare wheel) before being legally allowed on the road. This has been given as an argument as to why the Council should accept space saver wheels. Usually in the case of a space saver wheel the owner's manual would state that the wheel is only suitable for 'get you home' purposes and will advise that the wheel should not be used beyond a certain distance or above a certain speed (typically 50mph). In addition manufacturers will often give an instruction that the vehicle is driven immediately to a place where repairs can be carried out, or a new tyre purchased. It is suggested that this approach should form the basis of any revised condition.

## **3 Corporate Objectives and Priorities**

- 3.1 The licensing of hackney carriages and private hire vehicles is a statutory responsibility and does not relate directly to the Council's corporate priorities. Licensing of vehicles reduces the potential for illegal plying for hire by unlicensed vehicles. It provides transport for the public who may not have any safe alternative means of transport available.

## **4 Consultations/Communications**

- 4.1 One operator has complained formally about the restrictive nature of the current condition but others have complained informally. Officers consulted with other local authorities to check their policy and out of 12 only one prohibits the use of space savers and temporary repair measures. The Council's Vehicle Inspector (Transport Manager, Environmental Services) agrees with the proposed revised condition.

## **5 Options and Option Appraisal**

- 5.1 The options are either to retain the existing condition or relax or remove it. It is the view of officers that retention of the current condition is no longer proportionate, is unduly restrictive and does not reflect advancements in motor technology. Removal or relaxation of the current condition will undoubtedly assist those vehicle owners whose vehicle does not ordinarily come provided with a full size spare wheel. Complete removal of the condition could lead to problems if vehicles do not undertake repair or replacement of the tyre as soon as possible. Thus it is suggested the condition be amended to stress the need for this. A proposed revised condition is attached as Annex 1 to this report.

## **6 Resource Implications**

- 6.1 There are no direct resource implications as a result of this recommendation. Some vehicle operators/drivers have complained that they have been required to purchase a full size spare wheel which has required a financial outlay on their part.

## **7 Legal Implications**

- 7.1 Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 allow the Borough Council to attach such conditions to hackney carriage and private hire vehicle licences as it “may consider reasonably necessary”. It is the view of officers that the amended condition allowing the use of space saver tyres and other temporary repair measures is reasonable and necessary.

## **8 Equality Issues**

- 8.1 There are no direct equality issues arising from this report so no further Equalities Impact Assessment has been undertaken. It is worth noting that national studies show that taxis are used significantly by some of the more vulnerable and disadvantaged members of the community who do not have access to their own private transport and for whom taxis provide an essential safe form of transport

## **9 Other Issues**

- 9.1 Community Safety – none direct but see paragraph 3.1 above.
- 9.2 Environmental Health/Sustainability Issues – the provision of hackney carriages and private hire vehicles may lead to slightly less reliance upon private motor vehicles, although the effects are more difficult to quantify.
- 9.3 Property Issues – none.
- 9.4 Wards/Communities Affected – none directly but indirectly the whole Borough.

## **10 Conclusion**

- 10.1 Full size spare wheels are judged to be effective in approximately only 70 per cent of punctures as they are either un-roadworthy or drivers don't have the right tools, strength or knowledge to change a wheel. There could also be a safety issue particularly if changing a wheel on a motorway hard shoulder. Alternatives are now common place and include the space saver wheel, compressor and foam/gel, the self-sealing tyre and run-flat tyre. As the average driver only gets a flat tyre once every 44,000 miles or five years car makers and drivers alike have accepted that carrying a full size spare wheel is no longer relevant. Relaxation of the current condition will reflect this.

Background Papers (Local Government Act 1972 Section 100D)

Correspondence held within the Licensing Section

Hackney Carriage and Private Hire Licensing Conditions

Report to Licensing Committee 9 February 2010

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

|                |     |
|----------------|-----|
| No of Annexes: | One |
|----------------|-----|

|         |               |      |      |
|---------|---------------|------|------|
| Author: | Michael White | Ext: | 8013 |
|---------|---------------|------|------|

|           |          |
|-----------|----------|
| File Ref: | MW/D.8/1 |
|-----------|----------|

|            |                     |       |                 |
|------------|---------------------|-------|-----------------|
| Report to: | Licensing Committee | Date: | 16 January 2014 |
|------------|---------------------|-------|-----------------|