

Report to: **Executive**
Date: **10 June 2008**
Report of: **Executive Member for Health**
Subject: **Amendments to the Council's Conditions in Respect of Hackney Carriages**
Ward: **All**

1. Purpose of Report

- 1.1 To inform Executive of the proposal to amend the Council's current conditions for Hackney Carriages in respect of door access for wheelchair accessible vehicles.

2. Consultation

- 2.1 In preparing this report consultation has been undertaken with Executive Member for Health, the Director of Community Services and the Environmental Health and Licensing Manager and the Council's Vehicle Inspector.

3. Background

- 3.1 In February 2008 this authority approved the specification for vehicles to be licensed as wheelchair accessible Hackney Carriages. The Council's overall aim is to increase the number of Hackney Carriages that are capable of carrying wheelchair users whilst remaining in their wheelchair.

- 3.2 It has since been highlighted by vehicle operators and the Council's Vehicle Inspector that the wording in the specification regarding the securing of the access doors to these vehicles is not sufficiently clear. This could result in vehicles, which would otherwise be compliant, not being able to be licensed as wheelchair accessible.

- 3.3 The current wording of the condition is as follows:

Single rear door – must open to a minimum of 90 degrees and be capable of locking in place.

Twin rear doors – both must open to a minimum of 180 degrees and be capable of being locked in place.

Side access doors shall comply as above or if of the sliding type have a locking mechanism to secure the door when in an open position.

The wording has been interpreted literally as the doors being required to have a locking mechanism and not as intended the ability to be restrained at this angle and not being capable of being closed unless positive pressure is exerted. The strict application of the requirement to have 'lock and key' system would prevent the majority of vehicles that are suitable for adaptation to accommodate passengers in their wheelchairs from being licensed within this District. This may reduce the number of wheelchair accessible Hackney Carriages.

- 3.4 It has also been identified by the Council's Vehicle Inspector that in respect of twin rear

doors it is sufficient if the doors open to 90 degrees only.

4. Position Statement and Option Appraisal

4.1 To address the above situation it is proposed to amend the wording of the condition as follows;

Single rear door – must open to a minimum of 90 degrees and be constructed so as to remain in this position until positive pressure is exerted to close.

Twin rear doors – both must open to a minimum of 90 degrees and be constructed so as to remain in this position until positive pressure is exerted to close.

Side access doors shall comply as above or if of the sliding type have a mechanism to restrain the door when in the open position.

5. Implications

5.1 *Financial*

Any appeal against the amendment to the condition would incur legal costs and possibly costs in favour of the appellant if the appeal were successful.

5.2 *Legal*

Any person aggrieved by any conditions attached to a Hackney Carriage Licence may appeal to a Magistrates court.

5.3 *Policy*

Amendment of the above conditions will require a change to the Council's standard conditions.

5.4 *Risk*

No risks have been identified outside of the Corporate Appetite

5.5 *Communications*

All concerned parties will be kept updated via letter.

5.6 *Corporate*

Accords with the objective of making the district safe.

5.6.1 *LGR Implications*

An single standard in respect of Hackney Carriage vehicles will be adopted by the new authority. This is currently being developed and will be consulted upon prior to adoption.

5.7 *Equality and Diversity*

Item no.

The amendment will The Equality and Diversity Officer has not identified any risks outside of the Corporate Appetite

6. Recommendations.

- 6.1 The proposed amendment to the conditions regarding rear access doors in wheelchair accessible Hackney Carriages be agreed.

Background Papers/Documents Referred to:

Council's Byelaws and Conditions in respect of Hackney Carriage and Private Hire vehicles.