

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE**13 NOVEMBER 2019**

REPORT TITLE	REAR LOADING WHEELCHAIR ACCESSIBLE VEHICLES
REPORT OF	DIRECTOR OF GOVERNANCE AND ASSURANCE

REPORT SUMMARY

The purpose of this report is for the Committee to consider whether to adopt a policy relating to the type of Wheelchair Accessible Vehicles to be licensed as Hackney Carriage or Private Hire Vehicles.

This matter affects all Wards within the Borough.

RECOMMENDATION/S

That the Committee considers the options provided within the report and determine whether to adopt a policy relating to the type of Wheelchair Accessible Vehicles to be licensed as Hackney Carriage or Private Hire Vehicles.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 On 26 April 2019 upon being asked to consider the licensing of rear loading wheelchair accessible vehicles as both Private Hire and Hackney Carriage Vehicles the Licensing Panel resolved that Officers be directed to present a report to the Licensing, Health and Safety and General Purposes Committee, in respect of a policy regarding the licensing of rear loading wheelchair accessible vehicles.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Council does not adopt a policy and considers each application on its individual merits.

3.0 BACKGROUND INFORMATION

- 3.1 It is currently a requirement that all vehicles to be licensed as Hackney Carriage Vehicles must be purpose built and built to accommodate passengers in wheelchairs. There is currently no specification regarding whether the wheelchair must be loaded from the side or rear of the vehicle. All vehicles currently licensed as Hackney Carriage Vehicles load the wheelchair from the side of the vehicle.
- 3.2 There is currently no requirement for Private Hire Vehicles to be built to accommodate wheelchairs. There are vehicles licensed as Private Hire Vehicles that can accommodate wheelchairs and that load the wheelchair from the rear, these vehicles are restricted to only undertake school contract work.
- 3.3 In November 2018 the Licensing Panel considered whether to license two specific types of rear loading wheelchair accessible vehicles, one to be licensed as a Private Hire Vehicle and the other as a Hackney Carriage Vehicle. Both vehicles provided for the rear loading of wheelchairs via a ramp. The Licensing Panel were advised that the vehicles proposed to be licensed undergo a process of conversion following manufacture in order to accommodate wheelchairs being loaded from the rear.
- 3.4 In considering the licensing of the vehicles evidence was requested relating to their safety following the conversion. The consideration also raised concerns regarding the space currently provided on Hackney Carriage Stands to allow for the loading of wheelchairs from the rear, concerns regarding the loading of the vehicles on the road and the overall safety of a passenger travelling in a rear loading wheelchair accessible vehicle. It was subsequently considered appropriate that a public consultation be undertaken in respect of the use of rear loading wheelchair accessible vehicles as Hackney Carriage and Private Hire Vehicles in advance of reporting to this committee regarding the adoption of a policy.
- 3.5 Consultation on the use of rear loading wheelchair accessible vehicles using both ramps and tailgates was undertaken between 5 August 2019 and 13 September 2019. The consultation included an online questionnaire and all drivers were notified of the consultation in writing and how to access the online questionnaire.

3.6 The following organisations were contacted directly by email and asked to respond to the consultation:

Happy Times Activities
Wirral Older People's Parliament
Clare House
Wirral Hospice St Johns
AJ and Friends
Wired
Together All are Able
Age UK
Sensory Shack
Autism Together
Private Hire Operators
Members of the Taxis and Private Hire Trade Consultative Group

3.7 A summary of the responses received through the online questionnaire is attached at Appendix 1.

3.8 The comments received through the online questionnaire are attached at Appendix 2.

3.9 A table providing details of comments received directly by the Licensing Authority are shown in the table attached at Appendix 3.

3.10 A letter received from the Spinal Injuries Association is attached at Appendix 4.

3.11 A statement from the Council's Senior Network Manager is attached at Appendix 5.

3.12 A statement from the Council's Communities Equalities Officer is attached at Appendix 6.

3.13 The views expressed by the respondents to the survey can be summarised as follows:

- The loading of passengers from the road gives rise to concern for the safety of both the passenger in the wheelchair and the driver.
- The moving of a wheelchair passenger on and off a kerb gives rise to concern regarding the safe handling of the passenger in the wheelchair.
- There is not sufficient space at Hackney Carriage Stands to allow for the safe loading of a passenger in a wheelchair into a rear loading vehicle.
- It is safer to keep wheelchair users on the pavement rather than place them and those assisting passengers into the road.

- The wheelchair user is placed directly in the impact zone of a rear loading vehicle should there be a rear end accident there would be no alternative exit route for the passenger.
- Loading in a side loading vehicle can be undertaken directly from the pavement rather than from the road, which was deemed safer for both the passenger and the driver
- If the vehicle operator is fully trained in the correct procedure in operating a tailgate lift, the safety of the wheelchair user and any other persons should not be of any concern.
- The approval of rear loading wheelchair accessible vehicles for the Private Hire Trade would help create a more inclusive transport infrastructure for all.
- The licensing of Private Hire Vehicles as wheelchair accessible vehicles could make accessibility greater and be more affordable.
- In narrow streets with no off-road parking available there are regularly cars parked on both side of the road preventing side loading vehicles from safely loading or unloading a passenger.
- The ramp on most Hackney Carriage Vehicles is only accessed from the near side which in one way streets can put the wheelchair user's safety at risk.
- The position of some ranks in Wirral does not allow passengers to be loaded directly from the pavement at the rank.
- Rear loading vehicles are easier to access for those using mobility scooters.

3.14 In May 2014 the Law Commission carried out research into the taxi and private hire trade and published a report. Whilst consideration of wheelchair accessible taxis was a small element of the report the report stated '...Many wheelchair accessible vehicles are rear loading and some passengers prefer that. Others, however, prefer a side-loading vehicle. From a safety point of view a rear loading vehicle can present problems because the passenger can only access the vehicle from the road. This means that a longer ramp is required because the kerb cannot be used, which can present access problems.'

- 3.15 It is evident that there is no consensus of opinion regarding the use of rear loading wheelchair accessible vehicles therefore the Committee will need to balance the different views when considering the following options.

Options

In relation to Hackney Carriage vehicles

Either:

- i) Any vehicle to be licensed as a Hackney Carriage Vehicle must be a side loading wheelchair accessible vehicle; or
- ii) Any vehicle to be licensed as a Hackney Carriage Vehicle may be a side loading wheelchair accessible vehicle or a rear loading wheelchair accessible vehicle.

In relation to Private Hire Vehicles

Either:

- i) Any vehicle to be licensed as a Private Hire Vehicle that is wheelchair accessible must be a side loading wheelchair accessible vehicle; or
- ii) Any vehicle to be licensed as a Private Hire Vehicle that is wheelchair accessible may be a side loading wheelchair accessible vehicle or a rear loading wheelchair accessible vehicle; or
- iii) Any vehicle to be licensed as a Private Hire Vehicle that is wheelchair accessible and is a rear loading wheelchair accessible vehicle may only be used to undertake school contract work.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are none arising directly out of this report.

5.0 LEGAL IMPLICATIONS

- 5.1 The Local Government (Miscellaneous Provisions) Act 1976 provides that a district Council may require any Hackney Carriage licensed by them to be of such design or appearance or bear such distinguishable marks as shall clearly identify it as a Hackney Carriage. It also provides that in respect of Private Hire Vehicles a District Council shall not grant a licence unless they are satisfied that the vehicle is suitable in type, size and design for use as a Private Hire Vehicle.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 There are none arising directly out of this report.

7.0 RELEVANT RISKS

7.1 Public consultation and the views of Council officers have identified both positive and negative factors relating to the licensing of rear loading wheelchair accessible vehicles. The Committee, therefore, have to balance the different views and form a conclusion which will then direct whether to have a policy relating to the licensing of rear loading wheelchair accessible vehicles.

8.0 ENGAGEMENT/CONSULTATION

8.1 A public consultation has taken place as well as consultation with the Council's Communities Equalities Officer and the Council's Network Manager.

9.0 EQUALITY IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

Yes and the impact review is attached –

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010-0>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The content and/or recommendations contained within this report may have an impact on emissions of CO₂ as it may influence the type of vehicles that are selected to be licensed as Hackney Carriage and Private Hire Vehicles.

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APPENDICES

Appendix 1 – Summary of the responses received through the online questionnaire

Appendix 2 – Comments received through the online questionnaire

Appendix 3 – Comments received directly by the Licensing Authority

Appendix 4 – Letter received from the Spinal Injuries Association

Appendix 5 – Statement from the Council's Senior Network Manager

Appendix 6 – Statement from the Council's Communities Equalities Officer

SUBJECT HISTORY (last 3 years)

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