

LICENSING PANEL**21 JUNE 2019**

REPORT TITLE	APPLICATION TO APPROVE THE FORD TOURNEO CUSTOM A-CABBI REAR LOADING WHEELCHAIR ACCESSIBLE VEHICLE TO BE LICENSED AS A HACKNEY CARRIAGE VEHICLE
REPORT OF	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT

REPORT SUMMARY

The purpose of this report is for Members to consider an application to approve the Ford Tourneo Custom A-Cabbi rear loading wheelchair accessible vehicle to be licensed as a Hackney Carriage Vehicle.

RECOMMENDATION/S

That Members consider whether or not to approve the Ford Tourneo Custom A-Cabbi rear loading wheelchair accessible vehicle to be licensed as a Hackney Carriage Vehicle.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

1.1 It is a delegated function of this Panel to approve vehicles that can be licensed as Hackney Carriage Vehicles.

2.0 OTHER OPTIONS CONSIDERED

2.1 There is no provision for other options to be considered.

3.0 BACKGROUND INFORMATION

3.1 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 gives the local authority discretionary powers to require any hackney carriage vehicle licensed by them to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

3.2 The Council's criteria for licensing vehicles as Hackney Carriage Vehicles states that:

- All vehicles must be purpose built and built to accommodate disabled passengers in wheelchairs in the rear passenger compartment.
- All vehicles must comply in all respects with the requirements of the Motor Vehicle (Type Approval) Regulations 1980 and the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984. Every new vehicle offered for approval must comply in all respects with the British and European vehicle regulations and be M1 type approved in accordance with European Whole Vehicle Type Approval 70/156/EEC as amended. Those vehicles which do not hold M1 type approval must be presented with approved certification that the specific vehicle meets the requirements of M1 category.
- All vehicles must have separate driver and rear passenger compartments, separated by a transparent partition in accordance with the manufacturer or vehicle converter's original specification.
- Vehicles presented for approval must comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

3.3 Mr Shaun Marnell is the proprietor of a company that sells and repairs vehicles including Hackney Carriage and Private Hire Vehicles. Mr Marnell is seeking to license the Ford Tourneo Custom A-Cabbi rear loading wheelchair accessible vehicle as a Hackney Carriage Vehicle.

3.4 There are currently no rear loading wheelchair accessible vehicles licensed as Hackney Carriage Vehicles in Wirral.

- 3.5 Mr Marnell purchases registered Ford Tourneo vehicles and carries out a conversion of the vehicle to enable it to load wheelchairs from the rear of the vehicle. This conversion includes installing a ramp, altering the headroom in the rear and installing seatbelts for the wheelchair and user. It is understood that these vehicles may be new or used vehicles at the time of the conversion.
- 3.6 On 9 November 2018 Members of the Licensing Panel resolved that the Ford Tourneo Custom A-Cabbi rear loading wheelchair accessible vehicle be approved to be licensed as a Hackney Carriage Vehicle, subject to each vehicle being presented for licensing with a satisfactory Individual Vehicle Approval (IVA) Certificate.
- 3.7 Mr Marnell subsequently advised the Licensing Authority that he had arranged for the vehicle to be taken to a testing station which is authorised to undertake IVA testing. He reported that he was advised that it was not possible to issue an IVA Certificate as the vehicle had Whole Vehicle Type Approval.
- 3.8 Officers subsequently sought and obtained advice from the Vehicle Certification Agency regarding the status of documents submitted in support of the application to approve the Ford Tourneo Custom A-Cabbi rear loading wheelchair accessible vehicle. Advice was also sought as to the nature and extent of testing that takes place as part of an Individual Vehicle Approval and Whole Vehicle Type Approval.
- 3.9 Following the outcome of these enquiries it was considered appropriate to request that Members review the decision made on 9 November 2018.
- 3.10 On 26 April 2019 Members of the Licensing Panel resolved to set aside their decision of 9 November 2018.
- 3.11 Since the meeting on 9 November 2018 Mr Marnell has advised that he can obtain independent evidence in respect of the standard and safety of the work undertaken on the vehicles he converts which could satisfy the Licensing Authority that the vehicle is safe and suitable to be licensed as a Hackney Carriage Vehicle. Mr Marnell advised that this evidence can be provided by the Vehicle Occupant Safety Centre (VOSC).
- 3.12 An independent homologation engineer who works with VOSC, Denzil Brunning, will attend the Licensing Panel meeting to answer any questions members may have.
- 3.13 Mr Brunning has inspected many vehicles for Low Volume Type approval, Individual Vehicle Approval and European Type Approval over a period of 30 years.
- 3.14 Mr Brunning's current projects include IVA and full European Type Approval of Motor caravans, Ambulances, Wheelchair Accessible Vehicles, Sports Cars and Goods Vehicles. He works with manufacturers to advise them on current legislation and make sure their products comply, then produces their application paperwork and will liaise with the authorities to obtain the necessary vehicle approvals.
- 3.15 Mr Brunning, has advised that he proposes to conduct a full inspection of the A-Cabbi rear loading wheelchair accessible vehicle taxi conversion against EC Directive 2007/46/EC as amended. He will then produce an information package

which shows how the vehicle design complies with the legislation as a post-registration conversion. If the vehicle does not fully comply he will not release the information package. Mr Brunning has advised that the inspection could cover any additional requirements laid down by the Council. Subsequent vehicles would be independently inspected by Russell Edmunds of VOSC.

- 3.16 If Members approve this vehicle to be licensed as a Hackney Carriage Vehicle Mr Marnell intends to supply converted vehicles to the Hackney Carriage Trade.
- 3.17 In determining whether this vehicle may be approved to be licensed as a Hackney Carriage Vehicle Members are advised to consider the impact of licensing rear loading wheelchair accessible vehicles on the use of Hackney Carriage Ranks due to the space required for the ramp to be extended at the rear of the vehicle.
- 3.18 The Council's Interim Traffic Network Manager has been consulted in respect of the use of a rear loading wheelchair accessible vehicle on a Hackney Carriage Rank and has reported that in respect of public safety a rear loading vehicle can present problems because the passenger can only access the vehicle from the road. In order for a wheelchair passenger to enter a rear-loading vehicle, it is necessary for them to be moved into the road either facing, or with their back to, oncoming traffic. This also requires the wheelchair user to be manoeuvred down a kerb.
- 3.18 The officer further advises that some ranks are not conducive to rear loading vehicles as the passengers' safety may be put at risk by being placed in the road prior to loading. There could also be visibility problems with other drivers not seeing the wheelchair user hidden behind the taxi. He further stated that there is also a practical issue for the licensed drivers in ensuring that there is sufficient space behind the taxi whenever they arrive at their destination so the wheelchair user can safely exit the vehicle.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no specific implications arising from this report.

5 LEGAL IMPLICATIONS

- 5.1 A decision of this Panel can be subject to legal challenge.

6 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There are no specific implications arising from this report.

7 RELEVANT RISKS

- 7.1 There are safety implications arising out of this report due to the safety aspects of hackney carriage vehicles.

8 ENGAGEMENT/CONSULTATION

- 8.1 This is not a matter that requires consultation.

9 EQUALITY IMPLICATIONS

9.1 There are no specific implications arising from this report.

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SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing Panel	9 November 2018
Licensing Panel	26 April 2019