

Nathan Howson

From: Derbyshire, Brian <Brian.Derbyshire@lancashire.gov.uk>
Sent: 02 March 2020 16:31
To: Carl Gore
Cc: Thomas Dore; Wilkin, Ian
Subject: RE: Chorley Council Taxi-Private Hire Licensing Policy Consultation

Hi Carl,

Thank you for sharing your consultation document with me. I would certainly welcome allowing Private Hire vehicles to have rear loading capacity as I find that side loading vehicles tend to have very limited space, especially for larger wheelchairs and their occupants. As an Authority we are finding an increasing number of very heavy electric wheelchairs where it would be unsafe to load through a side door using a ramp. It would be unsafe to expect the driver to push the wheelchair and occupant up the ramp due to the steep incline they tend to be at and the danger of allowing the occupant to drive themselves up the ramp is that they could lose traction and start to slide back or drive off the side and injure themselves. For these heavier chairs the most practical method of loading is via a passenger lift but that brings with it certain other legislation that needs to be considered. See my comments below with regard to LOLER.

The policy says that drivers are *"To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort"*, but there is nothing to describe what that is. It may be that you state that elsewhere in your original policy.

Implementation of Designated WAV List

It is proposed to implement a list of Wheelchair Accessible Vehicles under Section 167 of the Equality Act 2010. The drivers of vehicles designated on this list will have the following additional duties:

- To carry the passenger whilst in a wheelchair
- Not make additional charge for doing so
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair,
- *To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort,* and
- To give the passenger such mobility assistance as is reasonably required.

I would recommend that in order to meet legal obligations *"To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort"* drivers carrying passengers in wheelchairs should comply with the following guidance;

- A wheelchair must be positioned in the designated space allotted by the vehicle manufacturer.
- A wheelchair must not be secured facing sideways or at an angle.
- A wheelchair must be secured as specified and using the equipment supplied by the vehicle manufacturer.
- A wheelchair must have the brakes applied or electric wheelchairs must have the power off and the brakes on.
- The driver must offer assistance to load the wheelchair and use the ramps or equipment supplied by the vehicle manufacturer.
- All wheelchair ramps, straps, etc. supplied by the manufacturer must be carried on the vehicle and be in good working order

- Where a passenger lift is used to load a wheelchair and passenger, a Lifting Operations, Lifting Equipment (LOLER) 1998 Regulations certificate should be produced when the vehicle is presented for its six monthly inspection. **Can this be added to your MOT/Taxi tests? It is something that is required by law. It doesn't apply to ramps but even they should still comply with the Provision and Use of Work Equipment Regulations (PUWER) and therefore fit for purpose. Perhaps an inspection of ramps could be also added to your tests.**

NB: Re LOLER ~ I am now starting to issue operators/drivers who can't provide our inspectors with an in date LOLER Certificate with the following warnings;

On the xx xxxxx 2020, an inspection was carried out on behalf of Lancashire County Council by one of our Fleet Inspectors, Mr xxxxxx. At the time you were unable to provide an inspection certificate for the passenger lift as required under the Lifting Operations, Lifting Equipment (LOLER) 1998 regulations.

LOLER 1998 regulations

The law requires that all lifts when in use should be thoroughly examined:

- *after substantial and significant changes have been made;*
- ***at least every six months if the lift is used at any time to carry people,***
- *and following 'exceptional circumstances' such as damage to, or failure of, the lift,*
- *or after long periods out of use or a major change in operating conditions which is likely to affect the integrity of the equipment.*

Mr xxxxxxx has still not received the certificate that confirms the passenger lift on this vehicle has been tested by a competent person. This certificate is required by law and failure to have the equipment tested and certified in accordance with the LOLER 1998 regulations will be seen as a serious breach of the terms and conditions of your contract as set out in Service Standards.

Again, you probably have it elsewhere in your WAV policy but if not I think you should refer to the Standard reference for a wheelchair space.

According to the Disabled Persons Transport Advisory Committee or with the Public Service Vehicle Accessibility Regulations 2000 (SI 2000/1970) (DiPTAC), the standard reference wheelchair is defined as:

- total length of 1200mm, including extra-long footplates
- total width of 700mm
- sitting height (from ground to top of head) of 1350mm
- height of footrest above floor of 150mm

Vehicle Type Condition Amendment

Vehicle type condition 4.c.v currently states:

All vehicles will have 2 side passenger doors to access the rear compartment of the vehicle.

It is proposed to amend this condition to:

Vehicles licensed as Hackney Carriages shall have 2 side passenger doors to access the rear compartment of the vehicle. Access for wheelchair users shall be by these doors. Vehicles licensed as Private Hire Vehicles are permitted to be accessed from the rear.

Have you thought about introducing a policy on direct unrestricted access to an exit door? In Lancashire County Council's Call Off Terms and Conditions for Route Instructions we state that;

Except as otherwise agreed with the Authority, all licensed Hackney Carriage/Private Hire Vehicles with eight (8) seats or less shall have permanent unrestricted access to an exit door. For avoidance of doubt, where a seat has to be folded or moved forward for passengers behind the seat to exit the Vehicle, the Authority will discount those seats reducing the Vehicle capacity.

Please feel free to come back to me should you wish to discuss any of these points.

Kind regards,

Brian Derbyshire.

**Compliance Manager
Integrated Transport Services**



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From: Carl Gore <carl.gore@chorley.gov.uk>
Sent: 28 February 2020 13:21
To: Carl Gore <carl.gore@chorley.gov.uk>
Cc: Thomas Dore <tom.dore@chorley.gov.uk>
Subject: Chorley Council Taxi-Private Hire Licensing Policy Consultation

Dear License Holder or Stakeholder or Customer.

Please see the enclosed letter in regard to Chorley Councils Consultation for proposed changes to the Taxi/Private Hire Licensing Policy.

Relevant information is within the letter, as is instruction of how to submit comments.

All comments must be submitted before the end of March 2020.

Kind regards

Carl Gore
Enforcement Officer Licensing and Empty Properties
Chorley Council

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