

Report for:	Licensing Health & Safety and Enforcement Sub-Committee
Date of:	<b>AGENDA ITEM: 7</b>
PART:	
If Part II,	



Title of report:	Application for a variation of the hackney carriage licence conditions relating to wheelchair accessible vehicles
Contact:	Richard Mabbitt, Licensing Enforcement Officer, Regulatory Services.
Purpose of report:	To consider a change in the requirement for the testing of hackney carriage vehicles licensed for wheelchair use
Recommendations:	To grant the request Or Refuse the request
Implications:	none
General Policies	Members of the Licensing Sub-Committee act in a quasi-judicial capacity under delegated powers, to decide Licensing matters on behalf of the Council.
Key Policies:	All of the Council's key policies are relevant to its licensing function. Principal issues include: supporting the local economy; encouraging the provision of leisure facilities for people in Dacorum particularly where measures are taken to combat social exclusion, whilst at the same time minimising the impact (particularly crime, disorder and noise) of licensable activities on the local environment.

## BACKGROUND

1. At a meeting on 31<sup>st</sup> January 2012 the Committee resolved a new policy in relation to hackney carriage vehicles licensed for wheelchair use. Part of this addressed the requirement for a vehicle newly licensed by this Authority. The Committee decided the following:-

**A Hackney Carriage vehicle licence will only be granted in respect of a vehicle which must be safely accessible to a disabled person in their wheelchair and must be able to carry the person in safety and in reasonable comfort whilst remaining within their wheelchair. The vehicle must comply with British and European vehicle regulations approved to the standard of M1 European Whole Vehicle Type Approval, (EWVTA), and unaltered since the type approval. A type approval certificate from a company approved by the Vehicle Certification Authority (VCA) may be required.**

The minutes from this meeting are shown at Annex 'A'.

2. Since this decision was made a number of licensed hackney carriage driver's have expressed concerns regarding this matter. Emails from Mr Terrance Carrington and Mr John McIlvaney are reproduced at Annexes 'B' and 'C' respectively.

3. The concerns relate to the cost of buying such a vehicle from a manufacturer or converter of vehicles that are VCA approved.

4. There are two alternative methods. One is to take a pre-bought vehicle to a VCA approved company for them to convert the vehicle and issue a certificate of conformity to M1 EWVTA standard. Alternatively a vehicle once converted, by a garage/coachbuilder to M1 standard (but not VCA approved) can be taken to a Vehicle and Operator Services Agency (VOSA) Testing Station for an Individual Vehicle Approval (IVA) test. A normal IVA is recognised by the VCA as an appropriate means of testing vehicles converted for wheelchair use. A number of Local Authorities already use this method.

4. The matter is therefore being returned to the Sub-Committee to consider whether to amend the Policy to that an IVA can be used as a suitable alternative means of testing.

**Richard Mabbitt**

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**From:** Licensing Mailbox  
**Sent:** 27 March 2012 08:36  
**To:** Richard Mabbitt  
**Subject:** FW: taxi whole vehicle I type approval meeting in February 2012

**From:** Terrance Carrington [mailto:aarondalecars@ntlworld.com]  
**Sent:** 26 March 2012 22:13  
**To:** aarondalecars@ntlworld.com; Garry's Taxi 8 Druver; Gerald Ringsell; naseem.khan01@btinternet.com; Licensing Mailbox; Mike Sreet Cars; Kerk Taxi; kevstaxi@virginmedia.com; Sally Taylor; luke.mcilvaney@ntlworld.com; john.mcilvaney@ntlworld.com; Allan Lawson; William Wyatt-Lowe; Dan Wood; Keith Michael White; Brian Edward Ayling; Colin Derrick John Peter; David Collins; Brenda Link; Graham Sutton; Penny Hearn; Richard Mabbitt; Denise Mary Rance; Olive Conway; mike@penning4hemel.com; Kathryn Ashton  
**Subject:** Re: taxi whole vehicle I type approval meeting in February 2012

On 22 Mar 2012, at 20:17, Terrance Carrington wrote:

to kathryn Ashton and Richard Mabbitt taxi Licensing

Well a note to all

**so far no response from taxi licensing at Dacorum B C or the Licensing comity**

I have done some more research this week and found that there is only one vehicle manufacture of **MI SP whole vehicle type approval** in the uk <http://www.voyagermpv.co.uk/vehicle-approvals> if this is the case then this will limit us taxi drivers to one supplier.

I and many other wheelchair taxi drivers think this is unfair and very expensive and unnecessary .

Had we been given the right information at the time of the consolation .

We would of had a fair opportunity to voice our opinion

an **IVA OR SVA** would be sufficient to meet the needs of **public safety** and ensuring that existing wheelchair taxi drivers are not penalised or priced out of a job

I hope we can bring this to a speedy conclusion

Terry Carrington

Taxi driver tel: 07979925830

Representer of the wheelchair taxi drivers association

**PS IT WOULD BE NICE IF SOME ONE AT DBC COULD FIND THE TIME FROM THERE BUSY SCHEDULE TO ACKNOWLEDGE RECEIPT OF THIS EMALE**

Begin forwarded message: s

**From:** Terrance Carrington <t.carrington@ntlworld.com>  
**Subject:** taxi whole vehicle I type approval meeting in February 2012  
**Date:** 21 March 2012 15:17:32 GMT  
**To:** Richard Mabbitt <Richard.Mabbitt@dacorum.gov.uk>, Garry's Taxi 8 Druver <garysanderstaxi@hotmail.com>, Gerald Ringsell <j.ringsell2@ntlworld.com>, naseem.khan01@btinternet.com,

[licensing@dacorum.gov.uk](mailto:licensing@dacorum.gov.uk), Mike Sreet Cars <[lindamike7@yahoo.co.uk](mailto:lindamike7@yahoo.co.uk)>, Kerk Taxi <[housekirk8@aol.com](mailto:housekirk8@aol.com)>, [kevstaxi@virginmedia.com](mailto:kevstaxi@virginmedia.com), Sally Taylor <[Sally.Taylor@dacorum.gov.uk](mailto:Sally.Taylor@dacorum.gov.uk)>, [luke.mcilvaney@ntlworld.com](mailto:luke.mcilvaney@ntlworld.com), [john.mcilvaney@ntlworld.com](mailto:john.mcilvaney@ntlworld.com), [allan.lawson@dacorum.gov.uk](mailto:allan.lawson@dacorum.gov.uk), [william.wyatt-lowell@dacorum.gov.uk](mailto:william.wyatt-lowell@dacorum.gov.uk), [dan.wood@dacorum.gov.uk](mailto:dan.wood@dacorum.gov.uk), [keith.white@dacorum.gov.uk](mailto:keith.white@dacorum.gov.uk), [brian.ayling@dacorum.gov.uk](mailto:brian.ayling@dacorum.gov.uk), [colin.peter@dacorum.gov.uk](mailto:colin.peter@dacorum.gov.uk), [david.collins@dacorum.gov.uk](mailto:david.collins@dacorum.gov.uk), [brenda.link@dacorum.gov.uk](mailto:brenda.link@dacorum.gov.uk), [graham.sutton@dacorum.gov.uk](mailto:graham.sutton@dacorum.gov.uk), [penny.hearn@dacorum.gov.uk](mailto:penny.hearn@dacorum.gov.uk), [denise.rance@dacorum.gov.uk](mailto:denise.rance@dacorum.gov.uk), [olive.conway@dacorum.gov.uk](mailto:olive.conway@dacorum.gov.uk)

[www.transportoffice.gov.uk/crt/repository/CONT077317.pdf](http://www.transportoffice.gov.uk/crt/repository/CONT077317.pdf)

Dear sirs

*this link will take you to a document that will explain*

*i am sure you will work out from it the issue in hand,*

*the council licensing department should have gone for an IVA and not as there is only a limited number of manufactures producing these vehicle and although this will not affect most of us at this time*

*it will if you need to change your vehicle and you are on a wheelchair access plate i.e.*

***mechanical brake down or accident aright off** it will affect you*

*if it is all about safety for the public then an IVA will be the right way*

*and will enable us to have more options when purchasing a replacement wheelchair taxi*

*i have voiced my concerns to Richard Mabbitt and Kathryn Ashton but have yet to have a*

*reply **pleas note we did not have this document during the consultation***

*Thanking you*

*Terry Carrington*

**Richard Mabbitt**

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**From:** JOHN MCILVANEY [john.mcilvaney@ntlworld.com]  
**Sent:** 01 April 2012 16:17  
**To:** Richard Mabbitt  
**Subject:** Wheelchair accessible taxis

Dear Richard

I believe you have had recent correspondence with Terry Carrington about the new rules that have been proposed for wheelchair accessible taxis. I would just like to reiterate my concerns over the same issue. The rules as passed are so limiting that when it comes to replacing vehicles there will be very little choice and the only vehicles to meet these new criteria will be those at the most expensive end of the scale. If possible I would request that this is re-looked at by the committee taking into account the case for IVAs and/or SVAs as this would allow for all wheelchair accessible vehicles currently being built by all the recognised coachbuilders to become available to our drivers.

Yours

John McIlvaney

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**DACORUM BOROUGH COUNCIL**

**LICENSING AND HEALTH AND SAFETY ENFORCEMENT COMMITTEE**

**31 JANUARY 2012**

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Present –

**MEMBERS:**

Councillor Mrs Green (Chairman), Bhinder, Conway, Fantham, Hearn, R Hollinghurst, Link, Peter, Mrs Rance, Ryan, Sutton and Whitman.

**OFFICERS:**

- B Lisgarten Barrister
- K Ashton Team Leader, Environmental Health
- R Mabbitt Licensing Enforcement Officer
- J Doyle Group Manager, Democratic Services
- T Coston Member Support Officer, Democratic Services

Other Persons Present:

John McIlvaney & Mohammed Awais Ahmed

The meeting began at 7:30 pm

**1. INTRODUCTIONS**

The Chairman welcomed everyone to the meeting and informed those present she would introduce the Committee and officers when it is suitable. The Chairman then ensured that everyone had copies of additional recommendations and photographs circulated at the meeting.

**2. APOLOGIES FOR ABSENCE**

There were apologies of absence from Councillor Lawson, Douris & Taylor.

**3. DECLARATIONS OF INTERESTS**

No interests were declared.

**4. PUBLIC PARTICIPATION**

Representations were received from John McIlvaney & Mohammed Awais Ahmed on behalf of local taxi community.

**5. RESPONSES FOLLOWING CONSULTATION PROCESS IN RESPECT OF:**

- **WHEELCHAIR ACCESSIBLE VEHICLES SEATING ARRANGEMENTS**
- **CRITERIA FOR LICENSING HACKNEY CARRIAGE VEHICLES**

Kathryn Ashton, Team Leader of Environmental Health, introduced the item by outlining the three sets of vehicles and accessibility by disabled groups. She explained that the items which had been subject to consultation.

The first item covered a review of the previous policy in respect of seating arrangements where the Council had required that every fare paying passenger must have unimpeded access and egress in respect of every licensed vehicle without the need to tilt or fold a seat. This had meant that several drivers had removed seats from vehicle to ensure this policy could be complied with.

Kathryn Ashton reported that complaints had been received from members of the public and the trade that this was causing problems with passengers falling between gaps where seats had previously been. Kathryn Ashton explained that these vehicles had been manufactured to carry the appropriate number of persons without removal of seats and it was recommended to the Committee that this policy be amended so seats would no longer be removed and the vehicle would be licensed for the numbers of passengers that seating allowed for. It was also recommended that an emergency handle be installed to the rear of the vehicle which would enable egress from the licensed vehicle in an emergency where the seat in front could not be tilted or folded. Kathryn Ashton also reminded the Committee that by requiring removal of seats could potentially invalidate any type approval that had been issued to vehicle.

The second item of the consultation and consideration was in respect of the policy which required that all new vehicles licensed since 2004 shall be wheelchair accessible. Currently the vehicles appeared to fall into three categories:-

- those that have M1 European Whole Vehicle Type Approval, (EWWTA);
- those that appear to be compliant and possibly EWWTA, but have no proof of approval; and
- those that are not compliant and not safe to carry wheelchair users in their current configuration.

The Investigation found that there were 23 vehicles that were compliant to EWWTA, 20 vehicles that appear compliant and possibly EWWTA 12 vehicles that were not compliant.

The officers produced photographs of the three different types and recommendations arising from results of the investigation and consultation.

Representations were then made by the two members of the local taxi drivers.

#### John McIlvaney

Mr McIlvaney made reference to his submission included in the report to the committee. In addition, he stressed the following points:

- The advantages of rear loading which he considered sensible and acceptable particularly on the narrow roads in Dacorum where parked cars make the use of side doors problematic. He felt Dacorum Borough Council licensing were against rear loading.
- What's involved in M1 Van conversion and testing? Alternative installation of tracking can be carried out in local garages, which in his opinion has the same safety record as the M1 whole conversion.
- He pointed out that individual conversion to rear access and bench type seats are used and acceptable to many families with disabilities.

Kathryn Ashton replied that DBC Licensing were not against rear loading for wheelchair access but were against disabled passengers being restricted behind rear seats in the event of a collision with no other option of egress from the vehicle.

#### Mohammed Awais Ahmed

Mr Ahmed addressed the Committee and raised the following issues;

- The manufacturers of MPV's he had consulted were shocked at Dacorum Borough Councils requirements.

- Dacorum Borough Council's policy differs from other surrounding boroughs.
- The different licensing conditions meant that DBC drivers were unable to bid for cross county contracts.
- In his opinion, the gaps caused by removing seats could be dangerous for passengers.
- The alterations to the vehicle meant it was not covered for personal use by insurance companies.

Kathryn Ashton responded that she felt the recommendations already explained and presented to the Committee addressed these issues.

The Chairman then asked the committee for any comments or questions;

Councillor Fantham asked if any instructions had been provided since 2004 regarding wheelchair conversions.

Kathryn Ashton could not confirm if instructions were given in 2004 but the Policy stated that all Hackney Carriage Vehicles were required to be wheelchair accessible.

Councillor Whitman referred to the photographs of vehicles with unacceptable alterations.

Councillor Rance enquired who inspects the vehicles once converted and what qualifications were needed.

Kathryn Ashton responded that the vehicles were inspected and certified by using the three legal mechanisms for the type approval of passenger car/taxis as set out in paragraph 2.5 in the report to the Committee. It was the driver's responsibility to prove that the vehicle had been tested and approved.

The Chairman then moved the recommendations circulated by the officers.

Councillor Rance proposed that in recommendation 2 - 'shall' to be replaced by 'must'. She also proposed that in recommendation 3, 4<sup>th</sup> line - 'shall' to be replaced by 'must'. In addition she suggested that in the last line 'shall' is replaced by 'will'.

At that point, Councillor Fantham asked why 31<sup>st</sup> July 2012 was the cut off date for conversion to be completed and approved. He felt taxi drivers should be given longer to comply.

Councillor Green suggested that these vehicles had already been converted but could not demonstrate that they met the required standard and 6 months was ample time to gain approval if they wished to carry wheelchair users.

### **Agreed:**

1. For all new licences granted in respect of Hackney Carriage Vehicles:

**A Hackney Carriage vehicle will only be granted in respect of a vehicle which must be safely accessible to a disabled person in their wheelchair and must be able to carry the person in safety and in reasonable comfort whilst remaining within their wheelchair. The vehicle must comply with British and European vehicle regulations approved to the standard of M1 whole vehicle type approval, (ECWVA), and unaltered since the type approval.**

2. For those vehicles which are currently licensed and have been inspected that cannot demonstrate that they meet European Whole Vehicle Type Approval:

**The Vehicle must successfully pass an individual type approval test, (IVA), which must include testing of all fixings, mountings, ramps, straps and seatbelts which have been incorporated as part of the adaptation of the vehicle to carry wheelchair users. A successful IVA must be obtained by 31<sup>st</sup> July 2012 otherwise the Council will cease to licence the vehicle.**



3. For those vehicles that are currently licensed and have been inspected that have not been adapted appropriately and able to safely carry a wheelchair user:

**The vehicle will continue to be licensed for a minimum of 6 months or until the expiry of its licensing plate. After such time unless it can be demonstrated by the appropriate paperwork that the vehicle meets ECWVA or has the appropriate IVA which must include testing of all fixings, mountings, ramps, straps and seatbelts which have been incorporated as part of the adaptation of the vehicle to carry wheelchair users, then it will cease to be licensed. Until such time as it is demonstrated that the vehicle is compliant then it will not be licensed to carry wheelchair users.**

4. That the policy in respect of seating arrangements requiring unimpeded access and egress without the need to tilt or fold a seat which has resulted in seating be removed and thus potentially invalidating the type approval, be amended so that no seats will be removed from MPV's or Hackney Carriage vehicles and vehicles will be licensed for the number of seats as per manufacture. However a rear handle must be installed for emergency egress from the vehicle to allow passengers in the rear row of seating to be able to exit safely.

The meeting ended at 8:20 pm