

Hackney Carriage Saloon Car Licences

Hackney Carriage and Private Hire Licensing Sub-Committee **Date:**

Author: **Group Director of Environment, Regeneration and Community**

Parish / Wards Affected: All

Purpose

- To agree a policy regarding the future specification of vehicles eligible to be licensed as Hackney Carriages.

Recommendation

The Sub-Committee is requested to

- Consider the recommendations contained in this report and agree the proposed policy to take effect from the dates stated in the report. The main recommendations are:
- All holders of saloon car Hackney Carriage licences to be required to change their vehicle for one which is wheelchair-accessible.
- Allow all current holders of Hackney Carriage licences to change their vehicle for one which, although not necessarily meeting the requirements of the Metropolitan Conditions of Fitness, is wheelchair-accessible.

1. Reasons

- 1.1 In May 1989 the then Public Works and Services Committee resolved that all new Hackney Carriage licences would only be issued for wheelchair-accessible vehicles which conform to the Metropolitan Conditions of Fitness.
- 1.2 At that time it was agreed that the saloon car licences already in force would be allowed to remain until such time as the part of the Disability Discrimination Act 1995 regarding taxis was implemented. Swindon Borough Council currently licences 43 saloon cars as Hackney Carriages.

2. Detail

- 2.1 Part 3 of the Disability Discrimination Act 1995 gives people with disabilities a “right of access” to goods, services and facilities. There is, however, a specific exemption for some transport services, meaning that none of these provisions currently apply to taxis or private hire vehicles.
- 2.2 Part 5 of the Act allows the Secretary of State to make regulations regarding all new land-based vehicles – trains, buses, coaches and taxis – to be accessible for people with disabilities, including those who need to remain in wheelchairs. Regulations were made in 2004 for trains, buses

Further information on the subject of this report can be obtained from Rod Collett on 466212 or Email rcollett@swindon.gov.uk.

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and coaches, but not for taxis. There are currently no plans to introduce accessibility regulations to private hire vehicles.

- 2.3 Under Part 5 of the Act, taxi drivers now have a duty to ensure people with disabilities are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a person with disabilities to use their services.
- 2.4 As stated in 2.2, no regulations have yet been made or developed under Part 5 of the Act relating to licensed taxi vehicles. Making regulations regarding Hackney Carriages has proven to be extremely complex. At the time of the 1995 Act, it was thought that a taxi could be designed to meet the needs of all people with disabilities, including wheelchair users and those with an ambulatory disability. In practice this has presented a significant challenge and is the main reason why the provisions relating to taxis have not been enacted. The Department for Transport has, however, recently consulted stakeholders regarding the possible implementation of Part 5 of the Act in relation to hackney carriage vehicles. The DfT announced in November 2009 that the results of the consultation were inconclusive and further research and consultation is to be undertaken.
- 2.5 Swindon Borough Council currently issues 43 hackney carriage licences for saloon cars. These licences have been allowed to continue while awaiting a decision from the Secretary of State regarding the implementation of the Disability Discrimination Act.
- 2.6 At the time of the Public Works and Services Committee resolution in 1989, the only wheelchair-accessible vehicles available were the traditional "London Cab", manufactured by London Taxis International, and the Metrocab. Both conformed to the Metropolitan Conditions of Fitness. The Metrocab has since ceased production. Last year Mercedes launched the Mercedes Vito Taxi, which also conforms to the Metropolitan Conditions.
- 2.7 There are now several alternative vehicles on the market which are wheelchair-accessible. Although the majority of these vehicles are van conversions, they are fully wheelchair-accessible. They do not, however, conform to the Metropolitan Conditions of Fitness in that they are unable to perform the tight turning circle required as part of these Conditions. Correspondence has been received from Allied Vehicles requesting the Council to consider licensing the Peugeot E7, and their letter is attached at Appendix "A".

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- 2.8 Whilst the requirement of a tight turning circle would seem sensible for London and major cities, it appears to be something of an anachronism for Swindon as 99% of hackney carriage hirings are either “on the spot” at taxi ranks or are pre-booked. It is proposed, therefore, that if any current “black cab” plate holder wishes to change their vehicle for one which is wheelchair-accessible but does not conform to the Metropolitan Conditions with regard to the turning circle, they be allowed to do so. It is recommended that this should take effect from 1 February 2010.
- 2.9 In regard to the 43 licences for saloon cars currently in force, it appears that any decision by Central Government regarding the implementation of the Disability Discrimination Act 1995 is still some way away. Therefore it may be timely to make decisions now regarding the continued licensing of saloon cars.
- 2.10 It is therefore proposed that all holders of saloon car licences be required to change their vehicle for one which is wheelchair-accessible but which need not conform to the Metropolitan Conditions regarding the turning circle. This change to be made as soon as practicable but in any event no later than 1 April 2015 or at the next change of vehicle, whichever is the earlier.
- 2.11 It is also proposed that the condition which requires any completely new hackney carriage plate to be issued only for a wheelchair-accessible vehicle which conforms to the Metropolitan Conditions of Fitness, remains in force.
- 2.12 Further to the above, it is recommended that the age limit for vehicles which do not conform to the Metropolitan Conditions of Fitness be set at five years, with two extra years granted on annual inspection and six-monthly M.O.T. tests.

Alternative Options

- Continue current practice and allow the current status quo to continue.

Risk Management

Financial and Procurement Implications

- There are no financial or procurement implications for the Council. However there may be financial implications for the holders of the 43 saloon car hackney carriage licences.

Legal / Human Rights Implications

- There are no legal implications to this report. Human Rights have been taken into account in the preparation of this report.

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Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

- A Healthy and Caring Place; An Economically Prosperous Place; An Environmentally Friendly Place; A Safe Place.

Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

Background Papers and Appendices

- Appendix "A" – Letter dated 8 January 2010 from Allied Vehicles.