

Report of	Meeting	Date
Director of Early Intervention and Support	Licensing and Public Safety Committee	15 November 2017

## **EXEMPTION OF A LIMITED NUMBER OF VEHICLE CONDITIONS FOR WHEELCHAIR ACCESSIBLE VEHICLES**

### **PURPOSE OF REPORT**

1. For members of the Licensing and Public Safety Committee to consider a revision to the vehicle conditions in relation to Wheelchair Accessible Vehicles (WAV's) as a result of new information pertaining to the application of NCAP safety ratings and the removal of the condition requiring a fixed bulkhead.

### **RECOMMENDATION(S)**

2. That the Licensing and Public Safety Committee determine to exempt WAV's from the requirement to meet condition 22; NCAP rating of 4\* or above, and replace with the requirement for WAV's to meet ISO 10542/1:2012 or PAS2012/1 (Public Approved Standard for wheelchair accessible vehicles).
3. That the Licensing and Public Safety Committee determine to remove condition 4 c ii- the requirement for WAV's to have a fixed bulkhead incorporating: A partition screen; A pay point and Assisted means of communication.

### **EXECUTIVE SUMMARY OF REPORT**

4. In February 2016 the Licensing and Public Safety Committee agreed a revision of vehicle conditions, including condition 22; the requirement for vehicles subject to a grant to meet NCAP safety rating of 4\* and above from 1<sup>st</sup> January 2017 and existing vehicles to meet this requirement from 1<sup>st</sup> January 2024.
5. The research carried out at the time demonstrated that a good proportion of the models available on the market that are used as a donor for the conversion to WAV are NCAP 4\* or above. Therefore at the time it was felt that the condition could be applied to the WAV fleet in the same way as it could to the standard fleet, in that applicants could chose a model that meets the vehicle conditions.
6. Following a recent enquiry and some additional communication with the company that convert a large number of vehicles for both the licensed trade and as private mobility vehicles, it has become clear that once the conversion has taken place the NCAP rating is an inappropriate standard to apply, due to the extent of the modifications.
7. The standards used for safety for the converted vehicles are currently ISO 10542/1:2012 Wheelchair tiedown and occupant-restraint systems or PAS2012/1: 2015 Specification for M1 vehicles for the carriage of one or more passengers seated in wheelchairs. Manufacturing requirements (including the structural integrity of the converted WAV). Therefore it seems appropriate to use these standards for WAV's and exempt them from the need to meet NCAP 4\* and above, which is not the most relevant criterion.
8. The condition to require a fixed bulkhead in WAV's is anomalous, there is no distinct reason why a bulkhead and partition is necessary in a WAV when it is not required within an ordinary vehicle. Therefore it is proposed to remove this condition.

9. It is important that the Council's vehicle conditions do not render it more difficult or unnecessarily limiting for proprietors to replace vehicles with more up to date and modern models, or vehicles that are more accessible to users.
10. The safety of vehicles is a priority for the Council, hence the introduction of a safety rating criterion, however, where this is not an appropriate measure, due to the conversion of the vehicle, then the Council should be flexible and amend their policies accordingly.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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## CORPORATE PRIORITIES

11. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	X

## BACKGROUND

12. A recent enquiry from a vehicle proprietor to update his WAV to one that has been used as a private mobility vehicle highlighted that WAV's might need to be considered differently to normal cars in relation to the safety rating criterion.
13. The research carried out in 2015/16 demonstrated that a good proportion of the models available on the market that are used as a donor for the conversion to WAV are NCAP 4\* or above. Therefore at the time it was felt that the condition could be applied to the WAV fleet in the same way as it could to the standard fleet, in that applicants could chose a model that meets the vehicle conditions.
14. Following further investigations with the company that carry out a large number of UK conversions, it has become clear that once the conversion has taken place the NCAP rating is an inappropriate standard to apply, due to the extent of the modifications.
15. We have contacted the Department for Transport for additional guidance, and we are awaiting a response, which will hopefully be available for a verbal update from officers.
16. The NCAP rating for the driver safety may still be applicable, but as the overall rating is comprised of a number of crash tests and the impact on all passengers and pedestrians, it is not possible to apply an overall level to the vehicles where they have been extensively converted for Wheelchair use.
17. The Council does not wish to set conditions which are prohibitive to the licensing of newer and more accessible vehicles by imposing a restriction that may not be suitable in the case of WAV's.
18. The current fleet of WAV's is comprised of the following:

Year of registration	Number of current WAV's	Make and Model
2005	1	Peugeot E7
2007	4	Peugeot E7
2007	1	Citroen Dispatch
2010	1	Citroen Dispatch
2010	1	Peugeot E7
2013	1	Peugeot E7

## IMPLICATIONS OF REPORT

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

Finance	X	Customer Services	X
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

## COMMENTS OF THE MONITORING OFFICER

20. The Council's power to set the criteria for grant of private hire vehicle licences is contained in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976. The grounds include suitability of type, size and design, mechanical fitness, safety and comfort. The Council may also attach conditions to a private hire vehicle licence as it considers reasonably necessary.
21. The power to licence hackney carriages of a kind or description as the Council thinks fit is contained in Section 37 of the Town Clauses Police Act 1847 and conditions which are reasonably necessary may be attached under Section 47 of the 1976 Act.
22. Any person may appeal to the local magistrates' court against the refusal of the grant of a vehicle licence or conditions attached to it within 21 days.

CHRIS SINNOTT  
DIRECTOR OF EARLY INTERVENTION AND SUPPORT

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
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