



Derby City Council

## **TAXI LICENSING & APPEALS COMMITTEE**

**23 April 2015**

# **ITEM 5**

Report of the Strategic Director of  
Neighbourhoods

### **Space Saver Wheel Amendment**

#### **SUMMARY**

- 1.1 At the committee meeting in February, Members considered changes to the Council's Specification for Private Hire Vehicles in relation to spare wheel provision and resolved to amend Paragraph 8 of the Council's Specification for Private Hire Vehicles to allow the use of a space saver wheel as a spare in certain circumstances.
- 1.2 Councillor Barker has raised some concerns about the current situation and has proposed an amendment to the wording previously agreed.
- 1.3 The report sets out the proposal.

#### **RECOMMENDATION**

- 2.1 To amend Paragraph 8 of the Council's Specification for Private Hire Vehicles to read:
  - 8.1 The spare wheel and tyre must be identical to the size of the four road wheels unless the vehicle's original manufacturer's specification includes provision of a space saver. The use of any space saver wheel must be for emergency purposes only and must be replaced with a full size wheel at the earliest opportunity and in any event, immediately after the fare-paying journey, if any, during which it was fitted to the vehicle has been completed. Whilst the space saver wheel is in use, the driver must observe the vehicle manufacturer's recommendations in relation to its usage, in particular those relating to speed and loading. The vehicle proprietor and/or operator, as appropriate, must ensure that the driver is aware of these recommendations.
  - 8.2 For the avoidance of doubt, use of a space saver wheel on a vehicle is solely at the discretion of the driver and the condition in paragraph 8.1 is not to be regarded as an instruction by the Council, to the driver, to use a space saver wheel.

#### **REASONS FOR RECOMMENDATION**

- 3.1 To ensure the Council remains satisfied that the scope of the specifications maintains the right balance between the statutory obligation to safeguard the public interest and the legitimate interference with licence holders' discretion.

## SUPPORTING INFORMATION

- 4.1 At the committee meeting in February, Members considered changes to the Council's Specification for Private Hire Vehicles in relation to spare wheel provision and resolved to amend Paragraph 8 of the Council's Specification for Private Hire Vehicles to allow the use of a space saver tyre as a spare when the vehicle had been manufactured with one.
- 4.2 Whilst this alteration clarified the circumstances where the provision of a space saver wheel was allowed, Councillor Barker has raised concerns that the decision of the Committee should be qualified in writing within the policy to indicate the absolute temporary nature of this type of spare wheel, and further that it should be made clear that the decision to use such wheels is entirely in the users discretion.
- 4.3 Accordingly, Councillor Barker has requested Committee consider the insertion of additional information that sets out a clear indication that the space saver wheel carries with it restrictions in respect of speed and usage and that it is incumbent on the vehicle proprietor, driver and operator to ensure that they comply with the vehicle manufacturer's recommendations for the space saver wheel's usage.
- 4.4 Currently, Paragraph 8 of the Council's Specification for Private Hire Vehicles states, "The spare wheel and tyre must be identical to the size of the four road wheels unless the vehicle has been manufactured with a space saver."
- 4.5 It is proposed that Paragraph 8 be amended to the revised wording set out in the recommendation detailed in paragraph 2.1.

## OTHER OPTIONS CONSIDERED

- 5.1 Not applicable.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Olu Idowu - - - John Tomlinson -
<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Michael Kay 01332 641940 michael.kay@derby.gov.uk None Appendix 1 – Implications

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 None directly arising from this report.

**Legal**

- 2.1 As the licensing authority, the Council is obliged to ensure that its licensing policies and related terms and conditions attaching to licences effectively safeguard the public interest. So long as the rationale for inclusion of a term or condition can be objectively justified in the public interest, the courts have demonstrated their reluctance to interfere with local authority policies.

**Personnel**

- 3.1 None directly arising from this report.

**IT**

- 4.1 None directly arising from this report.

**Equalities Impact**

- 5.1 None directly arising from this report.

**Health and Safety**

- 6.1 None directly arising from this report.

**Environmental Sustainability**

- 7.1 None directly arising from this report.

**Property and Asset Management**

- 8.1 None directly arising from this report.

**Risk Management**

- 9.1 None directly arising from this report.

**Corporate objectives and priorities for change**

- 10.1 The proposals set out in this report will deliver **better outcomes for our communities**.