

<b>Meeting:</b>	Licensing Committee
<b>Date:</b>	7 July 2023
<b>Classification:</b>	Part 1
<b>Key Decision:</b>	No
<b>Title of Report:</b>	<b>Amendment of Hackney Carriage Vehicle Conditions in respect of Wheelchair Accessible Vehicles</b>
<b>Executive Director:</b>	Alan Richards (Interim Executive Director – Environment & Place)
<b>Report Author:</b>	Adam Penn, Regulatory Services Manager

## 1. Executive Summary

- 1.1. Members are invited to consider the results of a consultation regarding permitting Wheelchair Accessible Vehicles with rear door access to be used as Hackney Carriage Vehicles and, if accepted, to amend licence conditions to allow this.

## 2. Recommendations

It is recommended that Committee:

- 2.1. Amend condition 2.2.1 of Hackney Carriage Vehicle conditions from “Any vehicle shall, according to the manufacturer’s specification, have the following: Rear Seat accommodation for at least three persons with a minimum of 43.18cm (17 inches) per person”. To read

“Any vehicle shall, according to the manufacturer’s specification, have the following: Rear Seat accommodation for at least three persons with a minimum of 43.18cm (17 inches) per person with the exception of when the vehicle is carrying a passenger in a wheelchair which gains access via the rear door of the vehicle”.

- 2.2. Amend condition 2.2.4 of Hackney Carriage Vehicle conditions from “No seat shall need to be moved or tilted before a passenger can enter or exit the vehicle” to read:

“No seat shall need to be moved or tilted before a passenger can enter or exit the vehicle, with the exception of when the vehicle is carrying a passenger in a wheelchair which gains access via the rear door of the vehicle”.

**2.3. Add a condition to section 3 of conditions (general conditions for Wheelchair Accessible Vehicles which reads:**

**“At such time when Wheelchair Accessible Vehicles are carrying a passenger in a wheelchair which gains access via the rear door of the vehicle, that vehicle shall be exempt from conditions 2.2.1 and 2.2.4 above”.**

**3. Background**

- 3.1. Hackney Carriage Vehicles are bound by a set of conditions approved by the Licensing Committee.
- 3.2. Conditions 2.2.1 and 2.2.4 of those conditions prevent the use of rear access Wheelchair Accessible Vehicles (WAVs) because, in order to place the wheelchair in and safely strap it down removable seats are necessary.
- 3.3. Bodies representing the taxi trade approached the Council and asked for these conditions to be relaxed so that rear access WAVs could be used. The reasoning for this was that side only access vehicles are significantly more expensive which in turn means the affordability of being a Hackney Carriage driver is impacted.
- 3.4. Rear access WAVs are widely used on the City’s private hire fleet and have been for many years.
- 3.5. The general requirement under The Taxis & Private Hire Vehicles (Disabled Persons) Act 2022 for all drivers to provide assistance to anybody who requires mobility assistance but does not relate to designated WAVs. This Act places a duty on all drivers of private hire and hackney carriage vehicles to provide assistance which may include carrying a wheelchair or other mobility equipment or an assistance dog, irrespective of whether or not the vehicle is a WAV.
- 3.6 The Council adopted the policy that all new hackney carriage licence plates that were issued should be wheelchair accessible. (Minute 106 10 January 2006.
- 3.7 The Council maintains a list of vehicles which have been designated as wheelchair accessible on the Council’s website. This was adopted at Licensing Committee Minute 488 Dated 17 October 2019 in compliance with the Department of Transport Statutory Guidance on Access for Wheelchair Users to Taxis and Private Hire Vehicles in 2017<sup>1</sup> (Amended June 2022).
- 3.8 Drivers are able to apply for a medical exemption where they are unable to fulfil the duties under the Equalities Act 2010 to assist passengers in wheelchairs carry assistance dogs. This exemption relates to drivers of designated wheelchair assistance vehicles (3.7 above).

<sup>1</sup> [Department of Transport Statutory Guidance](#)

Access to taxis and private hire vehicles for disabled users. Published 20 June 2022

3.9 The Medical Exemption Policy was adopted by Licensing Committee Minute 488 Dated 17 October 2019.

3.10 The Council undertook two consultations on this change, the first to invite any comments, which received a low response, so a further a 5-week consultation took place in March this year to gauge opinion on these vehicles being more widely permitted. (section 11, below). The response produced almost universal approval by both disabled passengers and groups, who were specifically requested to respond, and drivers alike.

#### **4. Reasons for Decisions**

4.1. It is anticipated that by allowing these lower cost vehicles on the Hackney Carriage circuit.

a) There may be more vehicles available to carry those disabled passengers who wish or need to travel in a wheelchair.

b) Drivers may renew existing vehicles earlier as such a large outlay will not be necessary. It will help to assist in moving the current fleet to those with improved emissions standards and contribute to improving air quality.

#### **5. Other Options**

5.1. The only other option is to not amend conditions and therefore continue to not allow rear access vehicles from being used on the Hackney Carriage circuit.

#### **6. Financial Implications**

6.1. There is no cost to the Council by taking this action.

#### **7. Legal Implications**

7.1. None.

#### **8. Policy Context**

8.1 Supports economic regeneration and business development and enhances tourism, cultural and the leisure offer, through the regulation and advice provided to businesses.

8.2 The proposal allows wheelchair users greater access to suitable vehicles.

8.3 Contributes to the 2050 ambitions of Safe and Well and Connected and Smart.

#### **9. Carbon Impact**

9.1. Encouraging the use of newer vehicles contributes to improving air quality.

## **10. Equalities**

- 10.1. An equalities assessment has been carried out. This action will have positive impacts for disabled people.

## **11. Consultation**

- 11.1. The Council undertook two consultations on this proposal, the first to invite any comments, which received a low response so a further a 5-week consultation was arranged.
- 11.2. In the second consultation a total of 316 people accessed the consultation which ran from 1st March to 5th April 2023 of that 49 responded online, the rest were aware, informed but chose not to comment on the survey, at the peak of the consultation it received over 62 visits per day.
- 11.3. The consultation was promoted across social media and was available on the Councils interactive consultation portal <https://yoursay.southend.gov.uk/>
- 11.4. It was also made available in a hardcopy format if requested and emails were directly sent to key stakeholders inviting them to comment at the start of the consultation.
- 11.5. The overall consensus from those responding was that they understood what the Council was trying to achieve in understanding the needs of wheelchair users and improving the accessibility for these types of vehicles.
- 11.4. An overview of responses and the comments of the Licensing Authority are attached at **Appendix 1**.

## **12. Appendices**

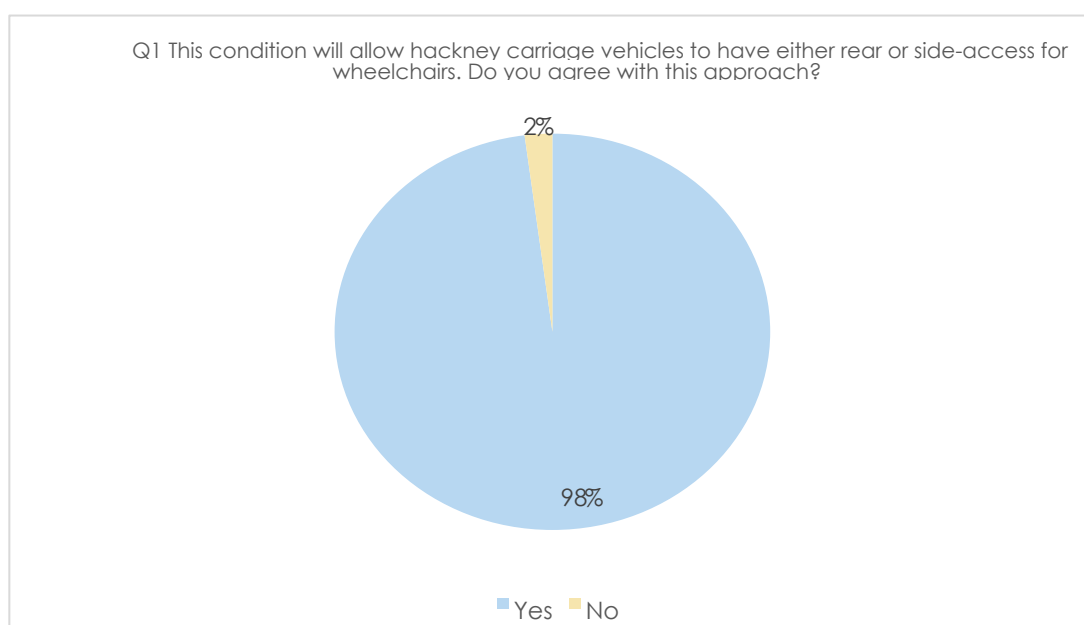
- 12.1. **Appendix 1: Responses to the Public Consultation**

**Responses to the Public Consultation**

The consultation consisted of the following questions: -

1. This condition will allow hackney carriage vehicles to have either rear or side-access for wheelchairs. Do you agree with this approach?

This was a single response question with 98% of those responding identifying that they agreed allowing hackney carriage vehicles to have either rear or side access for wheelchairs.



2. If you answered No, please explain the issues

This was an open response question with 1 individual leaving a comment.

	<b>Comment</b>	<b>Licensing Authority Response</b>
1.	whilst I agree that the cost of rear loading vehicles is expensive. there is over 100 wheelchair vehicles working and most will not do wheel chair work so what is this change going make there are enough private hire vehicles operating this service and it seems you listen to one person	The request to consider this came from bodies representing the taxi trade. The point of the consultation is to gain the views of stakeholders within the trade and those who may be affected by the proposal, be that positively or negatively.  Where we receive reports of drivers refusing wheelchair work these are investigated.

3. Is there anything that the Licensing Authority should consider?

This was a free text response with 26 individuals responded with 3 stating there was nothing further to add, 23 individual comments listed below.

	Comment	Licensing Authority Response
1.	Visual impairment	This is covered in legislation. The Taxis & Private Hire Vehicles (disabled persons) Act 2022 requires drivers to assist all disabled passengers
2.	As a Licensed Hackney Driver I do think this is a good idea, to increase wheelchair cars with side or rear access , as this will enable drivers to replace old vehicles with modern state of technology cars which are up to date, and enable drivers to finance new vehicles at lower monthly figures, of which current drivers are unable to purchase these expensive large vehicles with side access costing above £45,000 pounds, which is currently not affordable in our current financial world we live in.	This demonstrates agreement with the proposal
3.	More security for drivers	The consultation was in regard to Wheelchair Access Vehicles. The security of drivers, while important, is not relevant to this consultation
4.	Forward facing facilities for wheelchair users are far more appealing than any other position when travelling.	This demonstrates agreement with the proposal
5.	Rear access vehicle will help everyone especially considering vehicle prices at this current market	This demonstrates agreement with the proposal
6.	More parking bays for taxis at busy areas and shelters for customers waiting.	Taxi stands are regularly reviewed separately
7.	I'm a physically disabled woman. I have Multiple Sclerosis. I am unable to stand or walk and am wheelchair-bound. I've been using rear-loading private hire vehicles for years. I find them to be comfortable, practical and it is great	This demonstrates agreement with the proposal

	to be able to face forward while undertaking a journey and travelling in a rear-loading vehicle.	
8.	Lack of wheelchair taxis available in town due drivers not being able to afford the bigger taxis, which they can't be blamed for as this is due to the council not allowing the smaller/affordable rear access vehicles to be used.	This demonstrates agreement with the proposal
9.	Not only should the price be considered, but also the mileage on the vehicle, if I buy a 3 year old side loader purpose built wheelchair vehicle it has been a taxi from the start which means it will have 100,000+ miles on the clock, the rear loaders can be bought privately or threw the Motability.. meaning I could get a 3 year old vehicle with only 25,000 miles for a lot cheaper.. My Mother-in-law is in a wheel chair and has recently been picked up by a rear loader, my wife was with her and she said the experience was excellent, the driver loaded her with ease due to the onboard hoist, she was facing front and seating next to my wife/ her daughter, they told me it was very good. I know a lot of the saloon plate drivers are against this, and I believe this is for selfish reasons, with no regard to the customers comfort or wishes. They seem to forget all plates are owned by the Council and all plates even there's were issued by the Council to start with. I think Rear loaders would be a asset to the town and a welcome addition to our wheelchair customers.	This demonstrates agreement with the proposal
10.	I have been a wheelchair accessible vehicle driver for the last 17 years having done over 5000 wheelchair customers I can say	This demonstrates agreement with the proposal

	that all of these customers would have been able to use rear loading vehicles.	
11.	I've been a taxi driver in the town for 27 years and I feel that this is a very good idea to get more wheelchair taxis out there for the people that need them.	This demonstrates agreement with the proposal
12.	It is absolutely good idea. please allow drivers to use the rear access wheelchair vehicle.	This demonstrates agreement with the proposal
13.	You should scrap the min 3 year waiting period before being able to own your plate, by doing this more drivers could get access to disability plates and cars.	This matter would need to be considered separately but the comment broadly demonstrates agreement with the proposal
14.	So much easier and needed in town	This demonstrates agreement with the proposal
15.	Should allow rear accessible vehicles	This demonstrates agreement with the proposal
16.	It'll be a big help for drivers to purchase a cab with rear end WC and benefit for the customers. And more WC jobs will get covered	This demonstrates agreement with the proposal
17.	Rear WC cabs is needed in our town	This demonstrates agreement with the proposal
18.	Would help the drivers for future to invest in a WC cab and help getting WC jobs covered	This demonstrates agreement with the proposal
19.	City is in need of rear excess WC taxis	This demonstrates agreement with the proposal
20.	Will make it easier for WC users to get around a lot more	
21.	Shots is WC	Comment not understood
22.	with the city status we should be up to standard with other cities which have choice of rear or side loading WC taxis. Plus more affordable for drivers which means more WC cabs available for users.	This demonstrates agreement with the proposal
23.	Decrease the license fee for wheelchair accessible vehicle	The Provision of Services Regulations 2009 and case law would not allow the Council to take this route.