

TITLE	Hackney Carriage Disabled Access Vehicle Review
FOR CONSIDERATION BY	Licensing and Appeals Committee on 5 March 2012
WARD	None Specific
STRATEGIC DIRECTOR	Mark Moon – Neighbourhood Services
LEAD MEMBER	UllaKarin Clark – Lead Member for Internal Services

OUTCOME

Members are asked to consider the request to review the current policy on wheelchair access for hackney carriage vehicles, however on the basis that the Law Commission are reviewing the legal framework of taxi and private hire vehicle regulation it is suggested that the policy remains as it is for the time being.

RECOMMENDATION

Members are requested to consider:

1. The request from drivers to look at changing the current policy of having all Hackney Carriages as wheelchair accessible to a mixed fleet

And Recommended to:

1. Leave the policy as it is until the Law Commission have completed their review as this may have cost implications on any decision made at this time.

SUMMARY OF REPORT

The report sets out the background to this policy together with the other Berkshire Authority positions on it and the Law Commission stance.

It should also be taken into consideration that we are now a shared service with West Berkshire and there will at some stage be discussions of whether it is feasible to dovetail any of the policies we operate under.

Background

In 2000, following the implementation of the Disability Discrimination Act 1995, the Council adopted a policy requiring that all new Hackney Carriage Vehicles licensed by it should be suitable for use by persons with a disability, primarily this relates to wheelchair access of the vehicle. At this time the Department of Transport had committed to producing a national definition of a wheelchair accessible vehicle but this definitive guidance has never been forthcoming due, we are informed, to the difficulty of defining a 'typical' wheelchair and thus dimensions required of a vehicle.

Wokingham Borough Council has never therefore prescribed what vehicle drivers must purchase to meet the required standard. The only checks Licensing Officers undertake prior to allowing a vehicle on the fleet is to ensure, following guidance from the Council's Access Officer in 2009, a 'standard' wheelchair and 'average' height person can be

safely loaded and secured into the vehicle. In addition any vehicle that has been modified or converted must have a Single Vehicle Approval (SVA) certificate obtained from the Vehicle and Operator Services Agency (VOSA).

Hackney Carriage Drivers can therefore choose what vehicle they choose to drive, within the broad guidelines and as long as it has less than 8 passenger seats. Many of the vehicles chosen have been of the large MPV or 'people mover' type which tend to allow for a wheelchair and 6/7 passengers – there is however no requirement that vehicles need to be this big. One reason for choices made is to increase the maximum number of seats, making vehicles capable of carrying more than 4 passengers and therefore attracting a higher tariff.

At a Licensing and Appeals Committee in January 2009 the query from drivers for more definitive guidance as to what they should look for when buying a wheelchair access vehicles was raised. The decision from the Committee members was that our policy should remain unchanged until such time as and when definite guidance from the government became available.

During the recent tariff consultation several comments were raised in regard to the requirement to have a Hackney Fleet consisting of all Disabled Access Vehicles and a letter was also received from Mr M Al-Omari, signed in support by 46 drivers, querying the necessity of this requirement. This letter can be found as Appendix 1.

Mr Al-Omari points out several reasons for his querying of the Councils current policy including:

- Wheelchair users do not come to the taxi ranks to get a taxi
- The Hackney Carriage fleet should be modern, comfortable and suitable for its customers
- Work is said to have been lost to Private Hire Vehicles as customers who prefer saloon cars tend to call a private hire operator on leaving a restaurant
- Large vehicles use lots of fuel that increases pollution in the environment
- Hackney Carriage vehicles cost more as they have the wheelchair access, need expensive services and have a high fuel consumption

Hackney carriage drivers are classed as dual drivers which means they can drive both hackney carriage vehicles and private hire vehicles so if they have concerns regarding the type of vehicles they are required to provide as a hackney carriage they could always change to private hire using a saloon vehicle as their transport.

Other Local Authority Positions Regarding Hackney Carriage Vehicles:

West Berkshire: all new hackney carriage vehicles must be wheelchair accessible

Reading: all black cab style (wheelchair accessible)

Bracknell: all replacement hackney carriage vehicles must be wheelchair accessible.

Windsor and Maidenhead: have a limited number policy for hackney carriages with a mixed fleet, currently about 35% wheelchair accessible

Slough: have a limited number policy for hackney carriages (107) with a mixed fleet of which 56 are wheelchair accessible.

The Law Commission is currently undertaking a review of the existing framework of taxi and private hire vehicle regulation with a view to preparing proposals for consultation. The current law on taxis and private hire vehicles has been criticised for being complex and outdated. There are also different legal systems along geographical lines which mean neighbouring local authorities have different rules which pose an additional complication of what is acceptable where.

The review project is to examine the legal framework relating to taxis and private hire vehicles with a view to making it simpler and more modern. They aim to publish proposals for reform in early May 2012 with a three month consultation period. They plan to publish a final report and draft bill by late 2013.

Analysis of Issues

The Hackney Carriage fleet is made up of 100% wheelchair access vehicles. Many drivers have paid substantial sums of money to buy purpose built vehicles or have vehicles modified such that they are fit for purpose. These drivers would feel aggrieved if saloon vehicles were allowed to be brought onto the fleet as generally they are less expensive than wheelchair access vehicles this may result in requests for compensation. There would potentially be issues over how the allowance of saloon vehicles would be allocated fairly, and many other issues.

Reasons for considering the report in Part 2

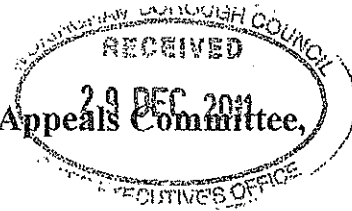
Not Applicable

List of Background Papers

Signed confirmation of drivers who support of Mr Al-Omar's letter to the Licensing and Appeals Committee Licensing and Appeals Committee January 2012 Agenda and Minutes Local Government (Miscellaneous Provisions) Act 1976 Town & Police Clauses Act 1847

Contact Julia O'Brien	Service Neighborhood Services
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Date 22 February 2012	Version No. One

Dear Mr Patman and members of the Licensing and Appeals Committee,



Since the main council value is built on making a difference to people's lives and you, Conservative and Liberal democrat, were elected to establish this according to your promises, I, most Wokingham citizens and taxi drivers wish to ask you please to take a bold decision which will have a positive effect and a real difference to people's life and we will all make sure that all the people realise that this decision was made by the current committee Excellency. And you are to be thankful for all the positive aspects of this decision.

For all of the above, we ask your Committee to take a decision and give permission to the council to allow taxi drivers to possess a Hackney carriage taxi without a wheel chair access for the following reasons:

1- We all realise our duty to look after disabled people, however, here rise the following issues in the Hackney carriage taxi case:

- Hackney taxi carriages operate on the taxi ranks where it never ever happened to serve a disabled person coming to the rank with a wheel chair.
- When a disabled person with a wheel chair plans to travel, this is usually done through special companies providing this service or using their own cars/scooters/trains and rarely through taxi companies and in all cases this is not done through the hackney taxi at the rank.
- The percentage of disabled people using a wheel chair in comparison to the whole population of Wokingham is very negligible.

2- Wokingham is a historical town and the Borough council area is large which makes it more appealing that the hackney carriage taxi appears as modern, comfortable and suitable for its customers. Here also rise the following issues :

- Because of the wheel chair access and to be in accordance to the council taxi regulations, most Hackney carriages are large mini buses or big cars which half of its area is designated to the wheel chair access; this causes clear, uncomfortable situation for the customers.

- At the rank, we usually serve one to two customers who don't need to be served in a big mini bus at the end of their tiring working day.
 - High percentage of our customers is elderly people or a family with children; old people suffer a lot while descending in and out of the hackney taxi.
- 3- Our work level has been affected in the sense that a customer leaving a restaurant would tend to call a Private hire taxi company which will send him an executive cars like Audi, Mercedes Benz or BMW rather than tending to use the hackney taxi which is not that acceptable to them for reasons mentioned above.
 - 4- Large cars with big engines use lots of fuel that increases pollution in the environment.
 - 5- Hackney cars cost taxi drivers a lot since they are provided with a wheel chair system; they also need expensive service and high fuel consumption taking into consideration that our work level has gone down and our families have been affected financially since customers prefer comfortable private hire taxi cars rather than hackney carriages.
 - 6- **We wish from the Committee to take their decision regarding this issue as it has been already done in Camberley, Milton Keynes and Guildford Borough Council where they allowed Salon cars to be used as a hackney carriage taxi.**

We hope and appreciate you to consider this proposal on your next Licensing and Appeals Committee Meeting where your decision will make a real difference at Wokingham area. And we will all appreciate the efforts of the licensing and appeals Committee and the Taxi department at Wokingham Borough Council upon taking this decision.

Best Regards,

Mohammed Al-Omari

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27/12/2011