

Hackney Carriage Vehicle Specifications

Licensing Committee

Date: 14th November 2011

Author: Group Director of Environment, Regeneration and Community

Parish / Wards Affected: All

Purpose

- To consider the Hackney Carriage working party recommendation to continue with the current conditions of fitness for Hackney Carriage vehicles licensed by Swindon Borough Council.
- To consider the recommendation to phase out the 43 Hackney saloon car licences.

Recommendation

The licensing Committee is requested to

- Consider the recommendations contained in this report and re-affirm the commitment to the PCO (Public Carriage Office) standards as the vehicle specification for its Hackney Carriage Fleet.
- Agree that by 1st November 2018 saloon car vehicles currently licensed as Hackney Carriages be phased out.
- That a programme of training in Disability Awareness be introduced for licensed Hackney Carriage Drivers.

1. Background

- 1.1 In May 1999 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.

Further information on the subject of this report can be obtained from Mike Shears on 466208 or Email mshears@swindon.gov.uk.

Hackney Carriage Vehicle Specifications

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- 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 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 that the results of the consultation were inconclusive and further research and consultation is to be undertaken.
- 2.5 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.
- 2.6 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 those Conditions.
- 2.7 As a result of an application from Allied Vehicles Ltd to licence the Peugeot E7 as a hackney Carriage in Swindon The Council reviewed the Hackney Carriage vehicle specification and consulted widely regarding any possible changes. These responses were considered by the Private Hire and Hackney Carriage Licensing Sub-Committee

Hackney Carriage Vehicle Specifications

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- 2.8 The Hackney Carriage Vehicle Specification Working Party has carried out extensive consultation with vehicle manufacturers and converters, the Swindon Access Group and the local Hackney Carriage trade. As part of this exercise members and disability groups were invited to view vehicles. In addition two public meetings were arranged. During these meetings it became clear that the trade was split between the issues of retaining the current conditions, allowing alternative vehicles and the future of the 43 Hackney saloon car licences.
- 2.9 The working group recognised that in Swindon vehicles that conform to the Metropolitan Conditions of Fitness provide the highest standard of wheelchair accessible vehicles and that there were advantages in having a proven regulatory framework such as the PCO conditions, for safety and DDA (Disability Discrimination Act) compliance. Retaining these conditions would also mean that we keep a clearly identifiable taxi fleet which is paramount to the safety of the travelling public. The Working Group agreed that the current Hackney fleet could not accommodate the full range of manufactured wheelchairs, and it has been accepted that "no single vehicle could achieve 100% suitability for all passengers with disabilities".
- 2.10 The working group took into consideration anecdotal evidence provided by each element of the trade in support of their own different opinions, including comments that the turning circle requirement still held tangible benefits in areas of Swindon. However no evidence was provided by the trade to prove that the PCO conditions were not fit for Swindon.
- 2.11 The working group also considered that any wheelchair accessible vehicle that met the current conditions should be side loading. Rear loading accessible vehicles would not be considered suitable for use on the taxi ranks within Swindon.
- 2.12 The Working group were concerned that many statements made by the trade at the meetings gave a strong indication that some drivers were not fully aware of the needs of people with disabilities as evidenced by drivers stating that they did not have any training in using the equipment supplied with the vehicle they were driving.
- 2.13 The working group felt that Hackney Carriage drivers should demonstrate a level of competence in the use of wheelchair fixing equipment and this should be part of the current vehicle inspection process and be included in any recommendation in respect of Disability Awareness Training.
- 2.14 Swindon Borough Council currently issues 43 hackney carriage licences for saloon cars. These licences have been allowed to continue while awaiting a

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Date: 14th November 2011

decision from the Secretary of State regarding the implementation of the Disability Discrimination Act 1995. Therefore it may be timely to make decisions now regarding the continued licensing of saloon cars.

- 2.15 The Swindon Access group considered that a Hackney carriage should be fully accessible and that there was no need to continue to licence saloon vehicles. Therefore any person with a disability contacting a Hackney carriage by telephone or in person at a rank could be certain that the vehicle was suitable for their needs.
- 2.16 The Swindon Access group also commented that other types of wheelchair accessible vehicles including rear loading should be considered for licensing by the Council in order that there could be more choice for passengers including the ability to travel forward facing in vehicles such as the E7.
- 2.17 It is therefore proposed that from the 1 November 2011 or a date thereafter when a vehicle is too old to be licensed that all holders of saloon car licences be required to change their vehicle for one which is wheelchair-accessible and which conforms to conditions currently in force. All changes to be in place by 1 November 2018, when all hackney carriages shall be wheelchair accessible and conform the conditions currently in force.

Alternative Options

- Continue current practice and allow the existing arrangements to continue.
- Produce a set of regulations to allow saloon car vehicles to continue as Hackney Carriages.
- Change the current vehicle specification to allow alternative wheelchair accessible vehicles (as referred to in 2.6 above) to be licensed.

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.

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

- A Healthy and Caring Place; An Economically Prosperous Place; An

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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

Review of Hackney Carriage vehicle Specification Consultation
Hackney Carriage working party (further responses) and appendices 1 to 4.

Appendices

- Appendix A - Proposed Hackney Vehicle specification
- Appendix B - Current Public Carriage Office conditions of fitness