

Taxis Committee – Date: 7th January 2010

Report of the Director of Corporate Resources

Review of a Private Hire/Hackney Carriage Vehicle Licence Policy

Purpose of Report

1. To review council policy in respect of spare wheels carried by private hire and hackney carriage vehicles.

Background

2. On the 16th July 2009, the Taxis Committee approved the Revision of the Taxis Testing Manual which contains the criteria in relation to spare tyres carried by private hire vehicles and hackney carriages. i.e.

<u>How the test is carried out</u>	What is unacceptable	Notes
<p><u>SPARE WHEEL AND EQUIPMENT</u></p> <p>Check that the vehicle is fitted with a spare wheel that:-</p> <ul style="list-style-type: none"> • Meets a standard appropriate to the vehicle • Would be in a legal condition when attached to the vehicle • Is of the same size, profile, width and rating as the tyres on the vehicle. • Is securely stored 	<ul style="list-style-type: none"> • Not appropriate • Would be illegal • Wrong size, profile, width or rating • Not secure 	<p>SPARE WHEELS</p> <p>Some vehicles are fitted with space saver or 'get you home' tyres. These tyres tend not to be of the same size, profile, width or rating and are subject to restrictions in their use; usually in terms of speed, load and /or distance travelled. Other vehicles have differing tyres on the front and rear axles, but only one spare. Such tyres, when fitted, can adversely affect the handling and stability of the vehicle and will not be accepted.</p>

		<p>A spare wheel of the correct size, profile, width and rating as that fitted to the vehicle must be provided, two in the case of the vehicles with differing size tyres on the front and rear axle.</p> <p>Owners and/or drivers should take account of this, and the effect of providing a spare wheel will have upon luggage space.</p> <p>Special Event Vehicles That are subject to a contract with a tyre supplier need not carry a spare or tools</p>
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3. On the 17th of June 2009 a Mercedes saloon car failed the private hire mechanical test at the council's Lister Road Depot because in accordance with current council policy, the spare wheel was a 'space saver' wheel.
4. The owner of the Mercedes made application to the Taxis committee on the 21st October 2009, for an exemption from council policy to enable the vehicle to carry a 'space saver' spare wheel.
5. The Committee resolved in pursuance of Section 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976, that the application for special dispensation with regard to the Lister Road mechanical test in respect of private hire / hackney carriage vehicles be refused, in line with Council policy. The committee also requested that the Licensing Officer and the Policy Compliance Manager (Environmental Management) conduct a review of the council's policy in relation to spare wheels carried by private hire and hackney carriage vehicles.
6. Martin Hanson, Licensing Clerk and Pete Lloyd, Policy Compliance Manager have conducted extensive consultation on the current

alternative spare tyres provided by car manufacturers. The consultation included vehicle manufacturers, the Automobile Association, the Royal Automobile Club, the Royal Society for Prevention of Accidents, Auto Express, E.C. Directives, British Standards web site and the law relating to tyres. The information gained from this consultation is outlined in paragraphs 6 to 11 of this report.

7. All the major car manufacturers are replacing matching size spare wheels / tyres with one of three alternatives.

- Space Saver spare wheels
- Runflat tyre system
- Tyre sealants and inflator packs.

If cars are supplied with either the runflat system or tyre sealants and inflator packs the manufacturer does not supply a spare wheel. The onus is left with the customer to purchase a spare wheel as an optional extra.

8. Space Saver Spare Wheels

The law requires that tyres on the same axle must be of the same nominal size and aspect ratio.

However, the law does make an exception for temporary use spares (non-standard spare / skinny spare) which are being supplied as original equipment. Generally these will be smaller than the standard size car tyres.

Vehicle handbooks and the spare tyre itself will carry clear information about operating restrictions, **maximum speed and distance**, which drivers must adhere to for safety reasons.

Consequently, space saver spares must be considered as an emergency, 'get you home' solution. The original car tyre must be repaired or replaced as soon as possible and in any case, within the restricted distance for the use of the temporary spare tyre.

EEC Directive restricts the maximum speed of the vehicle to 50mph when vehicles are using these tyres.

9. Run Flat Tyre System

In conventional tyres, the pressurised air contained within the tyre supports the weight of the car. Recently tyres have been developed which support the weight of the car without inflation for a short period of

time. These are known as runflat tyres. Vehicles using this system must be fitted with a Tyre Pressure Monitoring System.

Runflat tyres have been developed in order to minimise the risks associated with a tyre puncture. A puncture in a conventional tyre can lead to the driver losing control of the vehicle due to the deflated tyre's loss of shape and structure.

In everyday operating conditions runflat tyres operate as conventional tyres. They contain air to reduce the load that the runflat system has to bear to spread the weight of the vehicle evenly on the road surface and to maximise the contact patch between the car and the road.

In the event of a puncture runflat tyres retain their basic shape with in built rigid components allowing them to operate without inflation at low speeds for a relatively short distance. This rigidity also assists a driver to maintain control of the vehicle if the tyre loses pressure, and removes the need to change a tyre immediately.

There are currently two different types of runflat tyre.

Re-enforced sidewall:

One way that a tyre can be adapted to support the weight of the vehicle is to increase the thickness and strength of the sidewall. Although the tyre will bulge outwards without pressurised air inside it will not completely collapse and become unseated from the rim as would happen with a conventional tyre.

Internal support ring:

The internal support ring is a less common design of runflat tyre. When the tyre becomes deflated, it rests upon the internal ring, which supports the vehicle and maintains both the tyre's shape, and its contact with the road.

Runflat tyres offer a better level of safety than conventional tyres if they have a puncture.

The manufacturers vehicle handbooks will carry clear instructions about the operating restrictions which are the '**maximum speed and distance**'. This can vary from manufacturer to manufacturer. Drivers must know, and adhere to the restrictions when using runflat tyres'. In the event of a puncture If a runflat tyre is used without internal pressure and in excess of the proscribed maximum speed and distance damage can occur to the tyre. The damage may be internal and is not always visible. This would compromise the safety of the vehicle.

10. Tyre Sealants

Some vehicle manufactures supply a tyre sealant and inflator pack in place of a spare wheel. The sealant and compressed gas are injected through the tyre valve. The result will depend on the cause of the puncture and how far the tyre has run in a deflated condition.

There are two basic types of sealant:

Pre-Puncture Sealants:

These are put into the tyre as a preventative measure either at the time the tyre is fitted or by injection through the tyre valve. The aim is to prevent air loss if a puncture does occur so the driver can continue the journey without interruption.

The seal is pretty much instantaneous after the tyre has been punctured. On a safety issue there is a serious concern that without the vehicle being fitted with a tyre pressure monitoring system the driver will have no idea whether there has been a puncture or not. A large screw or nail in the tread of the tyre will cause further damage over a period of time which could lead to a more catastrophic failure of the tyre.

Expert advice to users of this method of repair is to inspect the tyres VERY often i.e. Every time the vehicle is used. If the pre-puncture sealant has been activated there should be traces of the sealant on the outside of the tyre. If there are any signs of this or signs of a penetrating object, then the tyre must be removed from the rim and properly inspected to see if it is suitable for permanent repair.

Post-Puncture Sealants:

These are used following a puncture. The sealant and compressed gas to re-inflate the tyre are applied through the valve. A safety issue is that it is vitally important that the puncture is spotted early and the sealant applied promptly. Use of a partially or fully deflated tyre will cause weakening of the tyre structure and irreparable damage.

The British Standard applicable to tyre repairs, BS AU 159, states that the tyres should be removed from their rims to be thoroughly inspected to ascertain their suitability for repair. The standard also defines appropriate repair materials. The use of liquid tyre sealants does not meet these criteria and hence cannot be considered suitable for a permanent repair.

Runflat tyres and Tyre sealants are designed to deal with normal punctures only. They do not work with a more serious tyre failure therefore in the absence of a normal spare tyre / wheel the driver of a vehicle would be stranded.

11. All three systems have been extensively tested by vehicle manufacturers and are safe within certain parameters that are laid down in vehicle handbooks

The onus lies with the driver of the vehicle to strictly adhere to the guidelines regarding the use of these alternatives to conventional spare wheels. Failure to comply with the guidelines will compromise the safety of the driver and passengers.

12. The three alternative tyres outlined in paragraphs 7,8 and 9 above are designed to be a temporary measure only. A letter dated 3rd July 2009 from Mercedes Benz refers to the temporary use of the space saver wheel. A copy of this letter is attached to this report as appendix 1.
13. The enforcement of the use of alternative methods can only be effectively carried out at the time of vehicle testing or random spot checks.
14. Further consultation was conducted with Neighbouring Authorities on their policies in relation to the spare tyres carried by hackney carriages and private hire vehicles.

<u>Council</u>	<u>Policy</u>
Birmingham City Council	There is no written policy All applications for vehicles to be licensed with alternative methods to the carrying of a conventional spare wheel are put before the licensing committee for their decision. Each case is viewed on its individual merits.
Sandwell MBC	There is no written policy Currently licensed vehicles are only allowed to carry conventional spare wheels. All new vehicle applications will be granted providing the alternative methods comply with manufacturer specifications.
Wolverhampton City Council	There are no restrictions on vehicles carrying space saver style spare wheels providing the wheel complies with the vehicle manufacturer specifications.

Walsall Council	There are no restrictions on vehicles using the three alternative methods to normal size spare wheels, unless there is an adverse comment raised about a specific vehicle at the time of that vehicle's testing.
Solihull MBC	Currently the use of the alternative spare wheels is allowed. The Council have expressed concerns over the safety regarding the use of these alternative methods of spare wheels on taxis. The licensing department are at present doing research into the possibility of banning these methods in the future.
Kirklees Council	<p>Vehicles must carry a normal size spare wheel which matches the tyre size of the vehicle's tyres / wheels. This is part of the conditions of licence. They do allow the use of space saver wheels providing the wheels comply with vehicle manufacturers specifications.</p> <p>A vehicle using any spare wheel alternative when undergoing a council mechanical test will automatically be issued with a failure of test notice.</p>
Stockton-on-Tees	<p>A vehicle must carry a normal size spare wheel as per policy. However the use of a space saver spare will be allowed providing it is of an approved type. The Council do not allow any other method to be used i.e. runflat system or pre / post puncture. sealants the vehicle must have a normal sized spare wheel or an approved space saver tyre.</p> <p>This is because these two systems are only effective in repairing a normal type of puncture usually up to a 5cm hole around the tread area of a tyre. The licensing authority feel that their licensing policy would be questioned under certain circumstances, the</p>

	example they have provided is: a customer is on their way to the airport, the tyre is shredded, and misses their flight... the Council would be questioned, as to why a vehicle was allowed to be licensed without a spare wheel. Therefore, we require all vehicles to be fitted with a spare wheel.
Public Carriage Office, London	Spare wheels / tyres must be of the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer. They do allow the use of space saver spare wheels, runflat tyre system, and pre / post puncture sealants providing the driver complies to the vehicle manufacturer guidelines, and the vehicle licence holder provides proof that they have membership of a 24 hours recovery company.

15. Mr Pete Lloyd, Policy and Compliance Manager, Lister Road, has requested that the following points be brought to the committees attention when considering this review of licensing policy:-
- If a vehicle attending Lister Road for its vehicle test using a spacesaver spare wheel the vehicle cannot be used on the Brake Testing Machine. Accordingly the vehicle would fail its test.
 - Some vehicles are manufactured with restricted space in the boot area usually just large enough to take a space saver style spare wheel. In the event of a vehicle having a puncture the punctured spare wheel would have to be stored in the luggage space area of the vehicle, which may impact on the council's current policy in relation to boot and luggage space. This policy is attached to this report as appendix 2.
 - If a vehicle is engaged in carrying passengers for a long distance e.g. to Heathrow Airport, journeys of this nature could breach manufactures guidelines thereby creating safety implications.
16. If the committee decides that private hire and hackney carriage vehicles are allowed to use alternative spare tyres/methods consideration be given to the addition of the following conditions to all private hire operator licences, private hire vehicle and hackney carriage driver licences: -

Private Hire Vehicle Licence

17. Any vehicle licensed as a private hire vehicle must at all times and as a minimum, adhere to the manufacturer's original specification in relation to the provision of a spare wheel, in accordance with any and all appropriate legislation governing the suitability and legality of that specification.
18. A vehicle must not operate as a private hire vehicle when driven on emergency or temporary replacement wheels and tyres. A vehicle may only operate as a private hire vehicle when driven on appropriate and legal full size wheels and tyres.
19. The driver of any vehicle supplied as new by the manufacturer with other than a full size replacement wheel and tyre as manufacturer's specification and licensed as a private hire vehicle shall not, in the event of any incident involving any damage to any of the road wheels or tyres, accept any booking until the damaged wheel or tyre is replaced with an appropriate and legal full size replacement wheel and tyre.
20. The driver of a private hire vehicle sustaining such damage shall report any such incident immediately to his base.
21. In the event of any of the road wheels or tyres sustaining damage and being replaced with a space saver spare tyre, run flat system, tyre sealant or other emergency or temporary system, the driver of that private hire vehicle shall adhere to the manufacturer's operating recommendation for driving with the aforementioned system.
22. If any vehicle, licensed as a private hire vehicle, is fitted with a system other than a full size replacement wheel and tyre, that vehicle must clearly display to all passengers using that vehicle, the manufacturer's recommendations for the use of that system.

Private Hire Operators Licence

23. An operator must ensure that all drivers working from his base are aware of the conditions placed upon both private hire vehicle licences and hackney carriage vehicle licences in relation to the provision of spare tyres and wheels.
24. No booking of any kind shall be passed to any driver whose vehicle has sustained any damage to his wheel or tyre causing him to use a space saver spare tyre, run flat tyre system, tyre sealant or other emergency or temporary

system, until the aforementioned wheel or tyre is replaced with an appropriate and legal full size replacement wheel and tyre.

Hackney Carriage Drivers Licence

25. The driver of any vehicle licensed as a hackney carriage must at all times and as a minimum, adhere to the manufacturer's original specification in relation to the provision of a spare wheel, in accordance with any and all appropriate legislation governing the suitability and legality of that specification.
26. A vehicle must not operate as a hackney carriage when driven on emergency or temporary replacement wheels and tyres. A vehicle may only operate as a hackney carriage when driven on appropriate and legal full size wheels and tyres.
27. The driver of any vehicle supplied as new by a manufacturer with other than a full size replacement wheel and tyre as manufacturer's specification and licensed as a hackney carriage shall not, in the event of any incident involving any damage to any of the road wheels or tyres, accept any bookings until the damaged wheel or tyre is replaced with an appropriate and legal full size replacement wheel and tyre.
28. The driver of a hackney carriage sustaining such damage shall, where appropriate, report any such incident immediately to his base.
29. The driver of a hackney carriage shall not park on any hackney carriage rank or ply for hire until the damaged wheel or tyre is replaced with an appropriate and legal full size replacement wheel and tyre.
30. In the event of any of the road wheels or tyres sustaining damage and being replaced with a space saver spare tyre, run flat tyre system, tyre sealant or other emergency or temporary system, the driver of that hackney carriage shall adhere to the manufacturer's operating recommendation for driving with the aforementioned space saver spare tyre, run flat tyre system or tyre sealant or other emergency or temporary system.
31. If any vehicle, licensed as a hackney carriage, is fitted with a system other than a full size replacement wheel and tyre, that vehicle must clearly display to all passengers using that vehicle, the manufacturer's recommendations for the use of that system.
32. If alternative spare wheel/methods are to be allowed the wheel/tyre should be clearly marked. It also suggested that the Taxi Testing manual is amended to reflect the following points as failure to meet the licensing criteria and grounds for failure of the mechanical test for both private hire vehicles and hackney carriages.
 - Space saver spare wheels, not clearly marked.

- Evidence of apparent sealant leak on tyres.
 - Failure to display prominently and permanently the manufacturers recommendations for the use of a space saver tyre/runflat system/tyre sealant.
33. Pete Lloyd and Martin Hanson will be in attendance at the Taxis Committee to answer any questions the Committee may have in relation to this report.
34. This report falls within the Council's responsibility for Taxi and Private Hire licensing, which has a direct link to the Council's key corporate priority that safety matters.

Finance

35. There are no financial implications to the council.

Law

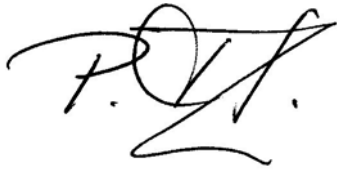
36. The Local Government (Miscellaneous Provisions) Act 1976 governs the licensing of hackney carriage and private hire.
37. The Town Police Clauses Act 1847 governs the licensing of hackney carriages.
38. In pursuance of Section 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach to the grant of a licence of a hackney carriage or private hire such conditions, as the Council may consider reasonable necessary.

Equality Impact

39. This report takes into account the Council's policy on equal opportunities.
40. The licensing of Private Hire and Hackney Carriage vehicles and drivers will impact on children and young people through their transportation in licensed vehicles.
41. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

42. That the committee consider a review of its policy in relation to spare wheels carried by hackney carriages and private hire vehicles.



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List of Background Papers