
Hackney Carriage Vehicle Specification

Consultation Document

Swindon Borough Council is considering changes to the current Hackney Carriage Vehicle Specification. Hackney Carriages have a vital role to play in the transport system within the Borough and help many people to travel to work, education, shopping and social networks. The Council is committed to finding positive solutions to the issues which need to be addressed, that will provide a fleet to meet the needs of all users and that will affirm the role of hackney carriages as an integral part of the transport system.

We hope this consultation document will stimulate a constructive discussion of the issues and that we will be able to develop and implement a strategy which will result in real improvements.

Your views are important, so please use this opportunity to share them with us and contribute to the discussion.

We would particularly welcome responses to this consultation from:

- Equality Forums
- Hackney Carriage vehicle manufacturers or converters
- Hackney Carriage drivers, operators and Trade Associations
- Local Parish Councils
- Swindon Strategic Partnership

Responses to this consultation should be sent, by Friday 11 June 2010, to:

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The current situation

In May 1989 the Council decided that all new Hackney Carriage licences would only be issued for "wheelchair-accessible vehicles which conform to the Metropolitan Conditions of Fitness".

At that time, it was agreed that the saloon car licences already in force would be allowed to remain until such time as that part of the Disability Discrimination Act 1995 relating to hackney carriages was enacted. Swindon Borough Council currently licences 43 saloon cars as hackney carriages; the remainder of the fleet comprises 110 vehicles which conform to the Metropolitan Conditions of Fitness; 105 manufactured by London Taxis International, 4 manufactured by Metrocab (who have now ceased production) and one Mercedes Vito Taxi.

When the Council took the decision detailed above in 1989, the only wheelchair-accessible vehicles available were the traditional "London Cab", manufactured by London Taxis International, and the Metrocab. The Mercedes Vito Taxi has recently been introduced and conforms in every respect with the Metropolitan Conditions of Fitness.

There are now several vehicles on the market which are fully wheelchair-accessible. Although the majority of these vehicles are van conversions, they do not conform to the Metropolitan Conditions of Fitness in that they are unable to perform the tight turning circle required as part of these Conditions. Some of these vehicles load passengers and wheelchairs from the side; some load from the rear. The majority are significantly cheaper to purchase than either the traditional London Cab or the Mercedes Vito.

The Council is considering whether to amend the current vehicle specification to allow these vehicles to be licensed. The Council is also considering a possible requirement for holders of saloon car licences to replace their vehicle with one which is wheelchair-accessible.

The Metropolitan Conditions of Fitness

The Metropolitan Conditions of Fitness are a set of criteria laid down, originally by the Metropolitan Police Public Carriage Office and continued when the Public Carriage Office duties were transferred to Transport for London. The criteria sets out various minimum standards for vehicles such as Interior Lighting; Electrical equipment; Fuel systems; Facilities for the Disabled; Passenger Compartment and Passenger Visibility. Part of the Conditions state that the vehicle must be capable of being turned on either lock so as to proceed in the opposite direction without reversing between two parallel planes not more than 8.535 metres apart; and the wheel turning circle kerb to kerb on either lock must be not less than 7.62 metres in diameter.

The Disability Discrimination Act 1995

Part 5 of the Disability Discrimination Act (DDA) 1995 gave the Government power to introduce accessibility regulations for several land-based modes of transport. The original intention of the powers was to enable persons with disabilities to travel between train, bus and taxi easily, and be able to hail a taxi in the street or go to a taxi rank and be able to find a vehicle which meets their needs.

The Government has used its powers under Part 5 of the 1995 Act to introduce regulations for trains, trams, buses and coaches. However, no regulations have been developed or made under Part 5 of the 1995 Act for licensed hackney carriages. This has proved to be complex for the following reasons:

- Sections 32-35 of Part 5 of the 1995 Act gives the Secretary of State powers to make regulations for the purpose of making it possible:
 - for people with disabilities to get into and out of hackney carriages in safety; and to be carried in safety and reasonable comfort; and
 - for people in wheelchairs to be conveyed in safety into and out of hackney carriages while remaining in their wheelchairs, and to be carried in hackney carriages in safety and in reasonable comfort while remaining in their wheelchairs.
- at the time of the 1995 Act it was thought that a vehicle could be produced which could meet the needs of all disabled people, including wheelchair users and those with an ambulatory disability. However the challenges and potential costs involved in designing and manufacturing such a vehicle have proved to be prohibitive.

Section 36 of Part 5 of the 1995 Act includes a duty on a hackney carriage driver to:

- carry the passenger while he/she remains in the wheelchair
- not to make any additional charge for doing so
- if the passenger chooses to sit in the passenger seat, to carry the wheelchair
- to take such steps as are necessary to ensure the passenger is carried in safety and in reasonable comfort; and
- to give such assistance as might reasonably be required:
 - to enable the passenger to get into and out of the taxi
 - if the passenger wishes to remain in his wheelchair, to enable him/her to be conveyed into and out of the taxi while in his/her wheelchair
 - to load the passenger's luggage into and out of the taxi, and
 - if the passenger does not wish to remain in his/her wheelchair, to load the wheelchair into and out of the taxi.

General

The Secretary of State has recently consulted widely and sought to stimulate a constructive discussion of the issues that would enable the Government to develop and implement a strategy that results in real improvements. Unfortunately the consultation proved to be inconclusive.

The Government will now take the opportunity presented by the passage of the Equality Bill currently passing through Parliament to ensure there are regulation making provisions to allow duties to be imposed on drivers of taxis and private hire vehicles designated as

accessible by the local authority, to assist wheelchair passengers and carry them in safety and comfort. This largely replicates the duties contained in what was Section 36 of the 1995 Act, which has been carried forward into the Equalities Bill.

The Department for Transport will also be undertaking demonstration schemes in three licensing authority areas to research the needs of disabled people when using taxis, how to tailor the fleet to demand and use patterns and how driver training can assist disabled passengers. These schemes will provide the basis on which the Department for Transport will be able to issue comprehensive guidance to licensing authorities to assist them with improving the availability of taxis for disabled passengers.

Some 64 out of 342 licensing authorities have implemented a policy of only licensing wheelchair-accessible taxis.

The Council's proposals

1. The Council believes it should not continue to rely solely on the Metropolitan Conditions of Fitness to determine whether a vehicle is suitable to licence as a hackney carriage.
2. The Council proposes that the 43 saloon car licences should be transferred to an accessible vehicle as defined by the Disability Discrimination Act when the currently-licensed vehicle is next due to be replaced.
3. Have you any evidence that, currently, people with disabilities are being discriminated against when attempting to book or hail a hackney carriage? If so, please give examples.
4. Should the Council encourage all drivers to undertake Disability Awareness training, and if so, should this in the future become a mandatory requirement prior to the renewal of the driver's licence to drive a hackney carriage?