

# Agenda Item 25.

<b>TITLE</b>	<b>Wheelchair Accessible Vehicles</b>
<b>FOR CONSIDERATION BY</b>	Licensing and Appeals Committee 9 March 2021
<b>WARD</b>	Non-specific
<b>DIRECTOR</b>	Sean Murphy - Public Protection Manager

## **OUTCOME / BENEFITS TO THE COMMUNITY**

The availability of wheelchair accessible vehicles is of benefit to both wheelchair users and the wider community. This is a review of the existing policy position in light of a request by the Hackney Carriage trade.

## **RECOMMENDATION**

1. It is **RECOMMENDED** that the committee **RESOLVE** to maintain the existing condition for entry and internal space requirements for wheelchair accessible vehicles as agreed at the meeting of this Committee on the 4<sup>th</sup> September 2018.

## **SUMMARY OF REPORT**

At meetings of the Hackney Carriage Liaison Group prior to the Coronavirus pandemic the trade requested that the condition requiring wheelchair accessible vehicles to have the height of the wheel chair accessible space reduced to 48 inches (1219mm) from the existing 1370 mm (54 inches).

This report sets out the background to the existing condition along with further background information that may assist Members of the Committee in coming to a conclusion on whether the condition should be amended.

## **Background**

The proposal to specify internal height dimensions was discussed and agreed for adoption into the policy at Licensing and Appeals Committee meetings in September 2018

On 4 September 2018 it was RESOLVED That:

- 1) The Licensing and Appeals Committee agrees to the proposed amendments to the Criteria Policy for Licensing of Vehicles as outlined at Annex A of the agenda; <https://wokingham.moderngov.co.uk/ieListDocuments.aspx?CIId=144&MIId=2835&Ver=4>

This is decision set the dimensions as follows:

**The door shall be of minimum usable dimensions 745mm wide x1350mm high to gain access to the wheelchair space. The wheelchair space shall be at least 1250mm long x 780mm wide with 1370mm headroom minimum.**

In addition, and in acknowledgment that there were a number of vehicles in the Hackney Carriage fleet that did not meet this condition a 'when replaced' of '5 years' (whichever is the earlier) transition period was agreed. This is not set to expire until September 2023.

The policy position adopted by the Committee in September 2018 followed a comprehensive review of a number of licensing conditions by a working group consisting of Members, Officers and trade representatives.

The original 54 inch (1371 mm) vehicle height was derived from a recommendation by the Disabled Persons Transport Advisory Committee in 2001. The Committee concluded that 54 inches was what was required to comfortably accommodate a standard wheelchair user.

It is worth noting that the original condition prior to the September 2018 changed stated only that:

***'The vehicle must be able to accommodate a fully grown adult passenger whilst seated in their wheelchair (i.e. there must be adequate headroom for the passenger).'***

It was felt at the time that the move to a condition with minimum dimensions provided clarity for the trade and a suitable fleet of vehicles for wheelchair users.

### **Background – Guidance and Law**

There is no specific legislation governing dimensions of wheelchair accessible vehicles however, The Disabled Persons Transport Advisory Committee (DPTAC) recently published guidance on 8 August 2020:

<https://www.gov.uk/government/publications/dptac-position-on-taxis-and-private-hire-vehicles/dptac-position-on-taxis-and-phvs>

“A universal service also requires a vehicle which is fully accessible to all disabled people. The Equality Act 2010 includes powers to introduce regulations to set specifications for such a vehicle. However, these powers have never been used. Attempts to draft regulations have demonstrated that compliance would need a bespoke vehicle, and the size of the market for such a vehicle would not justify the investment needed to develop manufacturing capacity.

Anyone who has to travel in their wheelchair needs what is defined as a wheelchair accessible vehicle (WAV). The London-style taxi and a small number of mass-market people carriers have been adapted so that they can provide a service to wheelchair users who cannot transfer. WAVs can also be used by non-disabled people and many disabled people.”

The Wheelchair Accessible Vehicle Converters Association (WAVCA) have advised that “for a vehicle which is going to be used by a variety of different people in different wheelchairs an access/internal minimum height of 1475mm is recommended, as it is

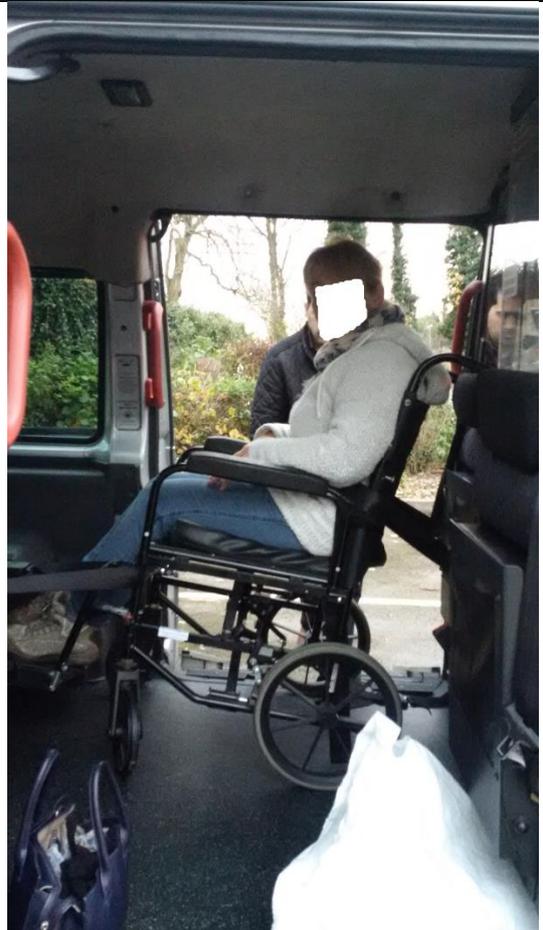
disappointing for a customer/client not to be able to fit into a vehicle which turns up to pick them up”

<https://www.wavca.co.uk/>

By way of further background the Public Service Vehicle Accessibility Regulations 2000 Schedule 1 state minimum requirements, 1500 mm equates to 59 inches. This however relates to buses and coaches.

Officers have researched the issue of the compliant vehicle availability and a summary of findings can be found at **Appendix A** to this report.

Officers have also sought to illustrate the difference between a vehicle compliant with existing policy of 1370 mm (54 inches) and one with a headroom of 48 inches.

	
<p>Fig 1. Covered For Galaxy – 48 inch headroom</p>	<p>Fig 2. Fiat Scudo – 55 inch headroom</p>

### Options for Consideration by the Committee

The above sets out some of the background and history to the Councils existing condition relating to wheelchair accessibility. It is now being asked to reduce the height requirement to 48 inches. As the policy is more than 12 months old it is open to the Committee to

review the condition prescribing accessibility and internal dimensions of wheelchair accessible vehicles

There are a number of options open to Members including:

1. To revert to the original policy wording in paragraph 2.9.1 I with the removal of the dimensions wording:
  - i. The vehicle must be able to accommodate a fully grown adult passenger **whilst seated** in their wheelchair (i.e. there must be adequate headroom for the passenger).
2. To retain the additional dimensions wording in paragraph 2.9.1 ii of the policy which introduced in 2018
  - ii. The door shall be of minimum usable dimensions 745mm wide x 1350mm high to gain access to the wheelchair space. The wheelchair space shall be at least 1250mm long x 780mm wide with at least 1370mm from floor to ceiling

The benefit of this option is that the driver is fully clear on the requirements before purchasing any vehicle and is able to check and confirm it meets the dimension requirements before committing to any purchase.

This option was also the preference of the drivers in 2018, they requested dimensions be included for clarify.

The Committee may wish to amend any of these dimensions but the recommendation is to keep these dimensions as they have been set to ensure sufficient space for a wheelchair user.

3. To move to the creation of a list of vehicles suitable for conversion, this would need to be continually updated and would still require relevant documentation (European Whole Vehicle Type Approval or UK Low Volume Type Approval in the M1 category as detailed in paragraph 2.9.2. This would provide confirmation that the conversion had been suitably carried out. As conversions vary considerably, there is still no guarantee that any individual vehicle would be wheelchair accessible compliant. This route could also be interpreted as favouring certain makes of vehicle over others as the list could not be fully comprehensive.

Based on the above the recommendation is therefore to remain with option 2 retaining dimensions as agreed and implemented by Licensing and Appeals Committee in 2018.

The issue of transition period is a separate matter. There is no doubt that the current Covid 19 has significantly affected the Hackney Carriage trade and revenue is well below normal levels. However with some 30 months still to run in transition the Committee may feel that this is not a matter that they need to deal with today.

## Analysis of Issues

### FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

#### **Other financial information relevant to the Recommendation/Decision**

There is no financial implication for the Council of this decision

#### **Cross-Council Implications**

This decision needs to be considered in the context of the wider policy framework around disabilities and equalities.

#### **List of Background Papers**

None

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