

<b>REPORT TO</b>	<b>DATE OF MEETING</b>
<b>GENERAL LICENSING COMMITTEE</b>	<b>5<sup>th</sup> June 2013</b>

Report template revised June 2008



<b>SUBJECT</b>	<b>PORTFOLIO</b>	<b>AUTHOR</b>	<b>ITEM</b>
<b>HACKNEY CARRIAGE VEHICLES – LICENSING OF WHEELCHAIR ACCESSIBLE VEHICLES</b>	<b>REGENERATION, LEISURE AND HEALTHY COMMUNITIES</b>	<b>ANDREW SMITH</b>	

## **SUMMARY AND LINK TO CORPORATE PRIORITIES**

A report on the approval of other types of wheelchair accessible vehicle to be licensed as Hackney Carriages, following requests from licensed vehicle proprietors.

## **RECOMMENDATIONS**

The Committee is requested to determine whether rear-loading wheelchair accessible vehicles should be licensed as Hackney Carriages alongside side-loading wheelchair accessible vehicles.

## **DETAILS AND REASONING**

Following agreement at General Licensing Committee on 11<sup>th</sup> January 2011 (Appendix 1) the Licensing Authority decided that all newly licensed Hackney Carriages should be side-loading wheelchair accessible vehicles.

The licensing of these types of vehicle would assist wheelchair users to board vehicles from the kerb-side via ramps, without the need to drop a kerb which could unduly affect passengers with a spinal cord injury. This method of entry is specifically useful from ranks.

However, more recent concern has centred on side-loading wheelchair accessible vehicles having a higher floor height than their rear-loading counterparts. This can mean less head room for wheelchair travelling passengers, and passengers regularly not being at the same head height as able-bodied passengers. Rear-loading vehicles tend to have a much lower floor height, often eliminating this issue.

Rear access vehicles allow for a shallower ramp angle and the ability to attach restraints to the wheelchair before it enters the vehicle. Therefore if the driver slips when pushing the wheelchair in, the restraints lock and prevent the wheelchair from falling backwards as may occur in a side-loading vehicle.

Also, most side-loading accessible vehicle are only accessible from the passenger side, which poses further safety issues when manoeuvring into the traffic flow on a one way street. Whilst the Borough has few such streets, passengers can be taken to almost any location.

Further, many types of wheelchair accessible private passenger vehicle only allow access from the rear, and indeed many types of ambulance rely on the same method of access.

Finally, not all wheelchair using passengers suffer from the same disability. There should therefore be the ability for passengers to choose the vehicle that best suits their own needs.

Following some correspondence from the trade and a survey of other Licensing Authorities across the North West, it became clear that other Authorities do allow both types of wheelchair accessible vehicle.

Canvassing through the North West Region of the Institute of Licensing found that of the respondents, all Authorities allowed, to some and varying degrees, side and rear loading licensed vehicles as Hackney Carriages.

Whilst some Authorities do prescribe particular models of vehicle that can be licensed, it is felt that this could be too restrictive in relation to costs, and therefore it is proposed to allow:

- Licensing of both side and rear-loading vehicles as Hackney Carriages, with the provision that where the type of vehicle has not previously been licensed before by the Council it will be presented for inspection and approval by General Licensing Committee prior to a licence being issued.
- Any vehicle to be licensed as a Hackney Carriage must be under the M1 vehicle category\*.
- Vehicles to be subject to the Council's Policy on Vehicle Age Limits.

\* Category M1: Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.

(Source: Department of Transport)

Committee is requested to approve this proposal.

## WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas shown below. A risk assessment has also been carried out. The table shows the implications in respect of each of these.

<b>FINANCIAL</b>	None		
<b>LEGAL</b>	A policy that is too restrictive is more likely to be legally challenged. Limiting any change to specific vehicle makes and models would increase the risk of challenge from other vehicle manufacturers. However, the proposed change is more general and allows for any manufacturers vehicle to be licensed as long as it falls within the very general M1 category.		
<b>RISK</b>	The Committee should be aware of the need to protect the public. On the other hand Committee should also be aware of the applicant's right of appeal to the Magistrates' Court should it be decided to refuse to licence a vehicle.		
<b>THE IMPACT ON EQUALITY</b>	None		
<b>OTHER (see below)</b>			
<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

## BACKGROUND DOCUMENTS

- General Licensing Committee Minutes – 11<sup>th</sup> January 2011.