



**Report of the Licensing and
Food & Safety Manager
General Licensing Committee
9 November 2018**

Rear Wheelchair Accessible Hackney Carriage Vehicle

1.0 Introduction

- 1.1 A report requesting approval for a rear loading, wheelchair accessible vehicle to be licensed as a hackney carriage was considered by the General Licensing Committee on 13th July 2018.
- 1.2 The licence was granted and Members requested that a report be brought to the next meeting of the Committee, seeking approval for officers to determine any further applications of this nature.
- 1.3 The report was considered on the 10th August 2018. Members resolved that the decision be deferred pending further information regarding safety of rear wheelchair accessible vehicles, from Mid and West Wales Fire Authority and any other professionals deemed appropriate. A copy of this report is attached at Appendix A.

2.0 Fire Authority

- 2.1 Following the decision of the Licensing Committee officers contacted the Fire Authority. The information received confirms that motor vehicles do not fall under their remit in terms of the Fire Safety Risk Assessment requirements. In view of this they are unable to provide any information in response to the request from the Licensing Committee regarding the safety of the vehicle.
- 2.2 The Fire Authority did however contact Transport for All (TFA), a large London Based charitable organisation for older and disabled persons in respect of safety concerns regarding the use of rear wheelchair accessible vehicles and they have confirmed that they have no reported issues with such vehicles.
- 2.3 Information was also requested from the Swansea Disability Forum but no response was received

3.0 Relevant considerations

- 3.1 Since the decision to licence a rear wheelchair accessible vehicle on the 13th July 2018, the Licensing Section have had a number of enquiries from the trade and car sales who wish to licence similar vehicles.
- 3.2 In addition, the Licensing Section has received a letter from a member of the taxi trade expressing concern that licensing these vehicles may have a negative impact on the trade as drivers may find it difficult to provide access for a wheelchair user on the rank due to the space required and they would potentially need to leave the rank and in doing so could obstruct the public highway. There is also concern that there is already insufficient rank space available in the city currently. A copy of the letter is attached at Appendix B. It must be noted that availability of rank space is a separate matter and should not be a consideration in relation to the suitability of a type of vehicle for licensing as a hackney carriage.
- 3.3 Letters and comments of support in relation to the use of rear wheelchair accessible vehicles have been received from a wheelchair user, a family member of a wheelchair user and a member of the taxi trade. Copies of the comments received are attached at Appendix C. Members should note from the comments that the recently approved rear wheelchair accessible taxi has been operating locally for approximately 3 months and the feedback detailed in Appendix C states that there has not been a negative response and disabled passengers specifically request that vehicle when booking a journey.
- 3.4 No specific guidance is available from the Department for Transport (DfT) regarding the use of rear loading wheelchair accessible vehicles as licensed vehicles however DfT Guidance issued in February 2010 states:
- “best practice is for local Licensing Authorities to adopt the principle of specifying as many different types of vehicle as possible and might usefully set down a range of general criteria leaving it open to the trade to put forward vehicles of their own choice so there can be flexibility for new vehicle types to be readily taken into account”. It goes on to say “Licensing Authorities should give very careful consideration to a Policy which automatically rules out particular types of vehicle...”*
- 3.5 Officers have also researched the use of rear wheelchair accessible vehicles as licensed hackney carriages in other local authorities in Wales. Currently rear wheelchair accessible vehicles are licensed in Cardiff, Bridgend, Vale of Glamorgan, Rhondda Cynon Taff, Gwynedd, Powys, Carmarthenshire and Neath & Port Talbot with no issues being reported.

- 3.6 Additional research into their use in English authorities confirms that they are widely used but there does not appear to be a consensus regarding their suitability. One authority, Slough reports very similar issues to those found in Swansea. Promoters of this type of vehicle focus on the advantages of the vehicles and its ease of use for both driver and passenger, in terms of entering and exiting the vehicle and the ease of travelling, as the wheelchair can readily face forward or backwards in the vehicle. They also point out that if this type of vehicle was not safe for use they would not be permitted on the road. Reference is also made to the lower cost of this type of vehicle and the potential for improvements to the standard of the taxi fleet as the vehicles may be more affordable to the taxi trade.
- 3.7 A recent review of taxi and private hire licensing policy considered the continued use of rear wheelchair access vehicles in Cheltenham. Views were sought on the suitability of the vehicles and the main argument against their continued use related to safe access and egress as passengers would be placed in the roadway. Consideration was given to the fact that if the rear door was damaged a wheelchair user could not get out of the vehicle while still in the wheelchair. They also considered the advantages of more headroom in the vehicles, and passengers could easily face the front or rear. They also had not received any substantiated complaints.

4.0 Conclusion

- 4.1 It is clear that there are differing opinions in relation to the suitability of rear wheelchair access vehicles for use as a licensed hackney carriage and that there are advantages and disadvantages to both side and rear access for wheelchairs.
- 4.2 Rear wheelchair accessible vehicles are licensed in other local authorities with no reported issues. Rear access vehicles are also licensed in Swansea as private hire and have previously been licensed as hackney carriage vehicles, also with no reported issues. The rear access vehicle recently licensed has been operating locally for approximately 3 months and has attracted a positive response from disabled customers.
- 4.3 Availability of rank space should not be a consideration when determining the suitability of a vehicle for licensing as a hackney carriage vehicle although this matter is being addressed in conjunction with other council departments, in relation to changes to and development of the city.

5.0 Proposed Procedure

- 5.1 In view of the information contained in the report it is proposed that where an application is received for a rear wheelchair accessible vehicle and licensing officers are satisfied that the vehicle meets all other required standards, that the application is approved by officers.
- 5.2 Any vehicles that do not comply with the required standards will be reported to the General Licensing Committee for determination.

5.0 Recommendation

- 5.1 It is recommended that Members authorise officers of the Licensing Section to grant vehicle licences in respect of hackney carriage vehicles that are rear wheelchair accessible, subject to the vehicle passing the Council's inspection and meeting all other application criteria and that these vehicles are re-licensed on merit. Any vehicles that do not comply with the required standards will be reported to the General Licensing Committee for determination.

The Licensing Committee's instructions are requested.

Background Papers:	Slough and Cheltenham taxi and private hire vehicle reports
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