

Report of	Meeting	Date
Director for People and Places	Licensing and Safety Committee.	15 September 2010

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 CONDITIONS OF LICENSING HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE

PURPOSE OF REPORT

1. To bring to the attention of Members proposals to amend the Councils Hackney Carriage and Private Hire Vehicle conditions of licensing in relation to vehicle type and disabled access.

RECOMMENDATION

2. Members are recommended to consider the contents of the report and to inspect example models of any modified vehicles presented and any representations received from members of the taxi trade.
3. Members are asked to approve the amended vehicle conditions as set out in this report and appendices.

EXECUTIVE SUMMARY OF REPORT

4. Members will be aware of the recent consultation work that the Governments Department for Transport has conducted with regards to the Disability Discrimination Act with reference to Hackney Carriages; this was intended to give Government appropriate guidance for the implementation for the type and design requirements for disabled access Hackney Carriage Vehicles in 2010.
5. Members may recall that there were a number of considerations to be determined as a result of the Councils last significant unmet demand survey, which would influence the type of vehicles the Council would licence as Hackney Carriages, these areas of consideration were postponed awaiting the findings of the Governments consultation.
6. The findings of the consultation indicate that Government are satisfied that it is not possible to prescribe a certain type or exact specification of a vehicle design to accommodate all disabled groups at the present time, and has produced little by way of guidance to assist Councils in prescribing an exact specification for a disabled access vehicle. However Government have defined the following disabled vehicle types as a result of the consultation with regards to disabled access Hackney Carriages :
 - Type One: Wheelchair Accessible taxis: accessible taxis capable of carrying the majority, but not all passengers who travel in their wheelchair as well as other people with other disabilities;
 - Type Two: Standard Accessible Taxis: vehicles which feature designs to make use by disabled people easier, but would be able to carry a wheelchair user who can transfer from a taxi seat.
7. Government has now indicated that Local Authorities are best placed to determine what the needs are of their communities are with regards the number of disabled access Hackney

Carriage vehicles, and has moved away from the position of requiring a 100% Disabled Hackney Carriage fleet. Government has indicated that it intends to ensure that a significant percentage of Hackney Carriage Vehicles licensed by councils shall be classified as disabled and we may presume by this that they are able to accommodate a wheel chair with reference to Type one vehicles. This percentage will apply to all councils irrespective of whether the authority has or has not deregulated its Hackney Carriage provision. Any changes herewith proposed should not interfere with the anticipated changes to legislation.

8. There are several reasons for the proposed change to Hackney Carriage and Private Hire Vehicle licence conditions:

The present conditions do not encourage proprietors to purchase suitable vehicles that meet the requirements at Type one above.

The present conditions penalise those proprietors of such vehicles by restricting occupancy over luggage requirements and ignores the provision of disabled access.

The current conditions favour old traditional type Hackney Carriages and ignore the benefits of modern converted vehicles.

The Council's conditions do not encourage proprietors to invest in disabled access vehicles.

HACKNEY VEHICLES

9. It is now appropriate to ask Members to approve the proposed changes to the Councils Hackney Carriage Vehicle Licences Conditions of Application and the proposed Conditions attached to the issue of a hackney carriage licence additional to the statutory byelaws.. A revised set of conditions are attached as Appendix 1 (paragraph 13).

10. Members will recognise the inherent virtues of the traditional taxi which can be summarised as:
- a) they are easily recognisable,
 - b) they have a longevity,
 - c) they operate on a small turning circle.

It is recommended for those reasons this type of vehicle should remain in the Councils list of exempt vehicles with regards to luggage carrying capacity.

11. However non traditional vehicles can also provide a disabled transport facility provided they have been suitably converted and are deemed fit for purpose. In order to allow such vehicles it is proposed to change the current licence conditions as follows :

All Vehicles presented at first licensing for the provision of a Hackney Carriage Licence shall be;

A type approved purpose built vehicle described as the Austin FX4, Reliant Metro Cab and Fairway Hackney Carriages, and any subsequent replacement models thereof.

Converted purpose built vehicles shall be;

Type approved. Under Section. 58 (1) of the Road Traffic Act 1988. British national type approval in conjunction with the existing type approval certificate as detailed in the Councils conditions of vehicle application. Only original certificates will be accepted. Any Type approval will only be recognised by the council where the original certificate for modification / conversion was issued prior to first UK registration

A Council approved conversion will consist of a vehicle with the following:—

1. *Wheel chair means of access and egress and means of securing wheelchairs safely in the vehicle where all fixtures and fitting meet E1 Type Approval.*
2. *A fixed bulkhead incorporating;*
 - 1) *A partition screen*
 - 2) *A pay point*
 - 3) *Assisted means of communication.*

3. *Offer suitable accommodation for the provision of at least one adult size occupied wheelchair.*
4. *Suitable hand grips designed to be clearly recognisable to aid in the access and egress of passengers.*
5. *A forward facing illuminated top sign permanently fixed to; or a built-in taxi sign as an integral part of the structure and operated by the taxi meter (The top sign does not have to display the words Chorley Borough Council)*
6. *All vehicles will have 2 side passenger doors to access the rear compartment of the vehicle.*
7. *All seats must be accessible by a clear permanent opening of 400mm*
8. *All wheelchair accessible vehicles will have provision for at least two permanently fixed passenger seats in the rear compartment of the vehicle.*
9. *All vehicles will have been converted by a recognized coachbuilder / conversion company.*
10. *Any ancillary equipment shall be capable of being stored securely*
11. *All vehicles will be inspected and licensed at the discretion of the Council.*
12. *Where any lifting device is used in association with*
13. *Those vehicles that are presented for licensing that are purpose built as defined or professionally converted vehicles as conforms to 1 – 8 above shall be white or any other colour as agreed by the Council at first licensing.*
14. *Any vehicle presented at first licensing that satisfies 1 – 8 above shall be exempt from the requirements of luggage requirements as detailed at 6 c) of the Councils Hackney Carriage Vehicle Licenses Conditions of Application*

PRIVATE HIRE VEHICLES

12. It would be appropriate at this time to ask Members to consider conditions relating to the provisions for disabled access vehicles applicable to Private Hire Vehicles.
13. There are currently few meaningful Council conditions governing the type of or requirements for disabled Private Hire Vehicles. The private hire trade is the predominant sector of the Councils transport provision that serves the disabled community, largely through contract arrangements between the County Council and operators of Private Hire Vehicles.
14. Over recent years officers have been limited in being able to restrict the use of or entry of a vehicle to the private hire fleet with regards to its suitability for disabled access use. There are no specific requirements in place to control which duties private hire vehicles are permitted to undertake. Moreover the travelling public have no means to access the suitability of a private hire vehicle with regards to disabled access nor can they rely on the Council to have ensured that a vehicle is suitable, fit for purpose and safe.
15. Appendix 2 (paragraph 12 and 13) introduces conditions that would address the issues raised without affecting those private hire vehicles that do not undertake disabled access work. Members are asked to consider these proposed changes.

REASONS FOR RECOMMENDATION

(If the recommendations are accepted)

16. To ensure the Councils conditions for the hackney carriage and private hire fleets have particular conditions relating to disabled access where applicants wish to provide vehicles for that purpose.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

17. None

CORPORATE PRIORITIES

18. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances	x	Develop the Character and feel of Chorley as a good place to live	x
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	x

IMPLICATIONS OF REPORT

19. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	X
Human Resources		Equality and Diversity	X
Legal	X	No significant implications in this area	

COMMENTS OF THE DIRECTOR OF TRANSFORMATION (HEAD OF GOVERNANCE)

20. The Licensing Authority are legally empowered to attach conditions, as they may think reasonably necessary and appropriate to Hackney Carriage and Private Hire Vehicle Licences. The Local Government (Miscellaneous Provisions) Act 1976 authorises the imposition of conditions on such licences.
21. A review of the policies and conditions is necessary to ensure they are reasonable, that they reflect current safety and quality issues to adequately maintain public and driver safety. Furthermore, licensing the type of vehicles referred to in this report will provide a further range of transport options for members of the public. In accordance with the provisions detailed in the Disability Discrimination Act 1995, the Licensing Authority needs to have an inclusive approach and policy enabling disabled persons and wheelchair users access to the services that they provide.
22. The Act also provides a right of appeal to the Magistrates' Court for "any person aggrieved by the conditions attached to a licence".

JAMIE CARSON
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stephen Culleton	***	6 Sept 2010	Taxidisabled