



AGENDA ITEM: 6

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	27 February 2017
PART:	I
If Part II, reason:	

Title of report:	Licence conditions for wheelchair-accessible hackney carriage vehicles
Contact:	Ross Hill – Business Systems Support Officer / Acting Licensing Team Leader
Purpose of report:	To agree additional standard licence conditions, to be imposed on wheelchair-accessible hackney carriages
Recommendations	To impose further conditions on all hackney carriage vehicle licences issued in respect of designated wheelchair-accessible vehicles (in addition to all current standard licence conditions), as set out at para 3.1-3.2.
Corporate objectives:	Safe and Clean Environment <ul style="list-style-type: none"> • Maintain a clean and safe environment
Implications:	<u>Financial</u> If a requirement for additional signage is adopted, there will be a small cost involved in the manufacture of such signage, to be met from existing Licensing budget. <u>Value for Money / Community Impact / Risk / Health And Safety Implications</u> None identified
Consultees:	A consultation with the taxi trade on the proposal for additional signage on designated vehicles is underway at the time of writing, and the results will be reported verbally at the meeting.
Background papers:	Current hackney carriage vehicle licence conditions - http://www.dacorum.gov.uk/docs/default-source/licensing-documents/taxi/hackney-carriage-vehicle-licence---standard-conditions.pdf
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND

- 1.1. As part of its duties to license a range of vehicles suitable for the public to use as hackney carriages (taxis), in 2017 by way of a portfolio holder decision, the Council began designating licensed hackney carriages which are constructed or adapted to safely carry passengers in wheelchairs, under section 167 of the Equality Act 2010. Drivers of designated vehicles are subject to legal duties to convey and assist passengers in wheelchairs, and commit a criminal offence if they fail to perform these duties.
- 1.2. Designated vehicles are included on a list published on the Council's website¹.
- 1.3. A policy, intended to guide the exercise of the Council's powers under the Equality Act 2010, was adopted as part of the same portfolio holder decision, and is also available on the website².

2. PROPOSAL

- 2.1. The policy above includes four new standard conditions to be imposed upon the licences of designated vehicles. These are intended to reinforce the statutory duties by requiring the carriage of suitable and safe equipment for loading and restraining wheelchairs and occupants, and for drivers to be competent in the usage of that equipment.
- 2.2. While matters under the Equality Act 2010 are 'executive functions' and must be exercised by the Council's executive branch, the setting of licence conditions is a 'non-executive function' and thus falls to the Committee. The Committee are therefore asked to formally adopt the following conditions as standard licence conditions applying to hackney carriage vehicle licences for wheelchair-accessible vehicles, to help promote the Council's duties under the Equality Act 2010:
 - a. Appropriate Wheelchair Tie-down and Occupant Restraint Systems (WTORS) for securing a 'reference wheelchair' and occupant must be carried in the licensed vehicle at all times, and maintained in good order. Equipment should be clearly labelled to show the level/standard to which tested.
 - b. The vehicle must be fitted with or otherwise carry either a ramp or a lift for loading passengers while seated in a 'reference wheelchair', designed for that specific purpose, maintained in good order, and with visible marked reference to a safe working load (SWL) of at least 250kgs and certification to BS 6109 (or equivalent standard).
 - c. All drivers of the licensed vehicle must be trained by the proprietor in the safe usage of the equipment referred to in the preceding paragraphs.
 - d. Where a lift is fitted to the licensed vehicle, evidence of thorough inspection by a competent person under the Lifting Operations and Lifting Equipment Regulations (LOLER) must be provided to the licensing authority, at 6-monthly intervals.

¹ <http://www.dacorum.gov.uk/home/environment-street-care/licensing/taxis-private-hire-vehicles/wheelchair-accessible-taxis-and-assistance-dogs>

² [http://www.dacorum.gov.uk/docs/default-source/licensing-documents/taxi/taxi-\(wheelchairs-and-assistance-dogs\)-policy-2017-\(pdf-361kb\).pdf](http://www.dacorum.gov.uk/docs/default-source/licensing-documents/taxi/taxi-(wheelchairs-and-assistance-dogs)-policy-2017-(pdf-361kb).pdf)

- 2.3. Since work began on designation, a small number of drivers and other parties have contacted licensing officers suggesting that designated vehicles should be made more visible. Although designated vehicles are currently listed on the Council's website, there is currently no requirement for anything to be displayed on the vehicle itself indicating this status, nor advising of the legal effect of designation. The Government's guidance on the exercise of these duties is silent on the subject of vehicular signage³.
- 2.4. Officers were already considering whether such signage would be advisable, to assist passengers in wheelchairs to find an appropriate vehicle to convey them. A simple sticker using the internationally-recognised accessibility symbol has been designed, as shown below, which could be professionally printed on a suitable and durable material, and displayed at strategic points on the designated vehicle. The nearside edge of the rear windscreen, and a passenger window on the nearside of the vehicle are preferred for this, as these locations would be most visible to a prospective passenger on a footpath next to a taxi rank, and are not currently subject to any signage requirements (unlike the front windscreen).



Figure 1: Proposed sticker design/size

- 2.5. The Committee are therefore asked to consider whether the display of such stickers should be included as a further licence condition.
- 2.6. To help inform this decision, a short consultation with the taxi trade on the display of additional signage on relevant vehicles is underway at the time of writing, and the results will be reported verbally to the Committee at the meeting.

³ <https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles>

3. RECOMMENDATION

3.1. To impose the following conditions on all hackney carriage vehicle licences issued in respect of designated wheelchair-accessible vehicles (in addition to all current standard licence conditions):

- a. Appropriate Wheelchair Tie-down and Occupant Restraint Systems (WTORS) for securing a 'reference wheelchair' and occupant must be carried in the licensed vehicle at all times, and maintained in good order. Equipment should be clearly labelled to show the level/standard to which tested.
- b. The vehicle must be fitted with or otherwise carry either a ramp or a lift for loading passengers while seated in a 'reference wheelchair', designed for that specific purpose, maintained in good order, and with visible marked reference to a safe working load (SWL) of at least 250kgs and certification to BS 6109 (or equivalent standard).
- c. All drivers of the licensed vehicle must be trained by the proprietor in the safe usage of the equipment referred to in the preceding paragraphs.
- d. Where a lift is fitted to the licensed vehicle, evidence of thorough inspection by a competent person under the Lifting Operations and Lifting Equipment Regulations (LOLER) must be provided to the licensing authority, at 6-monthly intervals.

3.2. Subject to the results of consultation, to include the following additional condition within the above paragraph:

- e. Signage issued by the Council (or alternative signage agreed in writing by the licensing officer) indicating the wheelchair-accessibility of the licensed vehicle shall be displayed in the following locations on the vehicle, so as to be clearly visible and readable to persons outside of the vehicle:
 - i. On the rear windscreen (or a rear nearside window, if the vehicle features split rear doors), in the upper nearside corner, outside of the area swept by any windscreen wipers;
 - ii. On a lower corner of a suitable passenger window on the nearside of the vehicle.