

# LICENSING REGULATORY COMMITTEE

## Access and Egress of Hackney Carriage and Private Hire Vehicles

1 September 2011

### Report of Licensing Manager

#### PURPOSE OF REPORT

To enable members to consider the outcome of the recent consultation on the requirement relating to access and egress of hackney carriage and private hire vehicles and whether the requirement should be maintained or amended.

This report is public.

#### RECOMMENDATIONS

Members are requested to consider the results of the consultation exercise into the review of the condition in the Rules and Regulations and Procedures for Hackney Carriage and Private Hire Vehicles which requires that:-

**‘Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.’**

Members are requested to consider whether this requirement is still appropriate, or whether it should be amended.

#### 1.0 Report

1.1 Members will recall that at the Licensing Regulatory Committee meeting on 2nd September 2010 an updated version of Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing was approved. The purpose of this update was to consolidate all information into one document which could then be issued to all licensed drivers, proprietors and operators. The document clarifies the rules and regulations for the benefit of drivers, operators and proprietors as well as licensing officers.

1.2 The document as approved on the 2nd September 2010 included the requirement that:

“Access to all passenger seats must be unimpeded. Clear access and egress to all passenger seats must be provided, without the need to tip forward, fold or remove seats. This will apply to all new and replacement vehicles licensed after this policy comes into force. If a seat has to be removed to comply with this requirement, it shall be removed from the nearside of the vehicle, from the row of seats, which are situated behind the front passenger seat.’

This requirement was introduced on the grounds of public safety and comfort.

- 1.3 Following the Committee’s decisions on the 2nd September 2010 some members of the trade made representations to members of the Licensing Regulatory Committee, and as a result members asked for further extensive consultation on a number of matters. The access and egress arrangements were included in that consultation process, which duly took place and was concluded on June 30 2011.
- 1.4 For members’ information, this report is only concerned with access and egress. Other matters on which consultation took place will be reported on separately.
- 1.5 A breakdown of the result of the consultation is attached at appendix 1 to this report. Members will note that there was only a 13% response from the whole trade about this issue, 59% of the people responding disagree with the above requirement, this represents 7.8% of those consulted.
- 1.6 Members may recall that as part of the consultation process, a Trade Fair was organised, and vehicle suppliers were invited to bring along vehicles that had been adapted to comply with this requirement as well as vehicles that did not comply. Members of the trade, elected members, officers from Lancashire County Council transport section, and members of disability groups were invited to attend the trade fair, and their feedback was requested
- 1.7 Those that attended the Trade Fair were asked to rate the vehicles from 1 to 5 on various aspects of access, egress, comfort, leg room etc., 1 being excellent, and 5 being impossible. A table of the results and some of the comments is attached at appendix 2 to this report. The results of the trade fair appear to conclude that some vehicles are a lot more accessible and comfortable than others.
- 1.8 The Licensing Manager also consulted with other local authorities, and with the transport department at Lancashire County Council who are responsible for school contracts etc. The responses are attached at appendix 3 to this report.
- 1.9 The Department of transport best Practice Guidance states:-

“It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers “

**1.10** On Accessibility, the Department of Transport Best Practice guidance states:-

“Local licensing authorities will want to consider how accessible the vehicles they licence as taxis are for disabled people (which includes – but is not limited to – people who need to travel in a wheelchair)

The Minister of State for Transport has now announced the way forward on accessibility for taxis and PHVs. The Department will be taking forward demonstration schemes in three local authority areas to research the needs of people with disabilities in order to produce guidance about the most appropriate provision. In the meantime, **the Department recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision.**

Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet.”

**1.11** It was always recognised that if a proprietor wished to license a vehicle that did not meet the requirement, that vehicle could be considered by the Committee, to determine whether an exception could be made on the individual merits of the application. Members will recall that at the Licensing Regulatory Committee held on 21<sup>st</sup> July 2011, a request was received from a proprietor to waive the requirement on access and egress, and members approved the application, a copy of the report is attached at appendix 4 to this report. As a result of this the vehicle is now on an approved list so that any further applications submitted for a vehicle with the same specification will be granted by officers.

**1.12** Officers would recommend that the procedure set out above is adopted for all future applications, and that the vehicles are considered on their individual merit, as the outcome of the Trade Fair clearly shows that some vehicles that do not have direct access may be more suitable than others. Any such policy would be in line with the DFT guidance as it would not automatically rule out any particular type of vehicle. Additional safety requirements could then be imposed if required, as was the case with the vehicle approved in July. Members could then satisfy themselves that all of the vehicles licensed by the Council are suitable for purpose, comfortable, accessible and safe.

## **2.0 Conclusion**

Members are asked to consider whether to reinforce the decision made on 2<sup>nd</sup> September 2010 and to approve the continued requirement that access and egress to all passenger seats should be unimpeded, in the interest of public safety and comfort, but noting that the Committee may make exceptions for specific models of vehicle. Alternatively, it would be open to the Committee to remove the requirement from its Rules and Regulations.

**CONCLUSION OF IMPACT ASSESSMENT****(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation. Rather, the purpose is to ensure that passengers are well served by safe, comfortable and suitable vehicles.

**FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

**LEGAL IMPLICATIONS**

A person aggrieved by any condition attached to a hackney carriage or private hire vehicle licence can appeal to the Magistrates Court.

**BACKGROUND PAPERS**

None.

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